

**2 DCNW2003/2267/F & DCNW2003/2268/C –
& DEMOLISH EXISTING BUILDING, ERECTION OF NEW 2
3 STOREY DWELLING AT THE BARN, EAST STREET,
PEMBRIDGE, LEOMINSTER, HEREFORDSHIRE**

**For: Mr J.A. Price per Mr D Walters, 27 Elizabeth Road,
Kington, Herefordshire HR5 3DB**

Date Received:
25th July 2003

Ward:
Pembridge
Lyonshall with Titley

Grid Ref:
& 39179, 58234

Expiry Date:
19th September 2003

Local Member: Councillor R Phillips

Introduction

These applications were 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 it is advised that the original reports referred incorrectly to 4 refused application for dwellings with pedestrian/vehicular access. These applications in fact relate to another site in Pembridge and are not therefore considered directly relevant with respect to the consideration of the current proposal.

1. Site Description and Proposal

- 1.1 The application site comprises a roughly rectangular 0.3 hectare plot set back behind 4 listed properties known as The Old Post Office, Old Post Office Cottage, Nurses Cottage and Rowena Cottage which front directly onto East Street (A44). It is accessed via a narrow unmade track between Old Post Office Cottage and Nurses Cottage.
- 1.2 It is characterised by an existing timber clad and brick built barn under a corrugated roof which has a floor area of approximately 67 square metres and a maximum height to the ridge of some 4.8 metres. In addition there is an area of hardstanding in the south west corner of the site adjacent to the rear garden of The Old Post Office and Old Post Office Cottage. Otherwise the site is undeveloped with mature planted boundaries to the east and north and a closeboarded fence to the west. The northern boundary is shared with the recreation ground and the western boundary with the public car park.
- 1.3 The site is located within the settlement boundary of Pembridge and is wholly within the Conservation Area. It is also within an Area of Important Open Space.

- 1.4 Planning Permission and Conservation Area Consent are sought for the demolition of the existing barn and the construction of a 2 bedroom dwelling. The two storey proposal would be designed to reflect the appearance of the existing barn and would be weatherboarded on a stone plinth with a slate roof. The floor area of the proposed dwelling would be some 71 square metres with a maximum height to the ridge of 6.5 metres. It incorporates a catslide element accommodating the ground floor kitchen, utility and bathroom and it would be positioned some 2 metres from the boundary with Nurses Cottage and Rowena Cottage.
- 1.5 Access would be derived from the existing driveway which would serve a dedicated 6 space parking area intended to be shared with the residents of The Old Post Office and Old Post Office Cottage.

2. Policies

Hereford & Worcester County Structure Plan

- Policy CTC 9 Development Requirements
- Policy CTC 15 Conservation Areas
- Policy CTC 18 Development in Urban Areas

Leominster District Local Plan (Herefordshire)

- Policy A1 Managing the Districts Assets & Resources
- Policy A2 (c) Settlement Hierarchy
- Policy A10 Trees and Woodlands
- Policy A18 Listed Buildings and their Setting
- Policy A19 Other Buildings Worthy of Retention
- Policy A21 Development within Conservation Areas
- Policy A22 Ancient Monuments and Archaeological Sites
- Policy A24 Scale and Character of Development
- Policy A25 Protection of Open Areas or Green Spaces
- 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 DR4 Environment
- Policy H4 Main Villages : Settlement Boundaries
- Policy H13 Sustainable Residential Design
- Policy H14 Re-Using Previously Developed Land and Buildings
- Policy LA3 Setting of Settlements
- Policy LA5 Protection of Trees, Woodlands and Hedgerows
- Policy HBA 4 Setting of Listed Buildings
- Policy HBA 6 New Development Within Conservation Areas
- Policy HBA 7 Demolition of Unlisted Buildings within Conservation Areas
- Policy ARCH 1 Archaeological Assessments and Field Evaluations
- Policy ARCH 5 Sites of Regional or Local Importance
- Policy ARCH 6 Recording of Archaeological Remains

3. Planning History

19448 - Formation of an alternative access - (1-7 East Street) - Approved 14 June 1965.

N98/0370/N - Change of use from Old Post Office House to business use - Approved 5 January 1999.

NW01/1359/F - Change of use of business premises to residential use - Approved 3 August 2001.

NW03/0281/F - Demolish existing building and erection of 2 storey dwelling - Withdrawn 11 March 2003.

NW03/0282/C - Demolish existing building and erection of 2 storey dwelling - Withdrawn 11 March 2003.

4. Consultation Summary

Statutory Consultations

- 4.1 Welsh Water - raise no objections subject to conditions relating to the discharge of foul and surface water from the site.

Internal Consultation Advice

- 4.2 Head of Engineering and Transportation raises no objection subject to the provision of satisfactory parking and turning space.
- 4.3 Chief Conservation Officer raises no objection to the proposed demolition of the existing barn and its replacement with a dwelling in terms of its impact on the character and appearance of the Conservation Area subject to conditions controlling the use of external materials. A condition requiring an archaeological evaluation is also requested having regard to the potential for significant below ground archaeological deposits at this site within the medieval core of Pembridge.
- 4.4 Responses by internal consultees that raise material planning issues are summarised and considered in the Officers Appraisal.

5. Representations

- 5.1 The applicant has submitted an accompanying statement which can be summarised as follows :

- barn and hedged driveway has existed on site for in excess of 150 years
- the existing driveway used on a daily basis by The Old Post Office and Old Post Office Cottage and barn tenants. Parking for eight vehicles exists at the rear of these properties
- barn historically used as a wireless workshop
- arched access used by cars (with trailers), 4 wheel drive vehicles and vans
- pavement plus mirror ensures good visibility in both directions
- design of new dwelling reflects advice provided by Council Officers
- majority of vehicular accesses in Pembridge are not good

- 5.2 Pembridge Parish Council - see attached appendix.

- 5.3 A total of 6 letters of objection have been received from the following persons:

- C Tetley, 5 Bradda View, Balla Killowey, Colby, Isle of Man
- Mr & Mrs Palmer, Nurses Cottage, East Street, Pembridge
- Stella James, Firethorns, 3 East Street, Pembridge

- Mr & Mrs Lewis, Pilgrims Cottage, 4 East Street, Pembridge
- Mr & Mrs Malone, Owners of Rowena Cottage, 2 East Street, Pembridge
- Mrs Whiting, The Old Forge, East Street, Pembridge

5.4 The concerns raised can be summarised as follows :

- access to the site is totally inadequate and dangerous to other road users
- pressure for access via Rosemary Cottage
- poor visibility
- access not suitable for emerging vehicles
- condition attached to a 1965 planning permission required pursuant closure of the existing driveway
- loss of privacy
- proposed building larger than the existing barn and too close to the boundary with adjacent property
- development will affect this area which is designated as an Important Open Area/Green Space
- structural damage likely to occur to our property as a result of cars passing close by
- dangerous precedent for more inappropriate development in the village
- detrimental impact of modern development on existing historic properties
- existing barn should be retained and renovated
- foul drainage in the village at capacity
- unacceptable backland development

5.5 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 redeveloping the site for residential purposes and its impact upon the character and appearance of the Pembridge Conservation Area/Area of Important Open Space.
- b) the acceptability of the existing access to the site.
- c) the impact upon the amenities of neighbouring residents and
- d) drainage

Principle/Impact on the Conservation Area and an Important Open Area

6.2 Policy A2 (c) of the Leominster District Local Plan (Herefordshire) establishes that small scale development will be permitted within the defined settlement boundary of Pembridge. In this instance the settlement boundary is defined by the northern edge of the application site and accordingly it is considered that the principle of a modest size dwelling is generally acceptable.

6.3 In addition to the above the site also lies within the Conservation Area and more specifically an Important Open Area, which seeks to preserve the openness of the land to the rear of the gardens of the properties which front onto East Street. In this case the presence of the existing barn is a material planning consideration and the

approach adopted by the applicant is to utilise the existing footprint of the barn. It is acknowledged that the proposed dwelling is very slightly larger in floor area (71 m² compared to the existing 68 m²) but the proposed dwelling in its own right would not cause any significant harm to the openness of the site. A condition removing permitted development rights to extend and construct outbuildings is proposed in recognition of the restrictive designation and this in conjunction with the modest size of the dwelling proposed would be sufficient to satisfy the requirements of Policy A25.

- 6.4 It is not considered that the existing barn is of any particular architectural significance and as such its demolition is not objected to in principle. The proposed dwelling has been designed to reflect its scale and simple agricultural character incorporating weatherboarding on a stone plinth and natural slate on the roof. Accordingly it is considered that the proposed demolition and redevelopment proposal would accord with the requirements of Policies A19, A21 and A24 of the Leominster District Local Plan (Herefordshire).
- 6.5 The application site lies beyond the clearly defined fenced and walled curtilage of the listed properties fronting onto East Street to the immediate south and it is maintained that the proposed dwelling would not be of a scale or design that would visually dominate them. Whilst the concerns raised regarding integrating modern development within this historic environment are acknowledged it is not considered that this proposal would adversely affect the setting of the adjacent listed buildings and would therefore accord with Policy A18 of the Local Plan.

Access

- 6.6 It is clear from the concerns raised by the Parish Council and local residents/property owners that the existing access arrangements are considered unacceptable and a threat to highway safety. The poor standard of the access is recognised but again, there are material considerations which must be given due weight in reaching a recommendation on this proposal.
- 6.7 In this case the Head of Engineering and Transportation has raised no objection on the basis that the existing access already appears to have a lawful use in connection with the parking of vehicles associated with The Old Post Office and Old Post Office Cottage. It follows therefore that whilst the visibility at the junction with the A44 and the difficulties referred to in negotiating the turn into and out of the site from the public highway are below standard, this is an existing arrangement over which the Local Planning Authority has no specific control. The recommendation here is based upon the view that additional traffic movements associated with a small two bedroom dwelling would not lead to such an intensification in use that a refusal on highway safety grounds would be justified.
- 6.8 Reference has been made to an on-going breach of Condition 3 of Application Reference 19448 granted in 1965 and relating to the formation of a new alternative access to serve 1-7 East Street. The condition required the permanent closure of the driveway upon the first change of tenancy of No. 1 East Street according to information supplied which ended in approximately 1981.
- 6.9 Accordingly and most importantly in your officers view, it is clear that the access was not permanently closed by means of any physical works and as such it could with relative ease be demonstrated that there has been a breach of Condition 3 of

Application Reference 19448 spanning a period in excess of 10 years making it immune from enforcement action.

- 6.10 Furthermore the application only related to No.'s 1-7 East Street and not the Old Post Office and Old Post Office Cottage which retain a right of way, making the successful enforcement of the access closure very unlikely.
- 6.11 Otherwise the driveway and proposed parking area are sufficient to satisfy the requirements of an additional dwelling.

Neighbouring Amenities

- 6.12 The scale and orientation of the proposed dwelling have been discussed at some length and as proposed it is not considered that it would have an unacceptable impact on the occupiers of the adjacent property.
- 6.13 The ground floor, kitchen and utility would be accommodated within a single storey lean to section which at its closest would be 2 metres away from the common boundary with Nurses Cottage. The maximum height of the dwelling would be 6.5 metres (some 1.7 metres higher than the existing barn) but the ridge would be approximately 5.8 metres further away from the boundary than the existing barn.
- 6.14 With the exception of ground floor windows, the only opening facing the existing dwellings in the locality would be a rooflight over the stairway.
- 6.15 Further to this it is not considered that the additional comings and goings of vehicles/pedestrians associated with the proposed dwelling would adversely affect the amenities of local residents.
- 6.16 In view of the above it is maintained that the new dwelling would not result in any unacceptable noise and disturbance, loss of privacy, daylight or sunlight and would therefore accord with Policy A54 of the Leominster District Local Plan (Herefordshire).

Drainage

- 6.17 The original submission was objected to be Welsh Water on the basis that it would overload the existing public sewerage system. Following these concerns the applicant has provided further detailed information which has enabled the withdrawal of the objection. The key requirement will be the disconnection of the existing surface water connection to the public sewerage system from the Old Post Office and the provision of private soakaways. Since the applicant owns the property a condition to this effect can be attached together with others that have been requested by Welsh Water.
- 6.18 Subject to the above concerns regarding drainage have been satisfactorily overcome.

RECOMMENDATION

DCNW2003/2267/F

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) (Site plan elevations and floor plans received on 25 July 2003)**

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

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

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

- 4 - 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.

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

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

- 6 - D01 (Site investigation - archaeology)**

Reason: To ensure the archaeological interest of the site is recorded.

- 7 - E16 (Removal of permitted development rights)**

Reason: To safeguard the open character of the site in recognition of its designation as an Area of Important Open Space.

- 8 - E 17 (No windows in side elevation of extension)(South)**

Reason: In order to protect the residential amenity of adjacent properties.

- 9 - Prior to the first occupation of the dwelling hereby approved the existing surface water connection from The Old Post Office to the public sewerage system shall be removed and an alternative private soakaway system shall be installed in accordance with the details to be approved in writing by the local planning authority and thereafter retained.**

Reason: To prevent hydraulic overload of the public sewerage system and the pollution of the environment when the foul connection from the approved dwelling is made.

- 10 - Foul water and surface water discharges shall be drained separately from the site and no surface water or land drainage run-off (either directly or indirectly) shall be allowed to connect to the public sewerage system.**

Reason: To prevent hydraulic overload of the public sewerage system and the pollution of the environment when the foul connection from the approved dwelling is made.

11 - G09 (Retention of trees/hedgerows)

Reason: To safeguard the amenity of the area.

12 - 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.

Note to applicant :

1 - ND03 - Contact Address

DCNW2003/2268/C

That Conservation Area Consent 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 - C14 (Signing of contract before demolition)

Reason: Pursuant to the provisions of Section 17(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.