

9 DCNW0009/1826/F & DCNW0009/1825/L - PROPOSED ALTERATIONS AND EXTENSIONS TO ORLETON MANOR. PROVISION OF NEW GARDEN BUILDINGS ADJACENT TO NW GARDEN WALL, BOUNDARY ALTERATIONS AND CONSTRUCTION OF BELOW GROUND GARAGE AND STORAGE ACCOMMODATION, ACCESS AND ACCESS ROAD AT ORLETON MANOR, OVERTON LANE, ORLETON, NR LUDLOW.

For: EUSTON PARK DEVELOPMENTS LTD C/O HARRIS LAMB LTD, GROSVENOR HOUSE, 75-76 FRANCIS ROAD, EDGBASTON, BIRMINGHAM, B16 8SP

**Date Received: 24 August 2009 Ward: Bircher Grid Ref: 349084,266912
Expiry Date: 19 October 2009**

Local Member: Councillor WLS Bowen

A Committee site visit took place on 3 November 2009 at 9.30am.

1. Site Description and Proposal

- 1.1 The site comprises a Grade II* Listed dwelling located to the south of the village of Orleton and accessed via Overton Lane. The dwelling is a timber framed house set in an elevated position within mature grounds, overlooking the agricultural land to the south, which forms part of the application site.
- 1.2 The dwelling is sited within the Conservation Area and Settlement Boundary of the village of Orleton.
- 1.3 The proposal has several elements proposed as follows:
- Underground garage and storage building*
- 1.4 It is proposed that an underground structure be constructed by open excavation on land to the west of the dwelling and within the existing garden. The structure would be 24m by 24m and have an approximate depth of 4m (5m below Overton Lane). The structure would be comprised of reinforced concrete walls supporting a roof slab and overlaid by 780 mm of a substrate soil. The structure would be vented with above ground ducts within the garden and lit by means of circular sky lights set into the designed garden and lawn level.
- 1.5 The underground garage block will comprise of:
- 5 car parking spaces
 - 2 store areas
 - 1 bin store and stairwell to garden building
 - Lobby, stairwell and lift to side extension

Further information on the subject of this report is available from Ms K Gibbons on 01432 261781

- Turning space

- 1.6 The underground garage will be accessed via a single garage door, set into the bank facing south east. The access would be 3.6m below ground level and would form a door that would be 4.4m by 2.4m and would be set into a stone faced wall, with banks to either side graded up to the ground level above. A glass balustrade is proposed as a boundary above the access point.
- 1.6 A landscaping plan has been submitted detailing the trees to be retained and removed.

Garden Building

- 1.7 The proposed building would be sited along the north-western perimeter boundary of the site adjoining the existing stone wall (that is 2.4m high at this point) and would involve the removal of the existing smaller shed and greenhouse. The building would provide a home office, small studio accommodation for occasional use (overspill accommodation) a pool and small sauna area.
- 1.8 The building is single storey, and would be set down 1m from existing ground level (1m below the ground level on Overton Lane). The building would be 3.4m high (its highest point sitting just below the height of the wall) with circular rooflights and a lead covered shallow pitch roof. The building would be 21m wide with a depth projecting from the wall by 6.7m. The front of the building would be predominantly glazed, the side elevations using brickwork to match the existing wall.

Access and Driveway (including extension of agricultural track)

- 1.9 The proposal includes the alteration of the existing agricultural access track to create a vehicular access from Overton Lane. The application was submitted with plans (05489-D1 Rev H) showing visibility splays of 25m that would involve removing 14.2m of hedge in each direction and regarding the bank. After querying the possibility of enlarging the visibility splays to improve visibility and highway safety an amended plan was submitted (O5489/D1 rev J) achieving visibility splays of 33m in each direction and requiring approximately 17.5m of hedge to be removed and replanted to the west and 22m to the east. This would be replanted 0.5m behind the splay allowing for growth. The bank would be re-graded.
- 1.10 The driveway would sweep around to the entrance to the garage (as per drawing number 05489-D19 Rev C) and would be 4.5m wide, with a conservation kerb. The external surface would be Hereford Gravel Chippings laid on a hot bitumen emulsion.
- 1.11 The application also includes the extension of an existing agricultural track, approved under an Agricultural Notification, for use to maintain and service the planted orchards. This track extension would join the driveway and track. The extension would be surfaced to match the existing agricultural track in a granular material and would be 3m in width. It is required to allow the applicant access direct to the land from his domestic garage.

Alteration to boundary walls

- 1.12 The proposal includes an increase in height to the boundary wall that fronts Overton Lane. Clarification has been sought on this matter and the proposal has been confirmed as being as per drawing number 840/01/504 (2). This shows the height of the wall to the east of the gate to be 1.5m in height. As the road level drops the height will rise to 1.7m at the far end and will then return along the boundary with the existing private drive/access to Manor Barn meeting

with the existing Ha Ha. The height would average at 1.5m and be measured from the ground level on the Overton Lane side of the wall.

Extension to Dwelling

- 1.13 The proposal is for a single storey extension to the south west elevation of the dwelling replacing an existing lean-to game store and smaller lean-to store. An extension was approved as part of the appeal and this is a revised submission. The extension will be of timber frame construction, with a slightly altered roof pitch and hipped design. The extension would project 4.2m from the side of the dwelling and would have a length of 12.3m
- 1.14 The extension would provide an entrance hall, lobby, storage, lift shaft and garden sitting room.

Landscaping details and plans

- 1.15 The application includes substantial landscaping details, detailing how the areas are compartmentalised and how this would work to integrate the various elements of the scheme. These plans also detail a small summer house and provision of oil storage tanks within a timber enclosure as well as the areas of hard surfacing.

2. Policies

Herefordshire Unitary Development Plan

3.	Planni ng Histor y	9	S1	-	Sustainable Development
			S2	-	Development Requirements
			S7	-	Natural and Historic Heritage
			DR1	-	Design
			DR3	-	Movement
			DR4	-	Environment
			DR11	-	Soil Quality
			H18	-	Alterations and extensions
			LA2	-	Landscape Character and areas least resilient to change
			LA5	-	Protection of trees, woodland and hedgerows
			LA6	-	Landscaping Schemes
			HBA1	-	Alterations and extensions to Listed Buildings
			HBA4	-	Setting of Listed Buildings
			HBA6	-	New development within Conservation Areas
			ARCH1	-	Archaeological assessments and field evaluations
			HBA9	-	Protection of Open Spaces
			W11	-	Development Waste Implications

Insertion of door into breeze block wall, to provide access to/from all bedrooms to both staircases – Approved with Conditions 2nd October 1994

94/0348/L Replace one upstairs window – Approved with Conditions - 15th November 1994

NW2001/1810/L replacement guttering and downpipes – Approved with Conditions – 14th September 2001

NW2008/0034/F Restoration of pond, provision of fishing lake and associated access, driveway, footpaths, 2 boat houses, 2 fishing lodges and fishing decks – Withdrawn 24th January 2008.

Further information on the subject of this report is available from Ms K Gibbons on 01432 261781

DCNW2008/1336/S	Proposed agricultural access track – Planning Permission is required – 5 th June 2008
DCNW2008/1621/S	New access track for orchard - Prior Approval Not required – 8 th July
DCNW2008/0105/F	Proposed garages, estate offices, stores and visitors lodge. Greenhouse and spa building – Appeal Dismissed
DCNW2007/3948/F	Proposed alterations, repairs and extension to existing Manor House – Split Decision on Appeal
DCNW2007/3949/L	Proposed alterations, repairs and extension to existing Manor House – Split Decision on Appeal

These applications were the subject of an appeal, held by public inquiry over 6 days in October 2008. The appeal decisions are appended to this report.

4. Consultation Summary

Statutory Consultations

4.1 English Heritage makes the following comments:

“The scheme now presented has been the subject of extensive negotiations with the applicants. Your authority has invested considerable efforts in negotiating the scheme to the current state.

In broad terms the scheme is acceptable, with the concealment of much of the new facilities underground. There will be a new garden building adjacent to the boundary wall of the site, the design of which has been scaled down from earlier proposals, and is a much simpler more elegant design than originally proposed.

The extension to the house has been improved by simplification and is now an acceptable alteration to the grade II listed house.*

The main impact of the underground works will, of course, be archaeological, and I am sure that you will be taking appropriate advice on this matter from your colleagues and imposing the relevant conditions

Recommendation

Overall, subject to any final minor revisions negotiated by your authority, the scheme should now be approved.”

Internal Consultees

4.2 The Conservation Manager makes the following comments:

Historic Buildings Conservation Officer

4.3 *“These new proposals are a great advance on those rejected by the Inspector in the Inquiry into previous applications.*

The proposed extension now takes a more coherent and practical roof form and the articulation of the walls is simpler and more visually pleasing.

The new garden building is tucked against the high garden wall. The elevation is reminiscent of an orangery. We pressed for a building of somewhat smaller scale, but do not consider this submission to be so inappropriate as to warrant a recommendation of refusal.

The proposed underground car park is unusual, but it is difficult to see how it can be rejected in principle given the lack of important archaeology and the plain fact that it has no visual impact beyond that of the entrance and protective balustrade. These last two are rather hard elements and the balustrade is incongruous. A condition requiring approval of the details of these elements is required.

We have reservations about the raising of the lower section of the boundary wall, particularly in the light of the old illustrations in the landscape study. Clearly the frontage has had an open aspect for at least a century which is an important feature of the character and appearance of the conservation area.

On balance, our previous objections, which were upheld at the Inquiry have led to a far more coherent, sympathetic and well-integrated scheme with much greater visual quality all round. Attention to the details noted above would make fully appropriate scheme.

Approval recommended subject to amendments to respond to the points above and to standard conditions as to materials and details”.

Comments on additional information:

“Thank you for the revised plans. I have nothing to add to my comments but conditions are required:

- 1 Method statement and details for the protection, repair and retention of the garden wall during construction of the basement.*
- 2 Sample panels of new masonry and brickwork for areas of rebuilding or raising the wall.*
- 3 Conditions as to materials and working details for all aspects of the approval”.*

Landscape Officer

- 4.4 *“The proposed scheme of landscaping submitted with this application is exemplary and provides the manor house with a new and suitable setting. This, in part, off-sets the impact of the proposed new structure in the garden, which by necessity, is a bland addition to the setting of the principal building. The proposed landscaping scheme goes some considerable way toward reinstating the significance of this building in the local context. I would recommend the application of standard conditions requiring the implementation of the landscaping scheme within the first planting season after substantial completion.*

With regards to the excavation for the proposed garage it will be necessary to obtain specific details of quantities of excavated material and how it is to be stored and managed. The retention and re-use of all topsoil within the development site should be secured.

With regard to the protection of trees on the site it will be necessary to attach a condition to any permission given requiring the submission and approval of details describing the exact position and type of protective fencing to be used. Further, I would require a condition

preventing any plant machinery or materials to be placed on site before we have confirmed in writing that all tree protection measures have been erected to our satisfaction.

Lastly, I would seek clarification as to the exact proposed height of the north wall to the front 'compartment' of the garden."

Additional comments following receipt of waste management plan:

"I would reiterate the point that we do need sections or some indication of how the landform will look/be changed as even a 300mm change in level can significantly alter the character of the landscape.

With regards to tree protection, the information that we have indicates the general proposed tree protection zones and suggests types of protective fencing, but we need to know the precise location of the fencing and how it is to be erected; it comes in straight lengths, not curves. We will also need to be satisfied that the fencing is in place before any plant, materials or equipment are delivered on site. Both issues can be covered by condition, but we need to be certain that the standard conditions are fit for purpose; G02, G03 (needs appropriate amendment) & G04, a condition requiring our acceptance of the provisions installed, G10 & G11 (I would also consider the use of G15 & G16)."

Ecologist

- 4.5 *"We had a long and difficult public inquiry at the site last autumn in which we successfully argued for great crested newt and bat surveys to be undertaken - initial bat surveys had been done, but further information was required.*

We now have the survey reports identifying the presence of great crested newts in water bodies on and adjacent to the site.

The current applications include a major amount of earth works to construct a new garage under the garden to the west of Orleton Manor as well as construction of a new access that involves some hedgerow removal. The inspector agreed to this in principle at the appeal so it would be difficult to oppose, but we are concerned that there is insufficient mitigation for the GCNs..

Additional comments following submission of additional details:

"I am satisfied with the amended plans identifying that my concerns regarding the loss of connectivity between hedgerows due to the proposed new access has been addressed through the inclusion of a great crested newt tunnel under the proposed driveway.

I still have concerns regarding the movement of soil from the underground garage development to the proposed orchard site. It needs to be demonstrated that any potential terrestrial habitat for great crested newts will not be negatively impacted upon i.e. a scheme will need to be proposed to ensure that the soil is not put right up to the base of the adjacent hedgerows. Measures to protect the ditch that runs between the proposed orchard site and the existing orchard will also need to be clarified.

The letter also identifies that the methodology of works to the hedgerow is still to be finalised and proposes 2 options. Measures will need to be identified to ensure no great crested newts are present in or around the hedgerow prior to the hedge being moved."

Archaeologist

- 4.6 *“Just to confirm that no further information is required, and that I have no objections to the most recent proposals.*

However, particularly given the significant amount of earth-moving proposed, it will be important to ensure the attachment of suitable archaeological conditions to any permission granted. I would suggest either our standard E01, or the style of condition favoured by the Planning Inspectorate, as appropriate”

Principal Minerals and Waste Officer has made the following comments:

- 4.7 *“I have not found any reference to waste in the submission. However, the underground car parking would generate considerable quantities of excavated soil and stone. Under recent Defra regulations a project of this scale would require a Site Waste Management Plan. UDP policy S10 supports this, under the terms of PPS10.*

Policy W11 requires a Waste Audit; as this has not been submitted the proposal does not comply. There needs to be an accurate calculation of the volume (in cubic metres) of excavated material. It will not be acceptable for this material to be taken off-site, and measures are needed for accommodating it within the landholding. I should also point out that if this involved significant alterations to existing landforms (raising or infilling by, say more than 0.5m) then that would need planning permission as an engineering operation in its own right. Wherever the excavated material goes, this principle would apply. I could not support any proposal to simply dispose of this material to landfill.”

Drainage

The application does not seem to include any drainage appraisal for the underground car parking. There needs to be a hydrological assessment of existing groundwater, and any possible adverse effects that the development might have. I would recommend that Land Drainage advice is sought, and/or consult the Environment Agency.”

Additional comments following the submission of the waste management plan:

I note the additional areas indicated for spreading excavated material, and the re-use of material for topping off the proposed works. This makes more sense in terms of the amount of spoil. However I don't see any reference to the receiving areas in terms of existing topography and ecology. It is possible that this amendment may be more acceptable, but still does not include enough information.

I anticipate that my colleagues in Conservation will comment on ecological issues. On the principle of soil spreading we would need (as a minimum) a plan showing existing and proposed levels or contours for all the receiving areas. The notation still refers to an average fill of 295 mm - these amounts might be more acceptable than the previous version, but the calculation does not appear to take account of the need to feather out and vary depths. If this has been taken into account, the calculations need to be stated.

The need for sections will remain unless the proposed modeling and/or landform can be otherwise demonstrated. As mentioned previously, for this type of project there is no threshold for soil spreading below which planning permission would not be needed. The quantities indicated are still substantial, and the combined area for spreading would be more than a hectare. The proposal needs to present an evidence base that demonstrates that there would be no adverse environmental effect, and an acceptable final landform. If these points, and these minimal soil depths, can be satisfactorily demonstrated, there would be less likelihood that the receiving areas would have to be included in a planning application.

Therefore, in order to demonstrate that the proposal can be achieved and the form of the works I would require that plans detailing the existing and proposed topography be submitted for further consideration. If this is satisfactory then I would be able to recommend planning conditions:

- To prohibit the removal of any excavated material from the landholding [UDP policies S1, S2, S9, DR1, DR11];
- To require all soil movements to take place in accordance with a Method Statement to be submitted and approved, which should conform to Defra Soil Handling guidelines and undertaken at the correct time of year (not between November and February or during wet weather) [to protect soil structure and quality, in accordance with UDP policy DR11]

The Transportation Manager makes the following comments:

- 4.8 “28/10/09. Received amended plans and letter dated 22/10/09. I now consider the proposal acceptable if constructed in accordance with the amended plans. Conditions and informatives recommended as detailed below. This comment supersedes those below.

I would prefer if the applicant lengthens the “y” distance to 33 metres from the 25m stated on the plans, at the sub-standard access onto Orleton Lane. Reason is that 25m is too short for vehicles travelling at 25 mph, which I estimate is the appropriate speed for the lane. If the applicant submits evidence the 85th percentile speeds are below 20mph, then 25m is acceptable.

I acknowledge that the Inspector considered 25m to be adequate. I also would want to see a Condition that limited use to personal activities. The width of Overton Lane is such that any commercial or business activities and the traffic they would generate would compromise highway safety on the lane.

Otherwise, conditioned as below if you are minded to approve this element of the scheme.

1/10/09. **More information received.**

- 1) I have some concerns about the extension upwards of a wall adjacent to the access to Manor Barn’s driveway. The higher wall will partly interfere with the visibility splay for Manor Barn, and is detrimental to highway safety.
- 2) The internal road shown running to the south-east from the new driveway from Overton Lane is not justified anywhere in the accompanying documentation. I expect colleagues in landscape will want justification for such an intrusive feature. The radius where it joins the driveway appears too tight to accommodate farm machinery, and in any case, agricultural traffic could use the Tunnel Lane access, which would be safer than the Overton Lane access.”

5. Representations

- 5.1 Orleton Parish Council makes the following comments:

“Overall the Parish Council supports this part of the application with the following provisions:-

- The materials to be used are part of the conditions
- The specific paving referred to in the Planning Inspector’s report be retained

- *The relevant EPS licence from Natural England referred to in the Bat Survey be obtained prior to any work being carried out*
- *HC take measures to ensure that conditions are adhered to*

Provision of new garden buildings adjacent to NW garden wall

Although a large building the Parish Council has no valid reason for objection. The Parish Council suggests that the construction materials used include hard wood and be in keeping with the Grade II listed Manor to lessen the visual impact on it. It should also be a condition that the living accommodation is only for occasional use.*

Boundary alterations

The Parish Council objects to the proposed raising of the boundary wall but does support the continuation of the wall at the existing height of the original wall.

Construction of below ground garage and storage accommodation

The construction of the garage building underground does answer the need for the building not to be visible. The hard landscaping at the garage entrance needs to be softened. Due to the size of the building there is a vast amount of earth to be moved which the Parish Council believes is to be managed on site. It is, therefore, suggested that conditions to working times and no weekends be imposed for the consideration of neighbouring residents. The glass balustrade is not in keeping and the Parish Council would prefer to see stone, wood or iron railings in its place.

Access and access road

The Parish Council objects to the proposed access off Overton Lane. This is a traditional, narrow, high banked lane with poor visibility. (Appeal C decision). Access to the property would be better served using the existing vehicle access on the north eastern side of the Manor. There is also an agricultural access to the property from Tunnel Lane.

Trees

Would Herefordshire Council consider Tree Preservation Orders on the two Lime trees at the pedestrian entrance to the Manor?"

Further to amended plans the Parish Council have made the following comments:

All the documentation and plans are stamped NW09/1285/L & NW09/1286/F.

The Parish Council still objects to the proposed entrance off Overton Lane. Also one more tree will be removed.

The new tunnel is not shown on the plan.

The Parish Council still objects to the boundary wall alterations at a height of 1.7 metres as this would restrict the view of the Manor House.

The Parish Council is pleased to note that consideration to a more traditional railing design could be given to the glass balustrade.

- 5.2 11 letters of objection have been received
4 Letters raising concern or observations have been received

These letters raise the following points:

Proposed Outbuilding

Detrimental to the character of the Grade II* Listed Building
Object to the architecture (architectural abomination) of the building as it would not enhance the Listed dwelling

That the use of the accommodation is restricted by a unilateral undertaking

Raising of Boundary Wall

The dwelling is of architectural and historic importance and can be seen and would be hidden away;

How would this impact on visibility / highway safety to users of Manor Barn (and access to / from)

It would be difficult to match the wall (materials)

Access onto Overton Lane

Within the Conservation Area and is a narrow sunken lane (ancient hollow lane) and is part of our heritage

The proposal is out of keeping and would damage the character and history of the lane
Highway Safety - Will be a substantial danger to pedestrians and vehicles using the lane.
There are no footpaths and the land has a number of narrow bends.

The lane is widely used by village residents as a recreational route

No valid reason or justification for this access when there are two other alternatives

The access will join up with the existing agricultural track and is a hard surface network

Can weight limits be imposed to ensure heavy traffic does not use this lane

Construction of Underground garage and stores

It would have a footprint that seems bigger than the dwelling – above and beyond what is required for a family house. The scale is not ancillary to the dwelling and far outweighs the needs of a domestic property and seems more suited to that of a small prestigious hotel

Fearful that this would undermine the structure of the house

Possible noise nuisance from any ventilation systems to garage

The balustrade looks dreadful and is totally out of keeping with the surroundings

General comments

Possibility of months of more noise and disturbance to nearby residents. Restrictions should be imposed to prevent weekend / out of hours working.

Impact of the development on the protected species that have been identified

The environmental impact of the development on ecology and landscape.

Assurance is sought that the Council will carefully monitor the works in relation to ecological damage / works

Concern about the rooflights and harm to bats?

Appeal C was dismissed and therefore the inspectors comments cannot be taken into account.

Letter detailing each policy and highlighting the requirements to protect the Conservation Area and ecological interests

Request that the two lime trees are the subject of a TPO to avoid the loss of anymore trees in the area.

Concerns regarding the disposal of waste soil?

5.3 CPRE (campaign to Protect Rural England) makes the following comments:

1. Altered access and new access road from Overton Lane.

Although there is already an access gate onto the property at the designated point, at present it consists of a metal farm gate onto grassland.

Overton Lane is an old single track sunken lane, a characteristically historic narrow thoroughfare used only by pedestrians and sparse local traffic. A new access accompanying an application for garaging space for 8 vehicles is clearly intended for use by traffic to and

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from the Manor. The consequential increase in traffic in the lane will be unacceptable to local residents, raise pollution levels and create a hazard for pedestrians.

There are already at least three other access points onto the property, all onto hard surfaced roads; a further addition must be surplus to requirements, and if allowed, will result in yet more degradation of the landscape that has occurred recently on this property. HBA6 provides grounds for refusing this part of the application.

2. Boundary wall alterations.

The wall is old, as evidenced by the type of brick construction. There is no evidence that the wall has been changed in height, if at all, during many decades. It forms part of the curtilage of a listed building that lies within the designated Conservation Area of the village. No acceptable argument is offered by the applicant that the visual impact of the site should be so altered.

3. Underground garage.

We understand that permission in principle was allowed on appeal.

The construction will require the removal of a large quantity of earth; no indication is given as to its dispersal. Since some previous quantities generated by landscape changes on the property have been dumped near the old canal, the final destination of any new waste material should be specified as a condition of approval.

4. Additional comment.

CPRE is extremely perturbed at the extent to which the land to the south of the Manor has been changed in character and appearance by the present owner. There has been a large-scale reconfiguration, by moving many tons of soil, felling a great many trees and installing at least three hard core metalled roads across the land. The Manor and its curtilage is a listed property, lying in a designated Conservation Area.

The research undertaken indicates that the land has hitherto always been used for grazing, orchards, arable land and some pools. A few years ago it was a species rich area with a wide variety of natural habitats. It has been fundamentally changed, degraded, by the present owner, appearing now as barren close-mown grassland with the inevitable deleterious impact on its previous level of biodiversity. There is no evidence of any significant agricultural activity.

CPRE strongly objects to what has happened. It is obvious that HBA6 has been repeatedly breached. Far from preserving and enhancing the character and appearance of an old landscape the opposite has occurred.

We question whether or not any or all of the work has had Planning consent.

5.4 4 Letters of Support have also been received that make the following points:

The have already been vast improvements o the land surrounding the manor with the Planting of Trees and re-instating the lake. The proposed development will have little impact on the surrounding area and it will be wonderful to see a beautiful house which has been seriously neglected in the past restored to its former glory.

5.5 On the 23rd October additional information was sent out for re-consultation as detailed in section 1 of this report. Updates will be given at committee if additional representations are received. The consultation period expires on the 6th November 2009.

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

6. Officer's Appraisal

6.1 The applications, as detailed above can be considered having regard to the following issues:

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- 1 History and principle of development
 - 2 Impact on the setting of the Grade II* Listed Building
 - 3 Impact on the character and appearance of the Conservation Area
 - 4 Design and relationship with the dwelling
 - 5 Highway Safety
 - 6 Landscape impact and proposals
 - 7 Ecological impact, mitigation and enhancement
 - 8 Waste Management
- 6.2 The application site has been the subject of an extensive Public Inquiry into the non-determination of the applications as detailed in section 3 of the report. The appeal decisions are annexed to this report and have significant weight in the consideration of this application. The proposal has sought to address the concerns and objections raised by the inspector.
- 6.3 The proposal to extend the building has been carefully considered having regard to the previously approved scheme. The principle of removing the existing lean to extensions has previously been accepted (see paragraphs 20-21 of the attached appeal). The scale of the extension is very similar and the revised design is considered to be an improvement on the approved scheme. Subject to the agreement of details, this element of the proposal is considered to be acceptable when having regard to the requirements of policies HBA1 and HBA4 of the Herefordshire Unitary Development Plan.
- 6.4 The application has sought to minimise the impact on the setting of the listed building and on the Conservation Area by siting the large garage structure below ground, therefore allowing the retention of the important historic garden space and preserving the setting of this important building. It is acknowledged that the building is still significant in scale in relation to the size of the dwelling, but it is an innovative way of providing the garaging and domestic outbuilding accommodation desired by the applicant with minimal impact on the setting of this important building.
- 6.5 The planning Inspector clearly identifies that the relationship of the House to the countryside, as well as to the village, is an important aspect of its setting. There are clear views of Orleton Manor from the land and Public right of way to the South West. The introduction of an access drive (domestic), garage door, wall, surround and balustrade will alter this appearance. However, when coupled with the inclusion and retention of landscaping and the careful control of materials this proposal is not considered to harm the setting of the Grade II* listed building and as such would comply with policy HBA4 of the Herefordshire Unitary Development Plan and with guidance contained within PPG15 – Planning and the Historic Environment.
- 6.6 There are elements of this scheme which are important to ensure its success. Landscaping plans carefully detailing tree retention are provided and conditions can be imposed to ensure that they are protected during excavation and construction and retained thereafter. With such significant earthworks so close to the important boundary wall, a condition is also suggested requiring a methodology or structural report to again ensure its protection and retention during building works.
- 6.7 The proposed garden building, is again significant in size with a floor area of approximately 140 sq metres and is of a design that has a dominant architectural style. The building is proposed to sit directly behind the existing high boundary wall, and is proposed to be set down approximately 1m below the existing ground level of this area of the garden (partially on top of the underground garage structure allowing access between the two). Objections have been raised in representations to the Council on this building regarding the design and size of the building and whilst a smaller building was sought by officers at the pre-application stage, the building that is now the subject of this application is considered to be sited sympathetically and

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is of design and scale that would not cause harm to the setting of the Listed Building or the character and appearance of the Conservation Area and as such can be supported by officers.

- 6.8 The raised boundary wall has also been cause for some concern. Officers and local residents acknowledge the positive contribution that the views of the dwelling along Overton Lane make. These views may only have been clear since the 1970's but nonetheless there significant and retaining views of this important building from Overton Lane is important. Some correspondence submitted with the application related to the wall being a continuous 1.7 whilst the submitted plans showed the wall to be 1.5m adjacent to the gates but fluctuating slightly as the road level fell away towards the East. It has been clarified that the wall would be an average of 1.5m as detailed by the plans. This would allow views of the dwelling to be retained. Subject to agreement of materials (by way of sample panels) this is considered by officers to represent an acceptable form of development that would protect the setting of the listed building and its preserve its important position and feature within the Conservation Area in accordance with policies HBA4 and HBA6 of the Unitary Development Plan and guidance contained within PPG15 – Planning and the Historic Environment.
- 6.9 The proposed access onto Overton Lane raises a number of key considerations and appears to be a significant cause for concern locally. It is important to consider the fact that this proposal was considered as part of the appeal in 2008. Paragraph 48 of the attached appeal document relates to the impact of the proposal on the character of the conservation and concludes that “subject to suitable conditions, I do not consider that the proposed access arrangements would harm the conservation area or the setting of the listed building”
- 6.10 These comments were based upon plans that showed a 25m visibility splay in each direction and involved the removal of 14.5m of hedge in each direction. This visibility splay is considered to be substandard and officers requested that improved visibility be achieved to address the issue of highway safety unless it could be demonstrated that the speed of vehicles using the lane were generally below 25mph. In response to this request a revised plan was submitted, achieving visibility of 33m in each direction but entailing the removal of more hedge.
- 6.11 The character of the lane is that of a sunken ancient lane and it is acknowledged that it is a welcomed feature in the conservation area and that it contributes the special rural character of the area. The arguments are finely balanced but it is considered that significant weight needs to be attributed to the views expressed by the inspector at the appeal. The Council has also noted the concerns regarding highway safety and has improved this by increasing the visibility splays. With a careful landscaping scheme (including methodology for potential translocation or replanting of the hedge) and with details of the grading of the bank, the impact can be minimised and character retained as much as possible. Details of any additional boundary treatments, wall, gates or gate pillars as well as driveway materials can also be conditioned to ensure that they do not detract from the character of the lane, conservation area or setting of the listed building and so that the access is as unobtrusive as possible. Having regard to this officers are minded to support this element of the proposal, subject to detail and would consider them to comply with policies DR3, HBA4 and HBA6 of the Unitary Development Plan.
- 6.12 Part of the proposals are to extend the existing agricultural track that stops short of the smaller pond to the South west of the dwelling (adjacent to the small orchard area it was intended to serve). Officers had requested the removal of this element of the scheme as it did not appear to be necessary or justified to require further hardsurfacing and quite urban feature in the landscape to link what is a domestic garage to the agricultural land. The applicants have not agreed to the request to remove this track extension citing it as necessary to allow direct access from the dwelling to the associated land. Assurances have been made that the access onto Overton Lane is not intended to be used for agricultural traffic. Whilst its inclusion is not welcomed it is not considered to be so onerous or detrimental to warrant refusal of the scheme as a whole. As before a condition ensuring any means of gating / enclosure other structure

Further information on the subject of this report is available from Ms K Gibbons on 01432 261781

can be imposed to ensure that this access track does not harm the setting of the listed building or further urbanise the countryside.

- 6.13 The creation of the underground garage would involve the excavation of a significant amount of soil (2852 cubic metres) which would then be distributed to three sites within the holding. These sites are an area adjacent to the disused canal to the South East of the holding. This area would be 2068 sq metres with an average thickness fill of 295mm. The other two areas are to the South West of the Bottom pond and would be fill areas of 5080 sq metres and 3077 sq metres both with an average fill of 295mm. To ensure that the form and character of the area is suitable and therefore protected, topographical surveys and a soil handling methodology have been requested in addition to the waste management plans submitted and these are being prepared in accordance with Policy W11 of the Unitary Development Plan. This also aims to protect the integrity of the soil structure in accordance with policies DR11. Conditions will be required to ensure that works are carried out in accordance with the submitted details and an appropriate form of works for this condition will be provided to members at the committee meeting.
- 6.14 When previous works were undertaken on this site there was significant objection and concern relating to noise and disturbance of plant and machinery. It is therefore considered appropriate and reasonable to impose a condition restricting the hours of working during construction.
- 6.15 The sites is of interest ecologically and were thoroughly discussed at the public Inquiry. As a result of this the application includes ecological surveys and mitigation strategies. The Councils Ecologist is satisfied that in principle these works can be undertaken, but there is ongoing discussion with Natural England, The applicants' ecologist and the Council ecologist in relation to some elements including the hedge removal and waste and soil management strategies. It is anticipated that these issues will be resolved prior to committee but these would need to be resolved prior to determining the application. An appropriately worded condition relating to the agreed details will be required and the wording of this will be provided at the committee meeting.
- 6.16 To conclude, the proposals have been assessed having regard to their sensitive location within the Conservation Area and in relation to the impact on the fabric of and setting of the Grade II* Listed Building. Subject to agreeing details, the proposals are considered to be acceptable and in accordance with policies HBA1, HBA4 and HA6 of the UDP. Highway safety issues have also been carefully considered and balanced with the impact on the Conservation Area and character of the lane and are considered acceptable. The impact of the development in relation to retaining and enhancing the trees and landscape and well as ecology and waste management are all significant and reliant upon conditions as recommended below and to follow on receipt of additional satisfactory plans and methodologies. ON balance, although the scheme is quite significant in scale it is considered acceptable subject to detail and can be recommended for approval.

RECOMMENDATION

That planning permission be granted subject to the following conditions for the full consent:

- 1. A01 Time limit for commencement (full permission)**
- 2. B01 Development in accordance with the approved plans**
- 3. C01 Samples of external materials (including sample panels)**
- 4. D04 Details of window sections, eaves, verges and barge boards**

5. D05 Details of external joinery finishes
6. D10 Specification of guttering and downpipes
7. E01 Site investigation - archaeology
8. F07 Domestic use only of garage (and access and driveway)
9. F08 No conversion of garage to habitable accommodation
10. F28 Occupation ancillary to existing dwelling only (granny annexes)
11. G02 Retention of trees and hedgerows
12. G03 Retention of existing trees/hedgerows
13. G04 Protection of trees/hedgerows that are to be retained
14. G10 Landscaping scheme
15. G11 Landscaping scheme - implementation
16. G15 Landscape maintenance arrangements
17. G16 Landscape monitoring
18. H03 Visibility splays
19. H13 Access, turning area and parking
20. H27 Parking for site operatives
21. I16 Restriction of hours during construction
22. I20 Scheme of surface water drainage
23. I32 Details of floodlighting/external lighting
24. I51 Details of slab levels (in relation to baoundary wall)
25. **Prior to the commencement of development, a detailed method statement including details for the protection, repair and retention of the boundary wall (Overton Lane) during construction shall be submitted to and approved in writing by the Local Planning Authority. Works shall be carried out in accordance with the approved details unless otherwise agreed in writing.**

Reason: To ensure that this important feature is protected given its relationship with the Listed Building and within the Conservation Area in order to comply with polices HBA4 and HBA6 of the Herefordshire Unitary Development Plan.

**Ecology Condition – To follow
Waste Management Conditions – To follow**

INFORMATIVES:

- 1 **HN01 Mud on highway**
- 2 **HN04 Private apparatus within highway**
- 3 **HN05 Works within the highway**
- 4 **HN10 No drainage to discharge to highway**
- 5 **HN22 Works adjoining highway**
- 6 **HN28 Highways Design Guide and Specification**
- 7 **N15 Reason(s) for the Grant of PP/LBC/CAC**
- 8 **N19 Avoidance of doubt - Approved Plans**

That planning permission be granted subject to the following conditions for the Listed Building Consent:

That: Subject to the Secretary of State confirming that he does not intend to call it in, Listed Building Consent be granted, subject to the following conditions and any additional conditions considered necessary by officers:

- 1. **A01 Time limit for commencement (full permission)**
- 2. **B01 Development in accordance with the approved plans**
- 3. **C01 Samples of external materials**
- 4. **D04 Details of window sections, eaves, verges and barge boards**
- 5. **D05 Details of external joinery finishes**
- 6. **D10 Specification of guttering and downpipes**

INFORMATIVES:

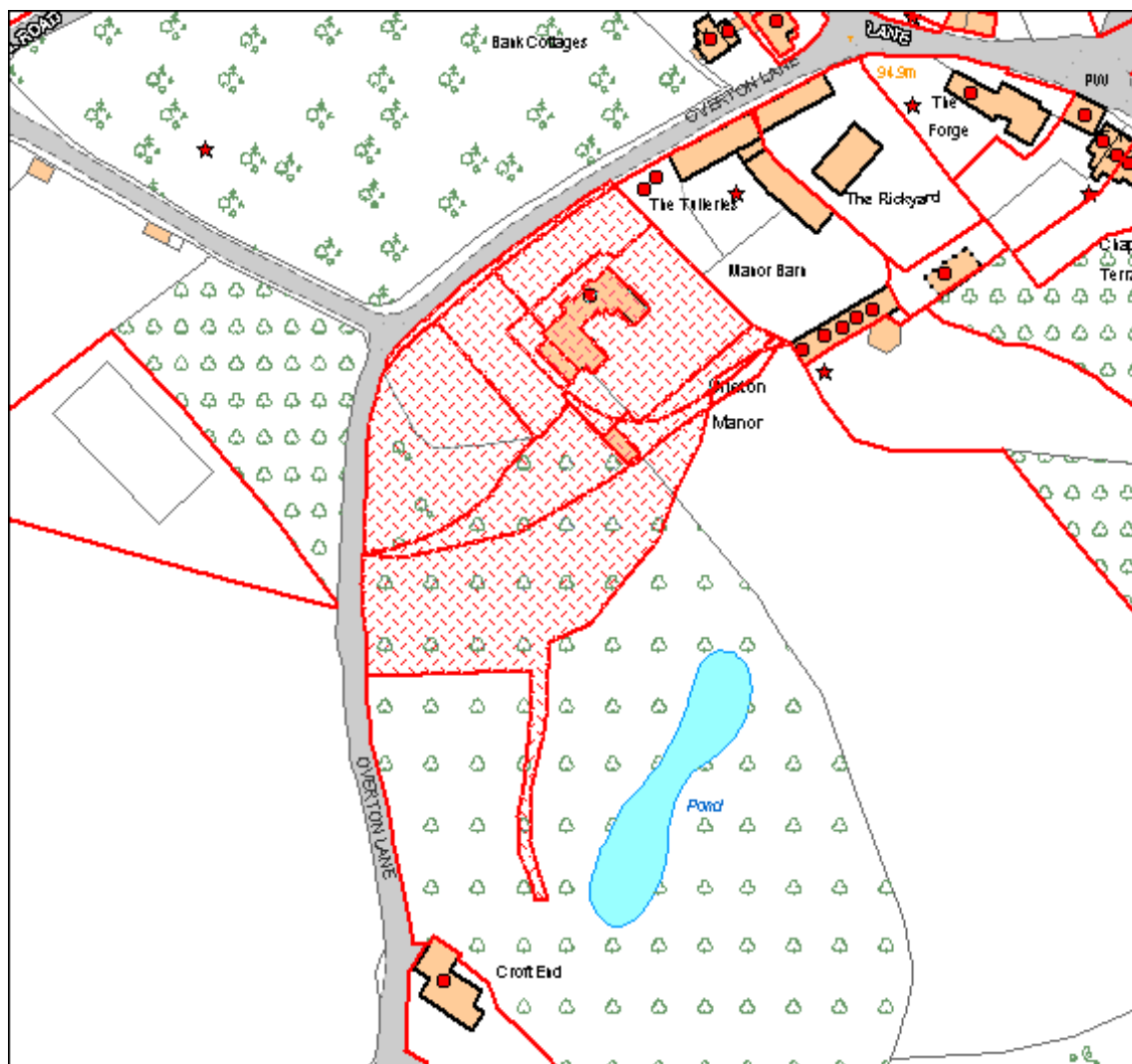
- 1 **N19 Avoidance of doubt - Approved Plans**
- 2 **N15 Reason(s) for the Grant of PP/LBC/CAC**

Decision:

Notes:

Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNW0009/1826/F

SITE ADDRESS : ORLETON MANOR, OVERTON LANE, ORLETON, NR LUDLOW

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