

6 DCNW2008/0515/F - CHANGE OF USE OF LAND FOR ERECTION OF FIVE HOLIDAY CHALETS IN LANDSCAPED GARDENS. LAND TO THE REAR OF MORTIMERS CROSS INN, MORTIMERS CROSS, LEOMINSTER, HEREFORDSHIRE, HR6 9PD.

For: Mr P S Williams per Lambert Smith Hampton, Pyramus House, Roman Way, Grange Park, Northampton, NN4 5EA.

Date Received: 20 February 2008

Ward: Mortimer

Grid Ref: 42417, 63640

Expiry Date: 16 April 2008

Local Member: Councillor LO Barnett

1. Site Description and Proposal

- 1.1 The application site is located in open countryside in the hamlet of Mortimers Cross south of the village of Aymestry on the A4110. The site comprises an area of land 0.59 ha in size to the west of the Mortimers Cross Inn. The Public House occupies a prominent roadside location adjacent to the busy crossroads of the A4110 and B4362. The application site and public house were in the same ownership until July 2005 when the pub was sold. Access to the site is via the pub car park, part of which is in the ownership of the applicant.
- 1.2 The application seeks to place 5 lodge style holiday caravans on the land. The application includes a proposed site plan (drg no. 021A) detailing the proposed and existing landscaping, internal road layout, parking and siting and size of each chalet/Caravans and the concrete pads or hardstandings that these will be sited upon. The sizes of these are detailed as follows:
 - Unit 1 - 4.1 m by 9.6m
 - Unit 2 - 12.2m by 6m
 - Unit 3 - 12.2m by 6m
 - Unit 4 - 9.8m by 4.2m
 - Unit 5 (already sited) - 15m by 6m
- 1.3 The units are arranged in around the periphery of the site. Access to the site is gained via an existing access gate to the north east corner of the site which exits into the pub car park. The applicant retained a strip of land 10 metres wide along the northern boundary of the pub car park and the right of access across the car park has been retained as detailed in the covenants provided. The application also includes a set of supporting documents that gives details of the types of chalet the application proposes. These indicative plans show twin units (6m by 12m).

2. Policies

- 2.1 National Planning Policies
Planning Policy Statement 7 – Sustainable Development in Rural Areas
Planning Policy Guidance Note 21 – Tourism
Good Practice Guide on Planning for Tourism
- 2.2 Herefordshire Unitary Development Plan (2007)
S1 – Sustainable Development
S6 - Transport
DR2 – Land Use and Activity
DR3 - Movement
DR4 - Environment
LA2 – Landscape Character
LA6 – Landscaping Schemes
RST 12 – Visitor Accommodation
RST 14 – Static Caravans, Chalets, Camping and Touring Caravan Sites

3. Planning History

- 3.1 DCNW2007/3059/U - Certificate of Lawfulness fro Exsiting use of mobile home as residential dwelling - Refused 8th November 2007. Currently at Appeal with public Inquiry to be held on the 28th October 2008.
- 3.2 DCNW2006/ 1672/F - Change of use of land for 8 holiday chalets - refused 21st July 2006 - Dismissed on appeal 25th July 2007.
- 3.3 DCNW2005/2590/F - Change of use to provide mobile homes / holiday lets on and to the rear of the site - refused 4th November 2005.
- 3.4 NW2004/3073/F - Erection of a dwelling - refused.
- 3.5 NW2002/1154/F - Repairs and refurbishment/extension to Mortimers Cross Inn. Approved on the 25th June 2002 with temporary consent for three mobile homes during works.
- 3.6 81C397 - Use of land as a touring caravan site to allow a total of 12 caravans on existing and proposed site – Withdrawn.
- 3.7 77C1020 - Use of land as a touring caravan site for a maximum of three caravans and three tents at any one time - Approved 24-4-1978. This permission is restricted with conditions restricting the use of caravans to no more than 5 consecutive days and no caravan being occupied between 31st October in anyone year and 1st March in the succeeding year.

4. Consultation Summary

Statutory Consultations

- 4.1 None

Internal Council Advice

- 4.2 The transportation manager recommends refusal and makes the following comments:

“Access across the car park. The primary access is via the Pub car park. This is certainly the best option as far as the access to the highway network is concerned. However, there is no way that the route to the gate to this proposal can be kept clear, because of shared ownership. This will lead to confusion and highway risk, particularly when the carpark is full, and probable difficulties maintaining a clear route between the highway and site entrance. The car park is regularly overcrowded with cars, such as on auction days. As ownership is not clearly defined, there is potential for conflict between pub car park users and chalet users.

The proposed new access onto the B4362 is not suitable for every-day use, because of queuing traffic and potential confusion for highway users. It is therefore only provided for emergency access, primarily during flooding events. It is not clear how this usage will be controlled and enforced satisfactorily. As the junction of the B4362 and A4110 has a significant accident history, it would be irresponsible to allow another access with limited visibility, adding to the potential confusion and workload of highway users at an already risky area. Until suitable robust and reliable arrangements are proposed to control and limit the use of the proposed access to emergencies only, I recommend refusal.

No arrangements for covered, secure cycle parking are proposed, contrary to the Highways Design Guide.

Whilst unlikely, pedestrian access to the B4362 via the emergency access would present risks to pedestrians, particularly the young and elderly. No way of minimising inadvertant pedestrian access to the busy B4362 is shown.

The proportion of HGV traffic on the B4362 is large and increasing. This has significant effects on the highway risk to users of the emergency access.”

4.3 The Environment Agency makes the following comments:

“The proposed chalets are located on land within flood zone 1 (low probability) base on our flood zone map, where the proposed use is not inappropriate in line with PPS25. Parts of the existing main access are located within flood zone 3 (high risk 1% annual probability flooding) and flood zone 2 (medium risk 0.1% annual probability flooding) based on the flood zone map.

We have no objection to the proposed development as a safe dry access has been demonstrated, to be employed on the southern boundary for the site, onto the B4362 towards Mortimers Rock, on land within flood zone 1. This is shown on drawing no. 021A, job no. 34212 dated 28/08/07 as submitted.

We would advise the applicant and LPA that the main access road may be liable to flood based on our flood zone map. However, the proposed 'alternative entrance' should enable access by Emergency Services etc, and evacuation of potential occupants in the event of a flood. The LPA should be satisfied on this aspect.

We also note the comments provided by the Applicant regarding surface water. The proposed use of soakaways would be an acceptable form of SuDS.

Foul Drainage

In line with our amended Table 1 and in accordance with Article 10 - (1) (iii) of the GDPO (1995), the Environment Agency (West Area) has no comments to make with regard to foul drainage, in respect of this application. You might seek the completion of the 'foul drainage assessment form' for your consideration."

5. Representations

5.1 Aymestrey Parish Council makes the following comments:

"The Parish Council unanimously agreed to oppose the plans on the following basis:

a) *Objection to similar plans for mobile home / holiday chalets on this site still apply. Viz;*

August 2005:

- *The proposal is inappropriate*
- *The 'emergency' access is onto a busy road*

October 2005:

- *Already 8-10 mobile homes at Mortimers Cross*

June 2006:

- *The emergency access is dangerous*
- *There are already sufficient mobile homes in the locality*
- *The proposal does not reinstate the character of a water meadow*
- *Overflow parking from the pub is a problem*

b) *The application is for 3 x 2 bedroom chalets plus 2 x 3 bedroom chalets, but the site plan appears to show 3 x 3 bedroom and 2 x 2 bedroom chalets.*

c) *The Council does not believe there has been 30 years of thriving caravan trade on site. Also, it is understood that there is no current planning permission for caravans on site so this application involved more than a minor change of use."*

5.2 Letters of objection have been received from the following:

- Mr Wozencroft - Bankfield, Lucton, Leominster
- Mr and Mrs J Scamp - Hillside Cottage Aymestrey
- Kevin Williams - Aymestrey Lodges, Aymestrey
- Mr and Mrs Raymond, Mortimers Cross Farm, Kingsland
- Mr Ken Holland - The Cottage, Aymestrey
- Mr Probert (no address given)
- Helen Hamilton - Little Covenhope, Aymestrey

These letters raise the following issues:

- a) The proposed exit will be a real danger due to the speed of the traffic from the Shobdon Direction
- b) Commend Mr Williams from his resurrection of an amenity to the area, the loss of this land to the hotel has restricted its potential by reducing its parking area, and any sizeable event leads to cars being parked all over the vicinity.

- c) The reduction of 8 (dismissed on appeal) to 5 does not change anything materially.
- d) The site was formerly a meadow that has been allowed to be altered this to become an eyesore and has not been made to restore this land after the building works were complete. The site has suffered severe urbanisation in the hands of the applicant (tarmac and hardstandings)
- e) Where is the need for additional log cabin accommodation. There is currently a 5 cabin complex, an application for 2 further holiday homes, a five bed B and B, The riverside Inn with 5 guest rooms and Mortimers Cross Inn (8 Guest rooms)
- f) There are two pubs but no other facilities in the parish which means travelling for shopping, stamps recreation and entertainment.
- g) Aymestrey has an excess of holiday accommodation. Some of this accommodation has taken up land that could have been used to provide affordable accommodation for local people
- h) The chalets are out of keeping with the local architecture. The chalets in the village are incongruous and no amount of landscaping can make them blend in to this environment

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

6. Officer's Appraisal

6.1 The main issues that should be considered in relation to this application are:

- a) The principle of development.
- b) The appeal decision.
- c) Scale of development and the impact on the character and appearance in relation to policy LA2 and LA5.
- d) Highway Safety.
- e) Control of tourist based use.
- f) Local Need for additional tourist facilities.

6.2 Policy RST14 of the Unitary Development Plans deals explicitly with the creation of new chalet and caravan sites. In particular new parks will not be permitted where they would cause harm to the character and appearance of the countryside. Elsewhere the success of proposals will depend on a number of criteria. Amongst others these include requirement that the site is well screened, or capable of being screened, from roads viewpoints and other public places. The proposal would also need to be of a scale, which relates sensitively to its location, is well laid out, designed and landscaped. Traffic generated must be safely accommodated on the local highway network and arrangements must be made to ensure that the units are retained for holiday use. The site must also be sited outside of a functional flood plain (Zone 3c).

6.3 In July 2007 an appeal was dismissed on this site for a proposal for the siting of 8 chalets sited around the periphery of the site and being shown as 8 units with a footprint of 12.2m by 6m. A copy of the appeal decision has been provided as an Annexe to this report. The inspector dismissed the appeal having reference to the scale of the development and the impact that this would have on the character and appearance of the countryside.

6.4 The applicant has taken note of the inspectors particular issues and has moved the units away from the northern boundary and has shown more significant planting along all of the boundaries. The application site plans also details more area of grassland with

some scattered planting. Having regard to the reduction in scale of the development, including the reduction in size of the hardstandings (and mobile units) shown on the submitted plan it is now considered that with the appropriate landscaping conditions and conditions in relation to the size and siting of the mobile homes (caravans) the concerns originally raised can be overcome and that this part of policy LA2 can be complied with. The landscaping condition can also include and hard landscaping (paths, patios etc).

- 6.5 In the previous application, the transportation manager did not raise concern relating to highway safety implications of introducing 8 units onto this site. Notwithstanding this officers included this as a reason for refusal. The appeal decision quite clearly considers this point and concludes that he is satisfied that safe access could be provided to the appeal site. The Transportation Manager has, in this instance, raised an objection. But given the recent appeal decision on this matter, which would have been for a greater number of units, it is considered that the inspectors stance on this matter outweighs this. In order to ensure that the safe access is provided conditions are suggested that further details of how the main access (across the existing pub car park) is to be kept clear of obstruction should be submitted and that this should remain so in perpetuity. Likewise, the proposed emergency access should be blocked and signed informatively in a manner to be agreed by the Local Planning Authority, but still allowing emergency access in the event of flooding.
- 6.6 Policy RST14 of the Herefordshire Unitary Development Plan (2007) lists in its criteria that arrangements be made to ensure that the resultant chalets or caravan remain in holiday use and are not used for residential purposes. The good practice guide on Planning for Tourism provides additional guidance on how to impose conditions that ensure this. As such the appropriate conditions are recommended.
- 6.7 Local residents have raised the actual' need for further chalet style accommodation in the area. During the appeal stage this was considered by the inspector who notes the marketing that was submitted and the encouragement from the public house in its hope to boost trade. Whilst tourism often comment that there findings are that this type of accommodation is reaching a tipping point in the County it is also acknowledged that we have policies which would resist the change from holiday to residential accommodation should the venture fail. This permission is for the siting of static / mobile homes only, that could be removed from the site if they are no longer viable. Having particular regard to the inspector's decision it is not felt that this matter warrants a reason for refusal.
- 6.8 In conclusion, having regard to the planning history and in particular the planning appeal on this site. It is considered that although this matter is finely balanced, the applicant has addressed successfully the issues raised by the inspector and this proposal, with the appropriate conditions, would comply with the relevant policies of the Herefordshire Unitary Development Plan (2007). AS such this proposal is recommended for approval.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1 A01 (Time limit for commencement (full permission))**

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

2 B02 (Development in accordance with approved plans and materials)

Reason: To ensure adherence to the approved plans and to protect the general character and amenities of the area in accordance with the requirements of Policy DR1 of Herefordshire Unitary Development Plan

3 Prior to any further static caravans being brought onto site, details of the size, siting and external appearance of each static caravan shall be submitted to and approved in writing by the local planning authority. These shall not be replaced or altered without prior agreement in writing by the local planning authority.

Reason: To ensure that the static caravans do not exceed the size indicated on the approved plans and to ensure a satisfactory external appearance in the interests of the character and appearance of the countryside having regard to policies LA2 and RST14 of the Herefordshire Unitary Development Plan (2007).

4 F30 (Use as holiday accommodation)

Reason: Having regard to Policy RST14 of the Herefordshire Unitary Development Plan the local planning authority are not prepared to allow the introduction of an unencumbered residential accommodation, in this rural location.

5 The mobile homes (chalets) shall not be occupied as a persons sole, or main place of residence

Reason: To ensure that the accommodation is used for holiday accommodation having regard to Policy RST14 of the Herefordshire Unitary Development Plan (2007)

6 The owners / operators shall maintain an up-to date register of the names of all owner / occupiers of individual mobile home (chalets) on the site, and of their main home addresses, and shall make this information available at all reasonable times to the local planning authority.

Reason: To ensure that the accommodation is used for holiday accommodation having regard to Policy RST14 of the Herefordshire Unitary Development Plan (2007)

7 Prior to the commencement of any works on the site, details of the barrier, including the method of securing this barrier and signage that will form part of the emergency access shall be submitted to and approved in writing by the local planning authority. Works shall be carried out strictly in accordance with the approved details and shall be retained thereafter unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that the access onto the B4362 is retained as an emergency access in the interests of highway safety having regard to policy DR3 of the Herefordshire Unitary Development Plan (2007).

8 G10 (Landscaping scheme)

Reason: In order to maintain the visual amenities of the area and to conform with Policy LA6 of Herefordshire Unitary Development Plan.

9 G11 (Landscaping scheme - implementation)

Reason: In order to maintain the visual amenities of the area and to comply with Policy LA6 of Herefordshire Unitary Development Plan.

Informatives:

1 N15 - Reason(s) for the Grant of Planning Permission

2 N19 - Avoidance of doubt - Approved Plans

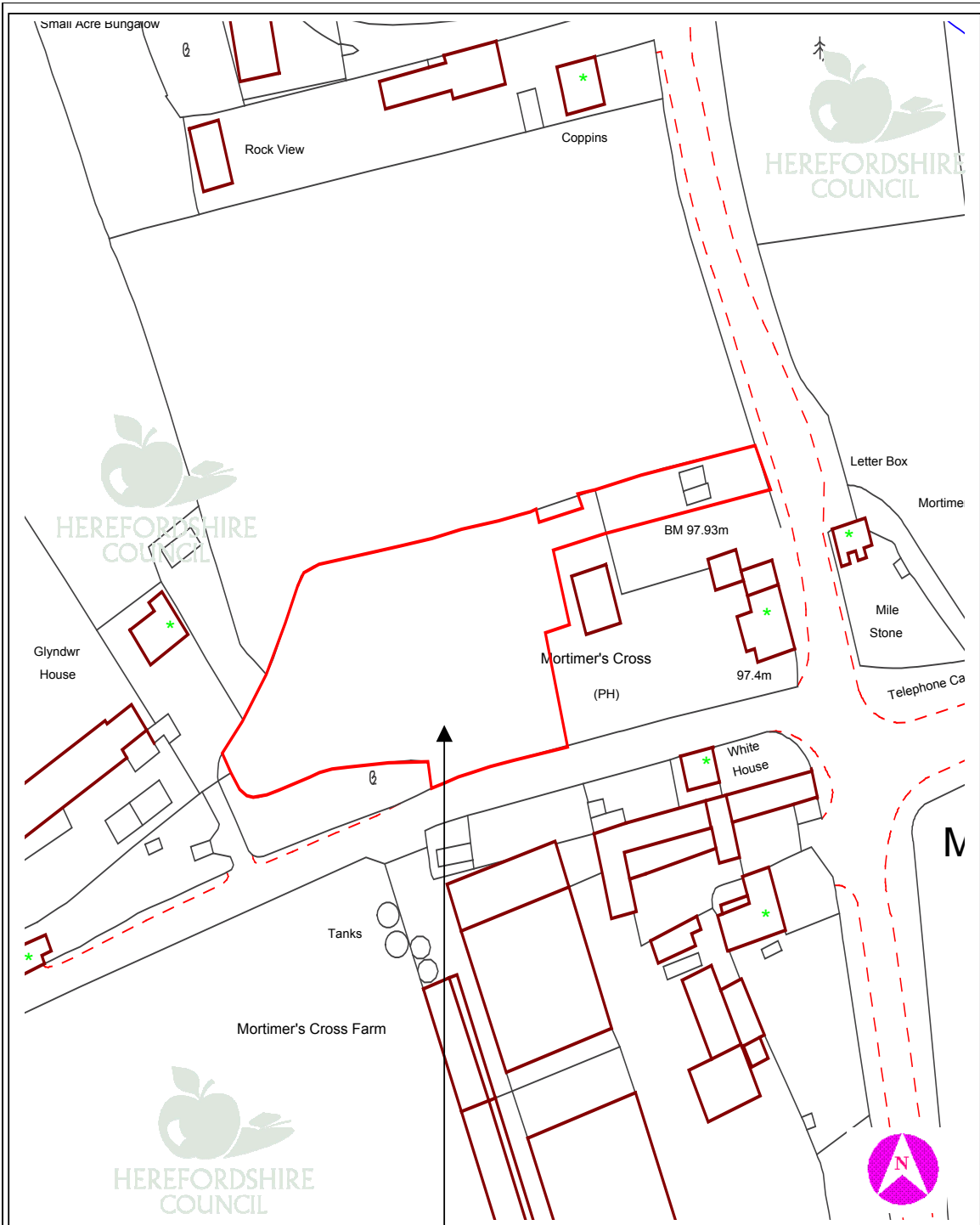
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNW2008/0515/F

SCALE : 1 : 1250

SITE ADDRESS : Land to the rear of Mortimers Cross Inn, Mortimers Cross, Leominster, Herefordshire, HR6 9PD

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