

**6 DCNW2008/2075/F - CHANGE OF USE FROM NURSING HOME TO MULTI USE VENUE, OCCASIONAL ERECTION OF UP TO 10 MARQUEES AND VARIATION OF PREVIOUS CONDITION TO ALLOW OCCUPATION OF THE COACH HOUSE AT LEMORE MANOR, EARDISLEY, HEREFORD, HEREFORDSHIRE, HR3 6LR.**

**For: Mrs M Owen, Address as above**

**Date Received: 8th August 2008**    **Ward: Castle**

**Grid Ref: 30981, 51662**

**Expiry Date: 3rd October 2008**

Local Member:    Councillor JW Hope MBE

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

- 1.1 Lemore Manor lies in open countryside, approximately 2 miles north of Eardisley, on the east side of the A4111. It is a large detached property, with converted coach house just to the west. The application site also includes two fields to the south and east of the manor.
- 1.2 Immediately to the west of the coach house is a dwelling, Kimberley, outside of the control of the applicant. Furthermore there is another property, Lemore Bungalow approximately 70m back along the drive. New House Farm lies approximately 540m north of Lemore Manor, New House Farm is on the opposite side of the road. Holywell Cottage lies approx. 400m to the south. Properties at Questmore Cottage/Farm lies approx 560m to the north. After this the next nearest properties lie in excess of 600m away.
- 1.3 The Proposal includes the change of use of the Manor from a nursing home to a property that can be let for various purposes to both individuals and businesses for recreational/function purposes, together with the ability to erect a marquee in one of the fields on up to 10 occasions per year. The coach house is currently subject to a condition restricting its occupation to person(s) solely or mainly employed in the nursing home, then known as Campbell Manor. A variation of this condition is sought to permit the coach house to be occupied either by the owners as their home, or an overspill accommodation from the manor.
- 1.4 Public footpath EE13 passes along the access drive from the junction onto the A4111, and has been advertised accordingly.
- 1.5 Within 190m to the south of the house lies a special wildlife site, Holywell Dingle.

## **2. Policies**

### **2.1 Unitary Development Plan Policies**

HBA12	-	Reuse of Rural Buildings
HBA13	-	Reuse of Rural Buildings for Residential Purposes
RST12	-	Visitor Accommodation

RST13	-	Rural and Farm Tourism Development
S1	-	Sustainable Development
S8	-	Recreation, Sport & Tourism
DR2	-	Land use & Activity
DR3	-	Movement
DR13	-	Noise
NC4	-	Sites of Local Importance

## 2.2 Government Policy

PPG4	-	Industrial & Commercial Development of Small Farms
PPS7	-	Sustainable Development in Rural Areas
PPG21	-	Tourism

## 3. Planning History

- 3.1 NW03/1344/F, conversion of stable building to management accommodation, (subject to occupancy condition required to be varied). Approved 18th June 2003.
- 3.2 NW03/1334/F, removal of condition 2 attached to P.P 93-524A, approved 17th June 2003. Kimberley, Eardisley.
- 3.3 98/0033/N, Removal of condition 2 of permission 93/524. (New dwelling & Lemore Manor not to be sold separately). Refused 10th March 1998.
- 3.4 93/524, Barn conversion to dwelling. Approved 23rd November 1993. (This dwelling now known as Kimberley)
- 3.5 89/628, Change of use to nursing home, Lemore Manor. Approved 27th November 1989.

## 4. Consultation Summary

### Statutory Consultations

#### 4.1 Ramblers Association

This development doesn't appear to have any impact upon the adjacent Public Right of Way, Eardisley EE13, which follows the driveway from the A4111 and past Lemore Manor. One point I would like to make is with regard to vehicular movement along the driveway and would request that appropriate notices warning of pedestrians in the vicinity are erected at suitable points.

I ask you to ensure that the developer is aware that there is a legal requirement to maintain and keep clear a Public Right of Way at all times.

- 4.2 Hereford & Worcester Nature Trust - No response at time of preparation of report.

### Internal Council Consultees

#### 4.2 Transportation Manager

Visibility at road is below standards but access is existing, and significant intensification of traffic unlikely. Recommends Conditions.

#### 4.3 P.R.O.W

The proposed change of use from nursing home to a multi use venue will affect public footpath EE13, which passes along the access road from the public road.

It is unfortunate that reference has not been made to the existence of this public right of way in the application papers.

Considering the change in the profile of visitors from its former use as a care home, signs warning drivers of the presence of pedestrians, and asking them to give way to pedestrians should be erect at each end of the driveway.

I have visited the site and the reference to 3 passing places was not clearly evident on the ground. It would be useful if these passing places could be marked on an approved plan, and marked on site as 'passing places'.

At present there are no speed humps, other than a rather significant pothole, and again considering the changed profile of visitors, some speed humps would benefit the safety of anyone walking along this path.

Parking should not be permitted on any part of the legal width of the footpath, which extends between the hedge/fence lines on each side of the path shown on the attached plan. This will ensure pedestrians can access the full length of grass verges when vehicles are passing.

These suggestions would help the proposal comply with UDP Policies DR3 and T6.

The following should also be noted:-

The applicants should note that because the right of way has footpath status it will only be maintained by the highway authority to a standard suitable for use by pedestrians.

#### 4.4 Environmental Health

The Environmental Health Department has received seven complaints regarding noise from this location since the site has been used for multi-use purposes. No information has been provided in the application regarding the potential for noise nuisance and how this is to be managed on the site. Also noted that although the accompanying design and access statement indicates that a maximum of 10 marquees will be used in any one year, the application reads as asking for up to ten at any time.

##### External music

The use of temporary structures like marquees to house live and recorded music is more likely to give rise to noise complaints than the use of permanent buildings due to the reduction in noise attenuation that these structures provide. The rural nature of this site would indicate that the background noise levels in this area would be quite low and I have concerns that a noise disturbance would be likely if music was played from a marquee on site. I believe that noise would be particularly a problem during the evening and night when background levels are at their lowest. Numerous complaints were received from nearby residents following an event held on the site on Saturday 19th July 2008 which features a marquee and music and I therefore believe conditions should be attached to the permission to protect the noise environment of the area.

I would recommend that a scheme of noise attenuating measures be submitted to the planning authority before live or recorded music is played at the application site. Ideally, I would advise that a noise limiter be fitted at the venue, which would monitor the noise levels and cut the power to the music system when the preset decibel level is breached. (This level would need to be agreed with the planning and Environmental Health Department prior to use). This type of system should hopefully eliminate complaints if the level is set correctly and the limiter properly set up, however the applicant would need to investigate if this type of system is workable at this site and for marquees. Other noise attenuating measure may be suitable then/or in addition to the limiter or other physical measures including management techniques. The applicant should identify what measure are most suitable at this site and submit an appropriate scheme.

#### Clay pigeon shooting

I have serious concerns regarding this site being used for clay pigeon shooting due to the close proximity of residential properties. The Guidance on the Control of Noise from Clay Target Shooting which was published by the Chartered Institute of Environmental Health in 2003 identifies the need for a minimum safety zone of 275m (300yds) from the front of each shooting position in the general direction in which shooting will take place. From the information and plans provided, the site is approximately 225m, which is not long enough to provide the minimum safety distance recommended. The closest property to the site, Kimberley is adjacent to the site and within 50m of the likely shooting position and there are at least 4 other properties that are likely to be within a 275m safety zone.

In addition to the safety zone, the guidance recommends a buffer zone to protect noise sensitive premises and area in close proximity to the shoot. The size of the buffer zone depends on local circumstances and the level of shooting noise transmitted to noise sensitive properties. The guidance states that a buffer zone of 1.5km in the general direction of shooting and a 1km rearward arc is advisable but shooting should not take place with a buffer zone of less than 1km except in very exceptional circumstances, which have been discussed and agreed with the local authority and affected residents. There are numerous properties who would be within a 1km buffer and significantly more with 1.5km and therefore this site is some distance from being able to maintain the minimum 1km buffer zone recommended in the guidance. I find it highly unlikely that an agreement would ever be reached between the applicant, neighbouring residents and the local authority to be able to operate under this recommended distance.

The application also provides no information regarding the location(s) of where shooting will take place, the intended duration of use and the management of noise issues from this activity. Without more detailed information of this nature I am unable to determine where the safety and buffer zones will be located and properly assess the noise impact. I would therefore comment that this site appears unsuitable for the operation of a Clay Pigeon Shoot as neither the safety or buffer zones can be maintained at the recommended CIEH guideline distances. This department has already received complaints from neighbouring residents regarding the level of noise from the site and clay pigeon shooting has been reported as a noise concern.

#### Fireworks

The use of fireworks is likely to cause noise disturbance to nearby residents and there is also the potential for this activity to cause distress to animals. I therefore have concerns regarding noise from this activity being carried out on a regular basis and would advise that restrictions be placed upon the number of times that fireworks are permitted during a calendar year. The Fireworks Act 2004 already places restrictions on the letting off of fireworks after 11pm, with only certain dates (related to certain celebrations and religious festivals) being exempt, I believe this legislation is sufficient to not warrant restricting times of use at this site. I would advise that this legislation is enforced by the Police.

4.5 Ecologist - No response

## 5. Representations

5.1 Eardisley Parish Council

Local resident have objected to this application, please see their correspondence.

5.2 Letters of objection have been received from the following:

Ms A Sayce, Kimberley  
R Woodbridge & R Peace, Holywell Cottage  
Mr & Mrs Glyn-Jones, Newhouse Farm  
Questmore Farm  
Mrs G Bedford, JS & GS Bedford, 4 Newhouse Farm  
B Whittle, 2 Newhouse Farm

The objections are summarised below:

1. Disturbance from noise and activities; including clay pigeon shooting and late night music, boot camp use
2. Property not staffed or managed overnight - lack of supervision
3. Drunken and other offensive behaviour of guests using coach house
4. Extent of Kimberley drive not shown properly on plan, and trespass of this driveway
5. Parties spilling out onto lawn 10m from Kimberley, music until 3-4am in morning
6. Secluded retreat dramatically changed, infringement of privacy, continual disturbance
7. Impose severe restrictions upon business and does not allow coach house to be used for client accommodation
8. Lead shot from clay pigeon shooting can contaminate organic land (Newhouse Farm)
9. Detrimental to neighbours, environment, wildlife and livestock, impact on Holywell Dingle Nature Reserve
10. Description of development ambiguous
11. Lifting condition on coach house would allow extension of venue for party use by up to 8 further guests
12. Questions the position regarding alcohol/music
13. Use of marquees, up to 10, would cause unacceptable noise/light pollution
14. Minimal employment benefit

In support of their application the applicants state:

Purchased Lemore Manor in 2007, previously nursing home (Campbell Manor), had been vacant for 5 years, was run down required great deal of money on restoration.

There is huge demand for this type of private hire accommodation, with 90% occupancy since November 2007. We provide business to a large number of local suppliers and companies. If permission is not granted this will have a detrimental effect on a large number of businesses. For reference we have terminated our previous contract with The Boot Camp Ltd at a cost to us of one 70K.

The Design & Access Statement accompanying the application sets out the business in more details. It is summarised below:

1. Offer 5 star accommodation for private self catering use, holidays, business breaks, weddings celebrations
2. Accommodation up to 30-35 in the Manor
3. 11 Acres gardens/fields
4. Staff travel plan
5. Employ 10 people locally - 4 full time
6. 6-8 Guest in Coach House if required
7. Marquee - Currently only one per year - wish to offer up to 10 times

A subsequent letter from the applicants agent advises that they are prepared to accept a condition restricting clay pigeon shooting to their private use only, not part of commercial letting element.

The terms and conditions of the letting are available on the website. This includes no pets, no amplified music on grounds after midnight, 4-week notice to be given of use of fire works, and not permitted after 9.30pm.

- 5.3 Letters of support have been received from the following business' who benefit from the operation of the site.

Rococo Catering - Whitney on Wye  
Drover Holidays - Hay on Wye  
Consuming Passion - Leominster  
Room of Beauty - Lyonshall  
Hop Pocket Wine Co - Bishops Frome

- 5.4 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 Concerns have been raised about activities, which have previously taken place at Lemore Manor which have caused nuisance and distress to local residents. It appears that this has been when the owners have not been present on site themselves. It is now the intention that the owners remain in residence in the coach house, with the exception of when this is required for additional accommodation. On these occasions I am advised that the owner would then utilise the basement accommodation within the Manor. When the owners are themselves away, other staff would be resident on site.
- 6.2 The use of this building for such purposes is broadly supported by Policy, on the provision that residential amenity of neighbours is protected. It is considered that the presence of the owner on site during lets and the offer not to undertake clay pigeon

shooting will go a long way to ensuring that issues previously raised do not reoccur. The use of land for shooting for up to 14 days is permitted development, so a condition removing this right in terms of lettings offers protection not otherwise available.

- 6.3 To date no responses have been received in relation to the proximity of the special wildlife site. However it is considered that the protection of residential amenity will also serve to protect wildlife interests.
- 6.4 A number of the proposed uses of the property would not themselves require planning permission. For instance the letting of a private house for holidays is not development. The application provides an opportunity to control this under uses of the premises in order to safeguard residential amenity.
- 6.5 It is therefore consider that with appropriate conditions the proposal is acceptable.

## **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. H29 (Secure covered cycle parking provision)**

**Reason: To ensure that there is adequate provision for secure cycle accommodation within the application site, encouraging alternative modes of transport in accordance with both local and national planning policy and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.**

**3. H30 (Travel plans)**

**Reason: In order to ensure that the development is carried out in combination with a scheme aimed at promoting the use of a range of sustainable transport initiatives and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.**

**4. Notwithstanding the contents of Schedule 2 Part 4, Class B of the Town and Country Planning (General Permitted Development) Order 1995, any order revoking and re-enabling that order, there shall be no clay pigeon shooting associated with the letting of Lomore Manor.**

**Reason: In order to protect the amenity of nearby residents in accordance with Policy DR2 of this Herefordshire Unitary Development Plan.**

**5. The property shall only be let during periods where there is a management presence on site.**

**Reason: In order to protect the amenity of nearby residents in accordance into Policy DR2 of this Herefordshire Unitary Development Plan.**

**6. F02 (Restriction on hours of delivery)**

**Reason: To safeguard the amenities of the locality and to comply with Policy DR1 of Herefordshire Unitary Development Plan.**

**7. F14 (Removal of permitted development rights)**

**Reason 1 - For barn conversions - To ensure the character of the original conversion scheme is maintained and to comply with Policy HBA12 of Herefordshire Unitary Development Plan.**

**Reason 2 - For new houses - In order to protect the character and amenity of the locality, to maintain the amenities of adjoining property and to comply with Policy H13 of Herefordshire Unitary Development Plan.**

**8. Scheme of noise attenuation for external music**

**Reason: In the interests of the amenities of existing residential property in the locality and to comply with Policy DR1 of Herefordshire Unitary Development Plan.**

**INFORMATIVES:**

- 1. N15 - Reason(s) for the Grant of PP**
- 2. N19 - Avoidance of doubt - Approved Plans**

Decision: .....

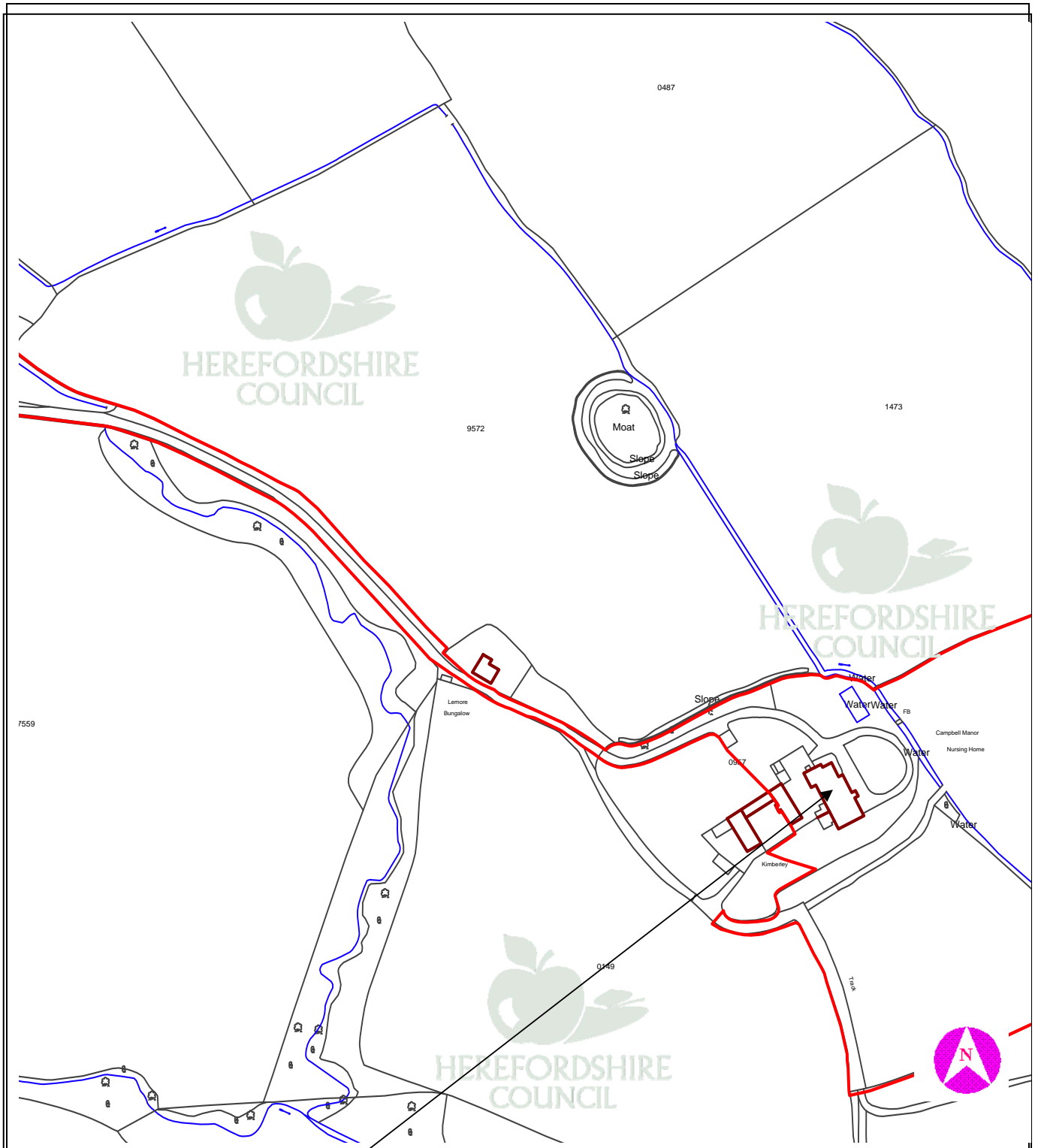
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**Background Papers**

Internal departmental consultation replies.





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**APPLICATION NO:** DCNW2008/2075/F

**SCALE :** 1 : 2500

**SITE ADDRESS :** Limore Manor, Eardisley, Hereford, Herefordshire, HR3 6LR

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