

**DCSE2007/1018/F - CONVERSION OF LEISURE BUILDINGS TO A RETIREMENT DWELLING WITH GARAGING AND ANNEX AND WITH NEW ACESSES TO THE HIGHWAY, WYE LEA COUNTRY MANOR, BRIDSTOW, ROSS-ON-WYE, HEREFORDSHIRE, HR9 6PZ**

**For: Mr C Bateman per M E Thorne & Co, The Ridge, Buckcastle Hill, Bridstow, Ross on Wye**

**Date Received: 10th April 2007**

**Ward: Llangarron**

**Grid Ref: 58170, 25729**

**Expiry Date: 5th June 2007**

Local Member: Councillor Mrs. J. Hyde

### **Introduction**

This application was considered by the Southern Area Planning Sub-Committee at its meeting on the 29<sup>th</sup> May 2007 when Members resolved to grant planning permission contrary to the recommendation of the report. This decision was accordingly referred to the Head of Planning Services to determine if it should be reported to the Planning Committee for further consideration.

At its meeting on 29<sup>th</sup> May 2007 the Southern Area Planning Sub-Committee was recommended to refuse this application for the following reasons:

1. The Council is not satisfied that these modern buildings are worthy of retention or that there are acknowledged benefits of retaining the building or that they would meet local housing needs. In view of the isolated location of these buildings it is considered that the new dwellings would not be sustainable. As a consequence the proposal would not comply with Policies HBA.12, HBA.13, LA.1, S.1, S.6 and DR.2 of the Herefordshire Unitary Development Plan 2007.
2. The buildings have not been marketed for commercial use other than as part of the former holiday centre and the Council is not satisfied that every reasonable attempt has been made to secure an alternative business, recreational and community use or that such development uses are not acceptable, practical or beneficial. The proposal conflicts therefore with Policy HBA.13 of the Herefordshire Unitary Development Plan 2007.
3. The proposed access drives and associated engineering works would be likely to cause significant damage requiring the removal of a number of mature trees within Wye Lea which would detract from the visual amenity of the area which is within the Wye Valley Area of Outstanding Natural Beauty and conflict with Policies LA.1 and LA.5 of the Herefordshire Unitary Development Plan 2007.

In the debate the members of the Area Sub-Committee took the view that the re-use of the building for commercial purposes would be unlikely to be viable and, given the residential accommodation nearby, a residential use would be compatible with the main use of this former leisure and holiday complex. In these circumstances they felt that a marketing

exercise, as required by UDP policy, is not required in this case. Furthermore, they felt that traffic conditions would be improved rather than made worse by the proposals and that satisfactory measures could be taken to protect the trees.

It was resolved to grant planning permission.

In assessing the merits of the application against policies in the Unitary Development Plan the following factors are relevant:

1. The other buildings in this holiday complex which now benefit from residential approvals were originally constructed for holiday let purposes and hence were already residential in character. No significant works of adaptation were required.
2. The buildings the subject of this application have never been residential and, therefore, a proposal to adapt and re-use them for residential purposes falls to be considered against policy HBA12 and HBA13 of the UDP. The proposed conversion fails to meet these policies principally by virtue of the degree of alteration required, the lack of marketing (other than as part of a leisure complex), the lack of architectural merits of the building and the lack of identified need for the proposed dwelling and annex.
3. There is an unresolved objection to the impact of the new roadway and access on trees of significance in the local landscape.

In the light of the above comments it can be seen that the proposal conflicts with the development plan policies which seek to restrict new housing in the open countryside without special justification. There is also the unresolved issue concerning the protection of trees on the site. Consequently, the application is referred to this Committee for further consideration.

## **1. Site Description and Proposal**

- 1.1 The application premises comprise a swimming pool and restaurant and a separate leisure building built during the 1990s as part of the Wye Lea holiday complex. These buildings are located between the main residential accommodation and the house at Wye Lea. In addition to serving the holiday centre the leisure complex is a private members' club.
- 1.2 Planning permission (SE2005/1374/F) for a conversion of the holiday centre (other than Wye Lea) to a retirement centre was granted in June 2006. A subsequent application (SE2006/2284/F) to convert the swimming pool/restaurant and leisure buildings into a private dwelling and staff accommodation was refused (September 2006) for the following reasons:

- "1. The Council is not satisfied that these modern buildings are worthy of retention or that there are acknowledged benefits of retaining the building or that they would meet local housing or rural business needs. In view of the isolated location of these buildings it is considered that the new dwellings would not be sustainable. As a consequence the proposal would not comply with the following Council Policies: CTC1, CTC14 and H20 of Hereford and Worcester County Structure Plan, C1, C5, SH24, T1A and GD1 of South Herefordshire District Local Plan and HBA12, HBA13, LA1 and S1, S6 and DR2 of Herefordshire Unitary Development Plan (Revised Deposit Draft).

2. The buildings have not been marketed for commercial use other than as part of the former holiday centre and the Council is not satisfied that every reasonable attempt has been made to secure an alternative business, recreational and community use or that such development uses are not acceptable, practical or beneficial. The proposal conflicts therefore with Policies C37, SH1A and SH24 of South Herefordshire District Local Plan and HBA13 of Herefordshire Unitary Development Plan (Revised Deposit Draft)."
- 1.3 The current proposal is a re-application with a similar scheme. The swimming pool restaurant would be converted into a substantial house (about 430 m internal floor area) mainly at ground level but with some accommodation in the roof space lit by new rooflights and French windows opening onto a balcony formed at the south-east end of the building. An extension would be constructed along the north-west section of the building to form a music/games room and a new link would connect to garaging to be formed in the adjoining leisure building. The remaining half of the leisure building would be converted into a two bedroom annex to the main dwelling. Elevational changes are proposed including new hipped roofs over the garage and an extension to the main bedroom.
- 1.4 A new vehicular entrance and drive would be formed to serve the new dwellings and the existing property to the north (The Lodge) and a further access and drive to serve Wye Lea. The existing access would be closed and some of the existing driveways and parking areas removed.

## 2. Policies

### 2.1 Planning Policy Statement

- PPS.3 - Housing  
PPS.7 - Sustainable Development in Rural Areas

### 2.2 Herefordshire Unitary Development Plan 2007

- Policy HBA.12 - Re-use of Traditional Rural Buildings  
Policy HBA.13 - Re-use of Traditional Rural Buildings for Residential Purposes  
Policy LA.1 - Areas of Outstanding Natural Beauty  
Policy LA5 - Protection of Trees, Woodlands and Hedgerows  
Policy S.1 - Sustainable Development  
Policy S.6 - Transport  
Policy DR.2 - Land Use and Activity

## 3. Planning History

- 3.1 SH850877PF Conversion to form 3 holiday cottages, erection of covered swimming pool - Approved 25.10.86
- SH871407PF Family leisure building including swimming pool, Jacuzzi, solarium, table tennis and snooker room - Approved 25.11.87
- SH880057PF Alterations and extensions to cottage - Approved 08.02.88

SH910236PF	Removal of Condition 2 (SH871407PF)	-	Approved 01.05.91
SH910958PF	Squash court and tennis court	-	Approved 11.10.91
SH921435PF	Removal of Condition 2 (SH910236PF)	-	Approved 13.01.93
SH941107PF	New entrance, drive and car parking for 57 cars	-	Approved 19.10.94
SH941108PF	Leisure building	-	Approved 19.10.94
SH950662PF	Conservatory extension to restaurant	-	Approved 27.07.95
SE2005/1374/F	Change of use of 9 holiday cottages to retirement centre	-	Approved 12.06.06
SE2006/2284/F	Conversion of leisure buildings to private dwelling with garage and staff accommodation with new accesses	-	Refused 11.09.06 Subject of appeal
SE2007/0052/F	Conversion of leisure buildings to a retirement dwelling with garaging and staff accommodation with new accesses to the highway	-	Withdrawn 21.02.07

#### 4. Consultation Summary

##### Statutory Consultations

4.1 No statutory or non-statutory consultations required.

##### Internal Council Advice

4.2 The Traffic Manager points out that the new accesses would not achieve the recommended standards with regards to visibility splays; nevertheless they do represent a considerable improvement in visibility over the existing access. Recommend conditions regarding access and parking.

4.3 The Conservation Manager comments:

“The arboriculturalist's report assessed that two of the trees, (T2 - Lime and T5 - Oak) are of a high retention value, two of the trees (T1 - Oak and T3 - Yew) are of a moderate retention value and that one of the trees (Weymouth Pine - T4), is of a moderate/minor retention value.

It is stated in Jerry Ross's report that the proposed new driveway to the leisure building passes directly through the nominal root protection zones of all of the five trees. This

is highly undesirable. Best practice, as stated in British Standard BS5837: 2005, is always to site new structures, such as driveways, and allow for construction working space, outside root protection areas. Section 5.2.1 of BS5837: 2005 states that: 'In order to avoid damage to the roots or rooting environment of retained trees, the RPA should be plotted around each of the category A, B and C trees. This is a minimum area in m<sup>2</sup> which should be left undisturbed around each retained tree'. The section in Jerry Ross's report entitled 'The treatment of Roads, Paths & Driveways near Trees' states that 'Wherever possible paths etc. should be routed well outside the Root Protection Area (RPA), where problems should not arise'

Furthermore, Jerry Ross identifies that the some of the works that would be required to the trees, in order to achieve the necessary clearance, would be damaging. With regard to T1, the Oak, he states that the necessary crown raising could be achieved but that it would 'significantly affect its appearance' and that it may leave the tree 'unacceptably unbalanced' to such a degree that the removal of the Oak may be the best option. Jerry Ross also identifies that however the route of the driveway is adjusted, either the Yew (T3) or the Weymouth Pine (T4) would be damaged through the very extensive pruning works that would be required in order to achieve the necessary clearance.

I do not, therefore, agree with the assertion in the 'Statement in favour of the proposed conversion' by the agent, that the proposed new driveway to the leisure building would be acceptable because it would not have an adverse impact on the mature trees. While I agree that that it is possible to employ specialist construction techniques, such as the 'no-dig' technique and the use of a cellular geotextile, described in Jerry Ross's report, in order to reduce the possibility of damage to the root system of the trees, such techniques should only be employed as a last resort, if there is no alternative other than for a roadway to impinge upon the Root Protection Area of a tree. I do not see that there is any need for the new driveway to the leisure building. The access to the leisure building could be taken off the existing drive to Wye Lea House.

Even if specialist construction techniques were used, these would not overcome the problem of works being required to the mature trees that are detrimental to the trees. Again, I do not see that these damaging works are justified, given that there is no need for the new section of driveway to the leisure building. It has been identified that four of the five trees are of significant amenity value and they are key features in the setting of Wye Lea House. I maintain my objection to the proposed new driveway, because it would be damaging to the trees and indeed, may lead to the loss of two of the trees

I could not support the application as it stands. Should the development be acceptable in principle, then I recommend that the proposal to construct a new, separate driveway to the leisure building should be omitted, and instead, the access to this building should be off the drive to Wye Lea House.

This application turns, amongst other things, on the issue of the intrinsic quality of the existing buildings, which justifies their retention at all costs. It has been demonstrated that they are the product of specific circumstances and given their location in the Wye Valley AONB, they are not on balance of sufficient architectural merit to be worthy of retention."

## **5. Representations**

- 5.1 The applicant's agent has submitted a letter in support of the proposal which in summary makes the following points:

1. Worthy of retention: The issue is fundamental to any consideration of this application. We have submitted that they are so worthy and have cited the preamble to Policy HBA.12 which gives weight to the positive effects of re-using a rural building in order to 'make use of an existing resource and to avoid leaving existing buildings vacant and prone to dereliction and vandalism' and Policy LA1 which requires that any development should be small in scale and should not 'adversely affect the intrinsic natural beauty of the landscape'. Clearly the existing buildings are 'small in scale' and do not 'adversely affect the landscape'. To leave these buildings without valid use and 'prone to dereliction and vandalism' is the worst possible scenario, particularly in an AONB. Officers have rejected these arguments as being 'negative' and have, by implication, decided that these well designed and attractive existing buildings should be demolished. Such an attitude takes no account of planning policy support for the re-use of an 'existing resource', and the only real issue is how they should be used in accordance with planning policy.
2. The proposed use as a Retirement Dwelling: The former holiday letting units have been approved for use as Retirement Dwellings and the first pre-requisite is to ensure that any future use of the Leisure Buildings is compatible with these retirement dwellings, as now proposed.
3. Consistency of Planning Decisions: It would be inconsistent not to approve the use of the Leisure Buildings as a Retirement Dwelling. The change of use to retirement dwellings involved more than a change of occupancy condition which would not apply to the change of use of the Leisure Buildings. Planning permission was originally approved for all the holiday letting units as 'Holiday Cottages' with the relevant condition only spelling out what was meant by this definition.
4. Alternative uses of the existing Leisure Buildings: We have provided full information with the previous applications as to why the recreational use of the existing Leisure Buildings was unsustainable. We have also considered but rejected (i) Commercial Use, since such use would be incompatible with the retirement dwellings and residential use of Wye Lea House and Wye Lea Lodge; (ii) Community Use, since this would be unviable unless use was extended to the wider community, thus increasing traffic movements and adversely affecting the viability of the village hall, and (iii) Use as a Nursing or Residential Home, which would be unviable unless the buildings were to be significantly increased in size. In addition, John Goodwin of Ledbury has been marketing the former holiday letting units for more than a year but has received no enquiries for the Leisure Buildings and we submit 'that every reasonable effort has been made to secure an alternative business, recreational or community use' in accordance with Policy HBA.13.
5. Sustainability: Policy S1 lists 15 criteria which will promote sustainability and minimise 'adverse affects on the environment'. Of these, clause 2 emphasises the importance of 'safeguarding landscape quality and visual amenity; while clause 4 emphasises the importance of 'recycling previously used resources - including previously developed... buildings' with which the proposed development complies fully. Clause 13 emphasises the importance of 'reducing the need to travel' while Policy S6 seeks to locate new development in urban areas where car journeys can be minimised but this application is not for new development. Thus the central issue is the need to minimise journeys to and from the site and we

submit that no viable re-use of the existing Leisure Buildings at Wye Lea would generate less traffic than that proposed.

6. The proposed accesses: The Traffic Manager regards the proposed new accesses as 'a considerable improvement but the Conservation Manager opined
  - (a) that care would be needed when removing the existing drives, and
  - (b) that the existing trees could not successfully be retained over the proposed new drives.

As regards the first concern, we invite you to condition in any new planning permission that the existing drives be removed by hand so as not to damage the existing tree roots under them. With regard to the second concern, we have sought the advice of an Arboricultural Consultant who advises that these drives can be provided as proposed without damaging the existing trees, with only minor lopping of low lying branches, and subject to minor realignment of the sweep round to the existing Leisure Buildings. We have declined to follow his advice in respect of the removal of the pine as we believe that every effort should be made to retain this tree, regardless of it being in poor condition. Consequently, we also invite you to condition the creation of the proposed drives in accordance with the recommendations of BS 5837:2005.

7. The proposed annex: Although no objection was raised to the 'staff flat' included in the first application, objection was made to the withdrawn application on the grounds that a 'staff flat' as such could not be justified on this site, since one free dwelling already exists. Designation as a 'staff flat' was simply making good use of the available space, however, we have re-designated this accommodation as an Annex to the Retirement Dwelling.

In addition, a detailed response to the reasons for refusal of the first application (DCSE2006/2284/F) has been submitted, together with a Design and Access Statement and an arboriculturalist's report. In summary, the latter finds:

1. 5 trees are identified as having high or moderate retention value and which would be affected by the new roadway
2. 'no dig' techniques would be the only way of successfully routing the new road close to the trees without causing serious harm
3. all operations near the trees must be carried out with great care: no heavy machinery or operations resulting in soil compaction, contamination or other disturbance; the trees must be protected from direct physical damage
4. the issue of low clearance under the trees must be addressed and could be more problematic than protecting the underground parts of the trees. One of the oaks would require crown-raising which would significantly affect its appearance and its removal and replacement should be considered if it proves unacceptable; recommend swinging drive further north to lessen need for extensive pruning of the yew; latter would take drive even closer to the Weymouth Pine (a somewhat poor example of an uncommon species - susceptible to disease) and whilst it could be retained, quite extensive pruning would further reduce its sparse canopy and on balance suggest removal preferable, with the benefit of relieving pressure on the yew.

## 5.2 Bridstow Parish Council have no objection.

The full text of these letters can be inspected at Southern Planning Services, Garrick House, Widemarsh Street, Hereford and prior to the Sub-Committee meeting.

## 6. Officer's Appraisal

- 6.1 The key policies relating to conversion of rural buildings are HBA12 and HBA13. The former seeks to ensure that only permanent and substantial buildings, capable of accommodating the new use without substantial alteration or extension are converted and that the new activities are of appropriate scale and compatible with neighbouring uses. Policy HBA13 relates specifically to conversion for residential use. This states that "in open countryside and beyond reasonable access of urban areas, main villages and smaller settlements, residential proposals will only be supported" where at least one of 4 criteria would be met. The nearest such settlement to Wye Lea (viz Ross on Wye) is about 2 km. away as Bridstow is not a smaller settlement (Policy H6). Wye Lea is not on a bus route. I consider therefore that the proposal must meet one of these criteria in order to comply with Policy HBA13.
- 6.2 Criterion no. 1 requires that "there are acknowledged historical, architectural, local landscape or amenity benefits of retaining the building". Part of the rationale of this criterion is to preserve traditional farm buildings which no longer meet the needs of agricultural enterprises. The loss of such buildings which is often of great historical and architectural interest would be harmful to the character of the countryside. The only way to secure the long term future of such buildings is to secure alternative uses and in Herefordshire the demand is predominantly for residential re-use. The benefits of retaining these buildings can be held to outweigh the disbenefits of allowing new dwellings in the open countryside. Following a change in Government guidance on this issue there was encouragement for conversion of rural buildings in general for uses that benefited the rural economy. The presumption in favour of conversion did not however apply to re-use for residential purposes. The core principle underpinning current Government planning policy is "sustainable development" (paragraph 2 of PPS1). This adds emphasis to the Government's aim that new housing in the countryside away from established settlements should be strictly controlled (paragraph 9 (ii) of PPS7). The preamble to Policy HBA13 (Paragraph 9.6.43) stresses that the Plan is not seeking to encourage new residential development in the open countryside. Residential re-use is however encouraged in defined settlements with the benefits of reducing the demand for new building, making use of an existing resource and avoid leaving existing buildings vacant and prone to dereliction and vandalism (Paragraph 9.6.39). The latter benefits are not mentioned however in connexion with buildings in the open countryside. In my opinion criterion 1 of HBA13 requires that there be some positive benefits from the proposed residential conversion. However the application buildings are not of architectural or historical interest that make their retention visually important. In this connexion the views of the Council's Conservation Officer on the architecture of these buildings is relevant. The main thrust of the applicant's case is that there would be negative consequences from not allowing conversion. I do not think that this would constitute an acknowledged local landscape or amenity benefit.
- 6.3 Criterion 2 requires that the accommodation would be of a type to satisfy a demonstrated local housing need. No survey has been carried out recently within the parish of Bridstow and it is not known therefore whether there are unmet housing needs or what housing would meet these needs. The swimming pool/restaurant building would be converted into a large house (about 430<sup>2</sup> internal floor area) and it is unlikely that this would meet a local housing need. No evidence has been submitted by the appellant with regard to this criterion. Criteria 3 & 4 would not seem to be relevant as the proposal results from the closure of a rural business rather than being



necessary to a new or expanding business or part of a wider business use. As the proposal does not meet one of the 4 criteria it would not comply with Policy HBA.13.

- 6.4 The appellant's agent considers that the strongest argument in favour of granting planning permission is that refusal would be inconsistent with the approvals already given for the same use of the former holiday letting units (paragraphs 4 and 14 of his letter of application). The former holiday units are either purpose-built holiday units or were converted for this purpose. Their occupation was controlled by planning conditions to use for holiday purposes. The grant of permission referred to by the agent was therefore in effect for variation of these conditions. Furthermore Annex A of PPS7 points out that dwellings "in the countryside with an occupancy condition attached should not be kept vacant...by virtue of planning conditions restricting occupancy which have outlived their usefulness". No comparable advice is given regarding non-residential rural buildings. An analogous case to Wye Lea would be a redundant farm complex comprising a farmhouse with an agricultural occupancy condition and range of farm buildings. Removing the occupancy condition would not prejudice the Council's decision on conversion of the farm buildings to dwellings. The refusal of permission for conversion of leisure buildings is not therefore inconsistent with permission for the retirement dwellings.
- 6.5 In a sustainable location (such as one of the larger settlements) it may be preferable to re-use an existing building rather than build a new one and this is acknowledged in paragraph 9.6.39 (preamble to Policy HBA13). In other locations where new house building is strongly resisted, residential conversion would not outweigh the disbenefits arising from limited public transport and the likelihood that the private car would be used for almost all journeys. The site is "brownfield land" according to the Government's definition in Annex B of PPG3. Nevertheless "there is no presumption that land that is previously developed is necessarily suitable for housing development". UDP Policy H14 encourages the re-use of previously developed land and buildings for residential purposes but this will be strictly controlled in the open countryside under the terms of Policy H7 (and hence of HBA13) (paragraph 5.6.9).
- 6.6 The Council's current policy (HBA13 and Supplementary Planning Guidance: Re-use and Adaptation of Rural Buildings (July 2004) paragraphs 4.22-4.25) requires market testing for all potential residential conversions. The advice of the applicant's estate agents is appreciated nevertheless these buildings have not been marketed in their own right, only as part of a much larger package (a retirement centre).
- 6.7 The second aspect of the appeal proposal is the formation of new accesses and the closure of the existing access by The Lodge. It is accepted that although the proposed accesses would not fully meet visibility standards they would be a considerable improvement in this regard compared to the existing access which would be closed. The Council's Landscape Officer expressed concerns (in relation to the withdrawn application) with regard to the effect of the new drives and removal of existing drives on a number of trees within the grounds of Wye Lea. In response the appellant has submitted an Arboriculturist's report. This recommends a minor re-routing of the drive, and the use of no-dig techniques, "three-dimensional cellular confinement system" and other measures to protect 4 of the 5 significant trees to be adopted. The change to the route of the drive is included in the current proposal. Nevertheless as the advice from the arboriculturist points out 'no dig' techniques and use of cellular geotextile are only appropriate where there is no alternative. Furthermore 4 of the 5 trees are of significant amenity value and are key features in the setting of Wye Lea House and works would be necessary which would damage these trees. As there are alternative means of access to the various dwellings at Wye Lea this harm is not justified.

**RECOMMENDATION**

That planning permission be refused for the following reasons:

1. The Council is not satisfied that these modern buildings are worthy of retention or that there are acknowledged benefits of retaining the building or that they would meet local housing needs. In view of the isolated location of these buildings it is considered that the new dwellings would not be sustainable. As a consequence the proposal would not comply with Policies HBA.12, HBA.13, LA.1, S.1, S.6 and DR.2 of the Herefordshire Unitary Development Plan 2007.
2. The buildings have not been marketed for commercial use other than as part of the former holiday centre and the Council is not satisfied that every reasonable attempt has been made to secure an alternative business, recreational and community use or that such development uses are not acceptable, practical or beneficial. The proposal conflicts therefore with Policy HBA.13 of the Herefordshire Unitary Development Plan 2007.
3. The proposed access drives and associated engineering works would be likely to cause significant damage requiring the removal of a number of mature trees within Wye Lea which would detract from the visual amenity of the area which is within the Wye Valley Area of Outstanding Natural Beauty and conflict with Policies LA.1 and LA.5 of the Herefordshire Unitary Development Plan 2007.

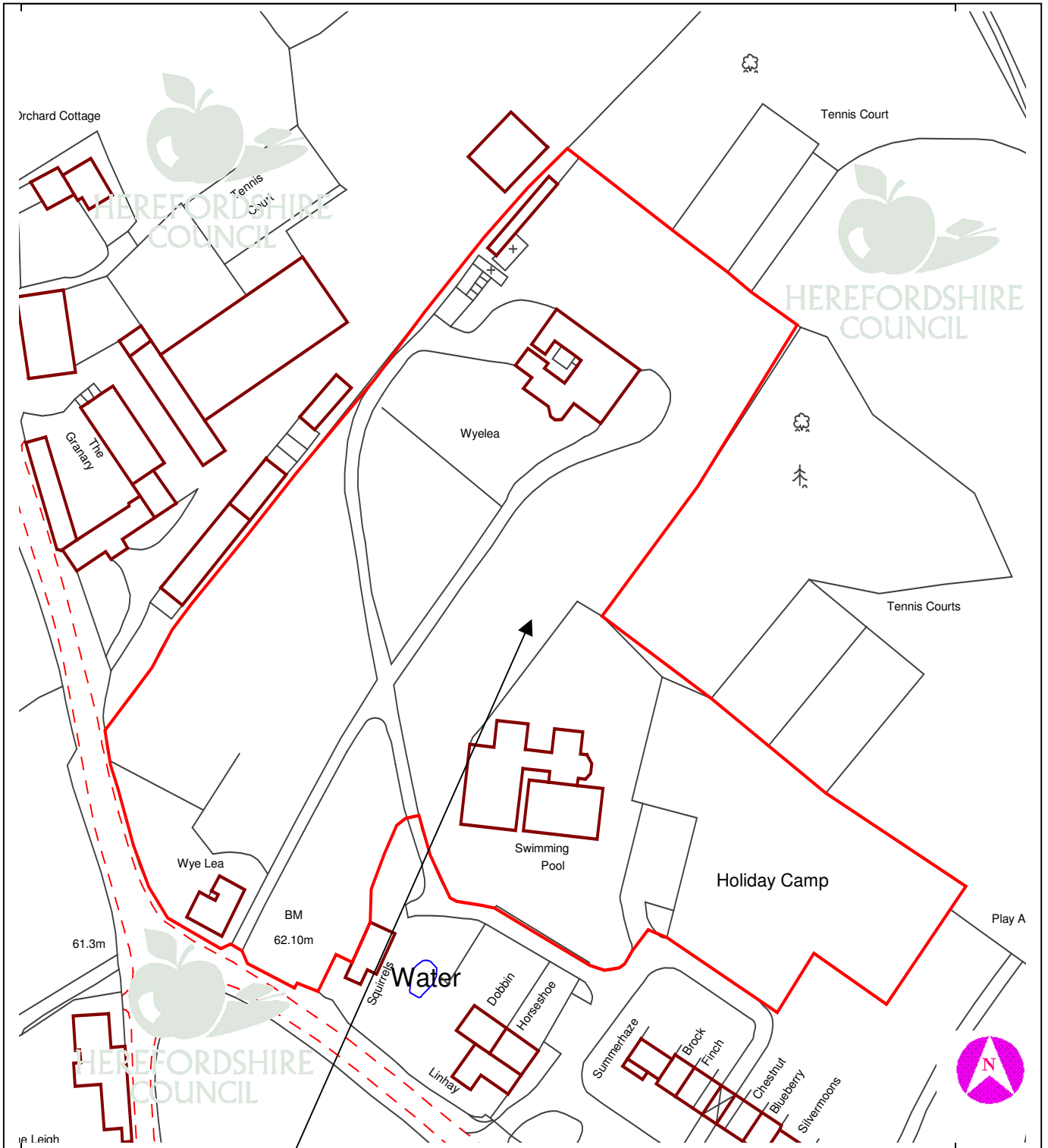
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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCSE2007/1018/F **SCALE :** 1 : 1250

**SITE ADDRESS :** Wye Lea Country Manor, Bridstow, Ross-on-Wye, Herefordshire, HR9 6PZ

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