

**1 NW2003/1250/F - ERECTION OF HOUSE AND GARAGE. RE-ROOFING OVER MILL PIT AND FORMATION OF NEW STORE BUILDING ADJACENT TO STAPLETON CASTLE MILL, STAPLETON, PRESTEIGNE, HEREFORDSHIRE, LD8 2LS**

**For: Mr & Mrs Griffiths per Mr C A Underwood, The Barn, Church Lane, Ravenstone, Leicester LE67 2AE**

**Date Received:**

**22nd April 2003**

**Expiry Date: 17th June 2003**

**Local Member: Councillor Mrs O Barnett**

**Ward:**

**Mortimer**

**Grid Ref:**

**32460, 65640**

### **Introduction**

**This application was deferred at the Northern Area Planning Sub-Committee on 12 November 2003 in order for a site visit to be carried out. The site visit took place on 25 November 2003.**

**In addition to the above the opportunity has been taken to update and correct the attached report and recommendation.**

**Furthermore, confirmation of the sewage treatment plant installed has been received from the Building Control Service. It is advised that according to the Building Control records the treatment plant installed has sufficient capacity to deal with a maximum of 4 dwellings. In the light of this independent input it is considered that drainage issues are satisfactorily resolved.**

**Original report (as amended).**

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

- 1.1 The application site comprises a 0.28 hectare plot which incorporates a modern agricultural building, the remains of historic mill machinery and a partially restored mill pond. It occupies a sensitive and historically important position within the hamlet of Stapleton and immediately adjacent to a former farm complex which has been partly redeveloped and now consists of a total of 3 dwellings (a semi-detached property to the south of this site and a large detached property which occupies an elevated and prominent location immediately to the west).
- 1.2 The whole of the site lies within an Area of Great Landscape Value and to the west are the remains of Stapleton Castle, a Scheduled Ancient Monument.
- 1.3 Access is now derived via an unmade track which runs alongside the mill pond in a north westerly direction joining the Stapleton Hall road opposite Brook House.

- 1.4 The current application seeks permission to modify the design of the remaining dwelling, Plot 4, and secure a resiting from the position approved by a 1992 application, now a walled garden associated with the applicants house. The proposed siting would entail the demolition of an existing modern agricultural building and the construction of a two storey barn type dwelling incorporating weatherboarding with a stone plinth. In addition to the 3 bedroom dwelling, a detached double garage is proposed that would be sited between the dwelling and the nearest adjacent property together with a purpose built cover for the remaining mill machinery. This proposal in common with the original 1992 application and later permission (Plot 1) includes proposals for the restoration of the mill machinery and the mill pond to the north of the application site.

## 2. Policies

### **Hereford & Worcester County Structure Plan**

Policy H16 A	Housing in Rural Areas
Policy H20	Housing in Rural Areas Outside the Green Belt
Policy CTC 2	Areas of Great Landscape Value
Policy CTC 5	Archaeology
Policy CTC 6	Landscape Features
Policy CTC 7	Landscape Features
Policy CTC 9	Development Requirements
Policy CTC 11	Trees and Woodlands
Policy CTC 12	Improving Wildlife Value

### **Leominster District Local Plan (Herefordshire)**

Policy A1	Managing The District's Assets And Resources
Policy A2(D)	Settlement Hierarchy
Policy A8	Improvements To Or Creation Of Habitats
Policy A9	Safeguarding The Rural Landscape
Policy A10	Trees And Woodlands
Policy A16	Foul Drainage
Policy A18	Listed Buildings And Their Settings
Policy A22	Ancient Monuments And Archaeological Sites
Policy A24	Scale And Character Of Development
Policy A54	Protection Of Residential Amenity
Policy A70	Accommodating Traffic From Development

### **Herefordshire Unitary Development Plan (Deposit Draft)**

Policy DR1	Design
Policy DR2	Land Use & Activity
Policy DR3	Movement
Policy DR4	Environment
Policy H7	Housing in the Countryside Outside Settlements
Policy LA2	Landscape Character and Areas Least Resilient to Change
Policy LA3	Setting of Settlements
Policy LA5	Protection of Trees, Woodlands and Hedgerows
Policy NC1	Nature Conservation and Development
Policy NC8	Habitat Creation, Restoration and Enlargement
Policy HBA 4	Setting of Listed Buildings
Policy ARCH 1	Archaeological Assessments and Field Evaluations
Policy ARCH 4	Scheduled Ancient Monuments

### 3. Planning History

92/532 - Redevelopment of existing farm buildings to provide 2 detached and 2 semi-detached dwellings - Approved 16 February 1993.

N98/0715/N - New dwelling - Approved 5 January 1999.

NW1999/2627/F - Erection of 2 semi-detached houses incorporating existing barn wall at rear. Existing stable to be modified for use as garaging - Approved 24 November 1999.

### 4. Consultation Summary

#### Statutory Consultations

- 4.1 English Heritage raise no objection.
- 4.2 Environment Agency raise no objection subject to a condition regarding a scheme for the provision of foul drainage works and notes relating to the potential requirement to obtain a discharge consent, provision for dealing with potentially contaminated water in respect of any mill dredging works and the possible need for a waste management licence relating to the movement of dredged material.

#### Internal Council Advice

- 4.3 Head of Engineering and Transportation raises no objection.
- 4.4 Chief Conservation Officer raises no objection subject to appropriate conditions in respect of the landscape, ecological, archaeological and listed building issues associated with the proposal.

### 5. Representations

- 5.1 A total of 11 letters of objection were received in response to the original consultation from the following persons :

- D Hepworth, The Byre, Stapleton
- MS Mansell, Stapleton Croft, Stapleton
- Mr & Mrs Brinton, Stapleton Castle Farmhouse, Stapleton
- Mr & Mrs Billingsly, Ford Cottage, Stapleton
- FS Ditmas, The Wain House, Stapleton
- Mr & Mrs Gill, Stapleton Castle Farm Cottage, Stapleton
- Mr & Mrs Saunders, Carters Croft, Stapleton
- Heike Neimeister, The Long House, Stapleton
- L Ashfield, The Byre, Stapleton
- RE Rigg, Melrose, Stapleton
- A Macdonald, The Plantation, Stapleton

- 5.2 The concerns raised can be summarised as follows :

- non-compliance with previous condition now being included in the bargaining for the new application
- original permission related to conservation of the old stone barns

- planning permission N98/0715/N restricted development of site to 3 dwellings only
- drainage not catered for in terms of capacity and discharge into stream
- disruption and nuisance from construction and residents traffic will be much increased despite the creation of a new access from Stapleton Hill
- amenity of area/quality of life would be badly affected
- harm to the setting of Stapleton Castle ruins
- proposed development does not accord with the conservation principles of the original permission
- all agricultural buildings should have been removed as part of the original permission
- planning permission for one dwelling granted under N98/0715/N was in substitution of two dwellings originally approved
- proposed dwelling should not exceed footprint of the original approved minus the additional accommodation approved pursuant to N98/0715/N
- design does not reflect local distinctiveness
- height greater than existing agricultural building
- severe loss of privacy
- construction vehicles should utilise the new access from Stapleton Hill
- additional dwelling would constitute over-development of the site
- proposal represents new development by stealth
- application for Plot 4 should be treated as a totally separate application and not a re-siting of the 1992 permission
- proposal will cause significant harm to a historic landscape
- clear reference to the dropping of Plot 4 made on planning history files
- scale of proposed dwelling totally out of proportion with the site
- proposal will visually dominate Plots 2 and 3
- if a legal loophole exists there should be a strict restriction on the total floor area of the proposed dwelling

5.3 A further 7 letters of objection were received to the revised design. The concerns raised can be summarised as follows :

- whilst reduction in size of dwelling is welcomed it is considered that the original site for Plot 4 would be less intrusive
- proposed setting would result in a substantial dwelling overlooking my property
- building still too high
- not in keeping with local vernacular architecture
- too much glazing
- scale and location of silt spreading needs to be clarified and does this require planning permission?
- conditional requirements relating to the mill building and pond should be addressed before any further development is permitted
- continuing concerns regarding drainage capacity. In particular the sewage disposal unit is not the model/capacity claimed by the applicant.

5.4 Stapleton Parish Council state :

"A number of residents attended the recent meeting of the Council to voice their objections to this application and letters of objection were received from four other residents. The following objections were advanced at the meeting and in the letters received .

1. The new house proposed is not a re-siting of the house originally planned on 'Plot 4' in the 1992 permission - the revised permission given in 1998 was clearly intended to supersede the 1992 permission, particularly given the fact that part of plot 4 has now

been built on. The present application should be dealt with as an entirely new application and as such must be refused in accordance with planning policy in the draft Unitary Development plan.

2. Works agreed to in the 1998 permission have not yet been carried out and no new application should be allowed until they have been completed.
3. The house envisaged is too large for the site and were it to be built would spoil the natural and architectural environment.
4. The existing sewage arrangements are not adequate for a further house to be built.
5. Were this application to be approved there would be nothing to hinder applications being made for further houses.
6. The original application was granted to conserve the existing stone barns - the present application does not meet this criterion.

The Council do not wish to comment themselves on the validity of these points, but urge that a site meeting be held to address the concerns raised by local residents. "

- 5.5 The Parish Council comments in respect of the revised proposal reiterate those set out above.
- 5.6 The full text of these letters can be inspected at Northern Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

## **6. Officers Appraisal**

- 6.1 The key issues for consideration in the determination of this application are as follows :-
  - a) the principle of residential development having regard to the planning history of the site;
  - b) the impact of the proposed dwelling on the character and appearance of the Area of Great Landscape Value;
  - c) the impact of the proposed dwelling on the historical setting of the site and adjacent Scheduled Ancient Monument and listed buildings (including reference to conservation of mill machinery and restoration of the mill pond);
  - d) impact upon neighbouring amenities, including access to the site and;
  - e) drainage

### Principle/Planning History

- 6.2 It is clear from detailed consideration of the responses received from local residents that the planning history of the Stapleton Castle Farm site has a fundamental impact on the overall principle of this proposal. Planning permission was originally granted in February 1993 (Application No. 92/532) for the erection of 4 dwellings with the justification based upon the redevelopment of the footprint of existing historic agricultural buildings within the farm group. It is advised that this original planning permission was commenced and remains valid and therefore represents an important material consideration in reaching the recommendation set out below.

- 6.3 Two further applications have been approved in the meantime. Application No. N98/0715/N approved a redesign of Plot 1 and involved the construction of a larger dwelling than was originally approved. The point has been made in a number of objections that this permission was in substitution for one of the dwellings approved by the 1992 application. Detailed research of the relevant paperwork shows that this could be a reasonable conclusion to reach since there is a file note and a later report to the Northern Area Planning Sub-Committee that refers to this. However, of critical importance in terms of this recommendation is that no conditions were attached to this permission that revoked the terms of the 1992 application or that required the demolition of the agricultural building, which now comprises part of the current application site.
- 6.4 Since the 1992 permission remains extant and that a comparison of the site layouts approved in 1992 and 1998 indicates that Plot 4 could still be physically built, the principle of building a fourth dwelling is not one that could reasonably be objected to.
- 6.5 The permission granted pursuant to Application No. NW99/2627/F related to the buildings to the south of the application site and again it is advised that the planning committee report indicates an intention to omit Plot 4 from the overall development of Stapleton Castle Farm. Again however, there was no condition or legally binding agreement that revoked the original 1992 permission.
- 6.6 In addition to the above written confirmation has been received from the applicants that the substitution of Plot 4 was not discussed with the Local Planning Authority at any time and that it was never their intention to remove it from the scheme. Accordingly whilst the confusion regarding the development of the site is regrettable, it is maintained that the general principle of this proposal is acceptable.

#### Impact on the Area of Great Landscape Value

- 6.7 Since it is not considered that the demolition and removal of the modern agricultural building is a matter that can be expediently enforced in this instance for the reasons set out above, it is considered that its replacement with a dwelling would potentially enhance the site and the surrounding countryside. It is acknowledged that this approach moves away from the original intention to redevelop the historic building complex. However given the sites relatively low-lying position with regard to the original site for Plot 4 approved by the 1992 application and the revisions made to the scale of the proposal, it is not considered that the proposed dwelling would have such an adverse impact upon the character and appearance of the Area of Great Landscape Value that the refusal of planning permission would be justified.
- 6.8 This accords with the advice given by the Chief Conservation Officer who raises no objection to the landscape impact of the proposal.

#### Impact on Historic Setting/Scheduled Ancient Monument and adjacent to Listed Buildings

- 6.9 The originally approved design for Plot 4 was for a stone built part two/part single storey dwelling with an overall footprint of 126 m<sup>2</sup> including an integral garage. The redesign takes the form of a more barn like structure in recognition of the agricultural character of the building being replaced and its less prominent position in relation to the historic complex of buildings. The use of materials, which include a stone plinth and weatherboarding to reflect those used in the conversion/adaptation of Plots 2 and

3 to the immediate south. It is not therefore considered that its presence will be out of keeping with existing dwellings in the locality including the listed properties beyond the Stapleton Castle Farm complex to the south. Similarly the presence of a dwelling constructed in materials which are already a feature of the locality will not impact upon the setting of the castle ruin (a Scheduled Ancient Monument).

- 6.10 Significant concerns have been raised in respect of the scale of the proposed dwelling both in terms of its footprint and height. The proposed dwelling has a floor area of 130 m<sup>2</sup> including the detached garage, which compares favourable to the size of the originally approved Plot 4 (126 m<sup>2</sup>). Whilst a number of local concerns suggest that the overall footprint should be further reduced to reflect the additional floorspace approved for Plot 1 (N98/0715/N), it is not considered that the proposal as submitted would amount to overdevelopment, having regard to the size of the plot upon which it would be sited. Negotiations have resulted in a significant decrease in the floor area, which was approximately 167 m<sup>2</sup> when the application was initially received.
- 6.11 The height, at 8.4m, is not materially greater than the height of the original 1992 approved which varied between 8.7m and 8.4 m and as such it is maintained that the proposed resited dwelling would not cause any additional adverse harm to the historic setting of the farm complex or the listed buildings in the locality.
- 6.12 This leaves the on-going and still not fully resolved works relating to the restoration of the mill machinery and mill pond. It is considered that this application offers a further opportunity to exercise conditional control over these works which were a requirement of the 1992 approval. The failure of the Local Planning Authority to properly follow up these conditions must be recognised but it is also advised that the wording of the conditions to date has not placed a timescale upon the applicant in respect of the completion of such works and accordingly the enforceability of these conditions is in doubt. It is advised that the applicants ongoing work has been inspected by the Chief Conservation Officer in terms of archaeology, ecology and landscaping and subject to conditions no objection is raised to the applicants proposals.
- 6.13 The Environment Agency has raised no objection in principle to the mill pond restoration and associated dredging works subject to obtaining the necessary waste management licence in respect of the redistribution of silt. The recommendation incorporates a condition requiring details of the spreading of any silt deposits to be agreed in writing with the Local Planning Authority.
- 6.14 In the light of the above it is considered that this historic farm complex and the surrounding locality will not be significantly harmed by the proposed relocation and redesign of Plot 4.

#### Neighbouring Amenities

- 6.15 The proposed dwelling would have a more direct impact upon Plot 2 than was originally approved and the first floor windows would look out over the open space to the rear of this property. However a distance in excess of 20 metres would still be retained and the window to window relationship would be a very oblique one that would not result in any harmful loss of privacy. The siting of the garage whilst adding to the bulk of development on site would serve to block views from the ground floor windows.
- 6.16 The distance and relative orientation of the proposed dwelling in respect of Plot 2 is also such that there would be no overshadowing or loss of daylight and as such the

proposal would accord with Policy A54 of the Leominster District Local Plan (Herefordshire).

- 6.17 Access to the proposed dwelling would be via the driveway off Stapleton Hill, which was constructed as part of the approved for the redesign of Plot 1. This will be specifically conditioned and in recognition of the concerns raised by local residents a condition is proposed to ensure that construction traffic uses this driveway so as to avoid unnecessary noise and disturbance.

#### Drainage

- 6.18 The treatment of the foul drainage has arisen as a point of concern and clarification has been sought from the applicant with respect to the capacity of the treatment plant that has been installed. Written confirmation has been received that the plant installed would adequately cater for a further 3 bedroomed property.
- 6.19 Notwithstanding this and having regard to the comments received from the Environment Agency and local residents, a condition is proposed that would require a detailed scheme to be submitted for formal consideration.

#### Conclusion

- 6.20 This proposal remains a very complicated one, which is compounded by the planning history of the site and the historic sensitivity of the surrounding buildings and landscape but having regard to the detailed appraisal set out above it is advised that the principle of 'rounding off' the development of this site is acceptable and that the scale, siting and design of the proposed dwelling will preserve the character and appearance of the area whilst enabling tighter control over the restoration works to be incorporated. The recommendation, on balance, is therefore one of 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 - A06 (Development in accordance with approved plans )  
(drawing no. 1/4/2003 received on 8 September 2003).**

**Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development.**

- 3 - A12 (Implementation of one permission only )  
92/532 dated 16 February 1993.**

**Reason: To prevent over development of the site.**

- 4 - B01 (Samples of external materials )**

**Reason: To ensure that the materials harmonise with the surroundings.**



**5 - C04 (Details of window sections, eaves, verges and barge boards )**

**Reason: To safeguard the character and appearance of this building of [special] architectural or historical interest.**

**6 - C05 (Details of external joinery finishes )**

**Reason: To safeguard the character and appearance of this building of [special] architectural or historical interest.**

**7 - C06 (External finish of flues )**

**Reason: To safeguard the character and appearance of this building of [special] architectural or historical interest.**

**8 - D02 (Archaeological survey and recording) (relating to the conservation and treatment of the remaining mill machinery)**

**Reason: A building of archaeological/historic/architectural significance will be affected by the proposed development. To allow for recording of the building during or prior to development. The brief will inform the scope of the recording action.**

**9 - Prior to the first occupation of the dwelling hereby permitted the works required by Condition 8 including the construction of the mill pit cover shall be completed in accordance with the approved details and thereafter retained unless otherwise agreed in writing by the local planning authority.**

**Reason: To ensure that the archaeological value of the site is preserved.**

**10 - E16 (Removal of permitted development rights ) (schedule 2, Part 1 and Part 2)**

**Reason: To preserve the open character and setting of the proposed dwelling in this historically sensitive landscape.**

**11 F18 (Scheme of foul drainage disposal )**

**Reason: In order to ensure that satisfactory drainage arrangements are provided.**

**12- G01 (Details of boundary treatments)**

**Reason: In the interests of visual amenity and to ensure dwellings have satisfactory privacy.**

**13 - Prior to the first occupation of the dwelling hereby permitted the scheme for the restoration and landscaping of the former mill ponds and stream received on 20 October 2003 shall be fully implemented in accordance with the details submitted unless otherwise agreed in writing by the local planning authority.**

**Reason : To conserve the historic character of this sensitive landscape.**

- 14- No dredging of the mill pond as part of the agreed restoration works shall be carried out until full details of the means of removal from the site or redistribution within the surrounding area have been submitted to and agreed in writing by the local planning authority. The redistribution of the dredged material shall be carried out in accordance with the submitted details.

Reason: To ensure that the character and appearance of the surrounding area is conserved.

- 15- All construction traffic associated with the construction of the dwelling and mill pond restoration hereby approved shall access the site from the Stapleton Hill access to the north of the application site.

Reason: In order to protect the amenities of the occupiers of nearby properties.

- 16- All vehicular traffic associated with the occupation of the dwelling hereby approved and the property known as Stapleton Castle Court shall access the site from the Stapleton Hill access to the north of the application site.

Reason: In order to protect the amenities of the occupiers of nearby properties.

- 17 - H13 (Access, turning area and parking)

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway.

**Notes to applicants :**

- 1- A discharge consent under the Water Resources Act 1991 (as amended by the Environment Act 1995) may be required from the Environment Agency and it is the applicants responsibility to ensure that any existing discharge consent conditions are met. For further information please contact Holly Sisley on 01600 772245.
- 2- With regard to the proposed dredging of the mill pond, the applicant is advised that the exportation of waste may be subject to Waste Management Licensing Regulations. Please contact Holly Sisley at the Environment Agency on 01600 772245 for further advice on this.
- 3- Any waste excavation material or building waste generated in the course of the development must be disposed of satisfactorily and in accordance with Section 34 of the Environment Protection Act 1990.

Decision: .....

Notes: .....

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**Background Papers**

Internal                                      departmental                                      consultation                                      replies.