

9 DCSE0009/1859/F DCSE/091989/F - REFURBISHMENT AND CONVERSION OF EXISTING DERELICT BARN TO RESTAURANT AND CREATION OF NEW CAR PARKING FACILITIES SERVICING EXISTING HOTEL AND NEW RESTAURANT, TOGETHER WITH ASSOCIATED JUNCTION IMPROVEMENTS WORKS. (REMOVAL OF CONDITIONS 13 & 16 ON PLANNING PERMISSION DCSE2005/2343/F) AT CASTLE LODGE HOTEL, WILTON, ROSS-ON-WYE, HEREFORDSHIRE, HR9 6AD.

For: Mr S Hubber per Bernard Eacock Ltd, 1 Fine Street, Peterchurch, Herefordshire, HR2 0SN.

Date Received: 26 August 2009

Ward: Llangarron

Grid Ref: 358877,224388

Expiry Date: 21 October 2009

Local Member: Councillor JA Hyde

1. Site Description and Proposal

- 1.1 The application site comprises a substantial stone barn and adjoining land, situated in the angle between the A40 trunk road, the B4260 leading to Ross-on-Wye and the unclassified village road (Benhall Lane) leading to Wilton Castle. The site is a short distance from the Castle Lodge Hotel, which was until recently in the same ownership. The site is within the Wilton Conservation Area and the Wye Valley Area of Outstanding Natural Beauty.
- 1.2 On 17 March 2006 planning permission was granted for the conversion of the barn to a restaurant and formation of associated car parking subject to a number of planning conditions (SE2005/2343/F). The planning permission expires on 17 March 2011.
- 1.3 This application is made under the provisions of S.73 of the Town and Country Planning Act 1990 (As Amended) and proposes the removal of conditions 13 and 16 attached to the extant permission. The conditions are as follows:

Condition 13

The restaurant hereby approved shall only be used for purposes ancillary to the hotel known as Castle Lodge Hotel and within Class C1 of the Town and Country Planning (Use Classes) Order 1987 (or any order revoking and re-enacting that order with or without amendment) and shall not be used as a separate restaurant or for any other purpose within Class A3 of that Order.

Reason: To define the terms of the permission and in the interests of safe and free flow of traffic on the highway and the amenities of neighbours.

Condition 16

The restaurant and car park hereby permitted and the Castle Lodge Hotel shall not be sold, let or leased separately from each other, and the car parking shall be permanently available for use by both the restaurant and the Castle Lodge Hotel.

Reason: To ensure that car parking facilities are readily available for both premises and to protect the amenities of neighbouring dwellings.

- 1.4 The reasons for the imposition of the conditions relate to residential amenity, highway safety and the provision of adequate parking facilities for both the hotel and the restaurant.
- 1.5 The effect of permitting the removal of the conditions would be to enable the hotel and barn restaurant to operate as two separate businesses i.e. the restaurant would no longer have to be used for purposes ancillary to the Castle Lodge Hotel. Removal of condition 16 would also allow for separate ownership of the two sites and sever the joint car parking arrangements. In this respect the application also involves a re-evaluation of the car parking requirements for the barn site and the retained hotel.

2. Policies

2.1 National Planning Policy

Planning Policy Statement 1 - Delivering Sustainable Development
 Planning Policy Statement 7 - Sustainable Development in Rural Areas

2.2 Herefordshire Unitary Development Plan 2007

S1 - Sustainable Development
 S2 - Development Requirements
 S7 - Natural and Historic Heritage
 DR1 - Design
 DR2 - Land Use and Activity
 DR3 - Movement
 T11 - Parking Provision
 LA1 - Areas of Outstanding Natural Beauty
 HBA6 - New Development within Conservation Areas
 NC1 - Biodiversity and Development
 HBA12 - Re-use of Rural Buildings
 E11 - Employment in the Smaller Settlements and Open Countryside

2.3 Government Circular 11/95: The Use of Conditions in Planning Permissions

3. Planning History

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|-----|---------------|--|---|----------------------|
| 3.1 | SH910820PF | Conversion of existing barn to a dwelling. | - | Approved 07.01.92 |
| | SH951204PF | Change of use of land and barn (with extension) to vehicle hire centre with offices with valleting room. | - | Refused 05.02.96 |
| | SH960935PF | Change of use of land and barn (with extension) to vehicle hire centre with offices with valleting room. | - | Refused 05.02.96 |
| | SH961463PF | Conversion of existing barn to a dwelling. | - | Approved 02.06.97 |
| | SE2002/1765/F | Change of use to redundant barn into conference centre and construction of new car park. | - | Approved 25.9.02 |
| | SE2003/2164/F | Relocation of restaurant to barn and construction of new car park and alterations to existing car park | - | Approved 15.10.03 |

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|---------------|--|---|-----------------------|
| SE2004/3888/F | Refurbishment and conversion of existing derelict barn to restaurant and creation of new car parking facilities serving existing hotel and new restaurant, together with associated junction improvement works | - | Withdrawn 28.02.05 |
| SE2005/2343/F | Refurbishment and conversion of existing derelict barn to restaurant and creation of new car parking facilities serving existing hotel and new restaurant, together with associated junction improvement works | - | Approved 17.3.06 |

4. Consultation Summary

Statutory Consultations

- 4.1 Highways Agency: No objection: The traffic analysis undertaken in association with this application showed that the traffic impact of the development would not have a material impact upon the functioning of the truck road as the removal of conditions 13 and 16 would not result in any intensity of use above that previously tested and agreed. Notwithstanding this, the Highways Agency recognises that the intention of this application is to allow the barn restaurant and hotel to be able to operate independently. With this in mind the Highways Agency requires sufficient parking is provided in association with each development to allow for independent operation without causing safety issues on the surrounding highway network. The agent has provided a plan (BEL09-002-03) identifying car park provision for both uses which is acceptable to the Highways Agency. Provided that the car parking is laid out in accordance with this plan and thereafter retained, the Highways Agency is satisfied that sufficient car parking will be provided.

Internal Council Advice

- 4.2 Traffic Manager: Objection: Concern is expressed at the potential for parking on Benhall Lane as a result of inadequate parking provision being made for the existing hotel. 32 spaces would be required within the hotel grounds to meet design guide specification and this cannot be achieved. The submitted plan demonstrates 24 spaces within the hotel grounds and it does not appear that this can be increased. The Traffic Manager is concerned that as a consequence hotel guests may resort to parking on the lane which could cause congestion at the junction with the B4260.
- 4.3 Conservation Manager (Building Conservation): No objection. The specific conditions on which variations are sought have no conservation dimension.

5. Representations

- 5.1 Bridstow Parish Council: Objection
- 5.2 Eight letters of objection have been received from local residents. The content is summarised as follows:
- Removal of the two conditions would result in two separate businesses operating, with an associated increase in the volume of traffic using the junction of the lane and the B4260, which is in very close proximity to the A40/A49 Wilton Roundabout and the junction to the BP service centre;

- The increase in vehicular movements to and from the site will have an adverse impact upon the safety of highway users and will affect the residential amenity of local residents;
- The conditions were imposed to safeguard the amenity of local residents and there is no basis upon which to remove them now;
- There is no need for a further, separately owned restaurant at the site as there are four existing in Wilton already;
- The Highways Agency has previously expressed concern at the capacity of the Wilton Roundabout;
- Concern is expressed that the restaurant, if permitted to operate separately from the Castle Lodge Hotel, may become a fast food outlet.

5.3 The application is accompanied by a Planning Statement and a supporting Transport Statement which aim to justify the removal of the conditions. The Planning Statement questions the legitimacy of Condition 13 on the basis that in order for the barn restaurant to be ancillary it should be subservient to the dominant use i.e. the hotel. Given that the hotel is already served by its own restaurant it is argued that the effect of condition 13 is to grant planning permission for an additional restaurant for sole use by patrons of the hotel. Given that the hotel only has 11 bedrooms (a total of 19 guests) it is reasoned that the provision of an ancillary restaurant for up to 60 diners is clearly not commensurate with the hotel's requirements, which are already catered for. In addition it is noted that the barn stands on its own site, divorced from the hotel and also comprises all of the requisite facilities to enable it to operate as a separate business. The Planning Statement argues that the effect of the conditions in question is unduly onerous to the extent that they effectively nullify the grant of planning permission.

5.4 The Transport Statement concludes that the Highways Agency considered the trip generation in relation to the 2005 application as if the barn restaurant and hotel were trading as two separate entities. As such, it is argued that in terms of trip generation and consideration of the suitability of the junction, the removal of the two conditions does not make any material difference.

5.5 The agent has provided a response to the Traffic Manager's concerns regarding the parking provision at the hotel. It states that the 32 space parking requirement is based upon maximum and not minimum parking requirements and that given the site is within close proximity to Ross, there is justification for applying a relaxation of these standards. It is also stated that no changes to the existing hotel operation are proposed as part of this application and it is therefore unreasonable for the highway authority to retrospectively apply modern parking standards to an existing use and substantiate a refusal of planning permission if those standards cannot be achieved.

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 application proposes the removal of two conditions attached to planning permission DCSE2005/2343/F. The effect would be to allow for the separate disposal of the barn site from the hotel and the operation of the hotel and barn restaurant as two separate businesses. It should be borne in mind that this application does not affect any of the other conditions attached to the extant permission. As such, it would still be a requirement that no more than 60 seats be laid out for dining within the barn restaurant and that there should be no takeaway service. As such measures would continue to exist that control the end use of the building. Likewise the developer would still have to comply with condition 26 of the extant planning permission, which requires works of mitigation to the lane and the junction with the B4260, including carriageway widening and the provision of a footpath along the site frontage.

6.2 As such the key issues in the determination of this application are as follows:

- The impact of the removal of the conditions upon the safety and free flow of traffic upon the strategic and local highway network;
 - An assessment of the parking arrangements for the existing hotel and the proposed restaurant;
 - An assessment of the impact of the removal of the conditions upon the living conditions of nearby residents.
- 6.3 The Highways Agency has confirmed that the removal of conditions 13 and 16 would not result in any intensification of use of the Wilton Roundabout and junction of the B4260 and access lane than previously tested and agreed. The Highways Agency assessment of the 2005 application was undertaken on the basis that the barn restaurant and hotel would operate as independent businesses as it was on that basis that the application was made. The control imposed by conditions 13 and 16 was not put in place at the recommendation of the Highways Agency and the prospect of removing the conditions has, in the Agency's view, no material impact over and above what has already been tested and approved.
- 6.4 The above notwithstanding, the Highways Agency comment also alludes to the necessity to ensure that sufficient parking provision is put in place for each of the resultant businesses. The original scheme made provision across the two sites for a total of 64 spaces, with 55 provided upon the barn site and 9 at the hotel. Condition 16 requires that the car parking shall be permanently available for us by both the restaurant and the Castle Lodge Hotel. This arrangement was workable whilst a condition was in place restricting the separate disposal of the barn restaurant and hotel. Now that it is proposed to remove this condition it is essential that each business has adequate on-site provision to prevent indiscriminate parking on the lane and the concomitant effect that congestion would have upon the junction of the lane and the flow of traffic on the B4260 and the Wilton Roundabout.
- 6.5 The car park at the existing hotel is capable of accommodating 24 spaces, a number that has been agreed by the Highways Agency as appropriate. The barn site has 43 allocated spaces, which is in line with adopted Highways Design Guidance. This is a total of 67 across the two sites, an increase of 3 spaces overall. The decision to reduce the number of spaces associated with the barn site from 55 to 43 has been taken in response to concerns expressed about the impact of the approved parking layout upon the conservation area, the desirability of enhancing the landscaping at the south-western tip of the site and also to address local concern that greater parking provision would support a high volume fast food/takeaway use. Again it is reiterated that the existing permission does not allow for any takeaway from the site and also imposes an upper limit on the number of seats for dining. A condition is recommended to ensure that the parking at the hotel is laid out and available for use prior to the first use of the barn restaurant.
- 6.6 The Council's Traffic Manager has expressed concern with the proposed level of parking at the hotel. This concern is based upon the fact that the provision at the hotel would fall below design guide standards and so increase the propensity for on-street parking on Benhall Lane. However, in determining the appropriate level of parking for the hotel it is pertinent to consider the existing parking arrangements and those approved under the extant planning permission. As discussed above, the proposal would provide 24 spaces on the hotel site, which is 15 more than under the extant permission. In addition, the hotel parking is not currently laid out formally, with ad hoc arrangements and no disabled parking provision. The lack of demarked parking spaces leads to inefficient parking, which will be remedied by this proposal. Furthermore, 24 spaces for an 11 bedroom hotel would seem a reasonable provision in an edge of town location, notwithstanding the fact that the hotel restaurant is open to the public. On balance, and mindful of the Highways Agency advice, your officers consider the parking provision across the two sites to be acceptable.

6.7 As referred to above, this application has no implications for the remaining conditions attached to the extant permission. Accordingly the developer will have to fulfil the requirements of the outstanding conditions which include local highway improvements, restricted opening hours, no takeaway service and a limitation on the number of seats available for dining. Likewise any external lighting must be agreed prior to the first use of the restaurant as would lighting for the car park. As such, it is considered that measures remain in place to ensure that the residential amenity of nearby properties could be preserved against the existing scenario.

Summary and Conclusions

6.8 The concern expressed by local residents focuses principally upon the implications for highway safety. Whereas the barn restaurant is currently tied to the hotel, the application if approved would effectively create a separate business utilising a junction opposite the service station entrance and in close proximity to the Wilton Roundabout. However, the Highways Agency has no objection to the removal of conditions 13 and 16 on the grounds that their assessment of the 2005 application was always based upon the barn restaurant operating separately from the hotel. As such, this application has no consequence for their original assessment. Although mindful of the local concern, the Highways Agency response is based upon technical and empirical evidence. In the face of this advice a refusal reason would, in your officer's assessment, be difficult to sustain.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1 B04 Amendment to existing permission**
- 2 Prior to the first use of the restaurant approved under reference DCSE2005/2343/F a scheme for the provision of parking within the curtilage of the existing Castle Lodge Hotel and the restaurant shall be submitted to and approved in writing by the local planning authority. The restaurant shall not be brought into use until the access, turning and parking areas have been properly consolidated, surfaced, drained and otherwise constructed in accordance with the approved details. These areas shall thereafter be retained and kept available for those uses at all times.**

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway and to conform with the requirements of Policy T11 of the Herefordshire Unitary Development Plan.

INFORMATIVES:

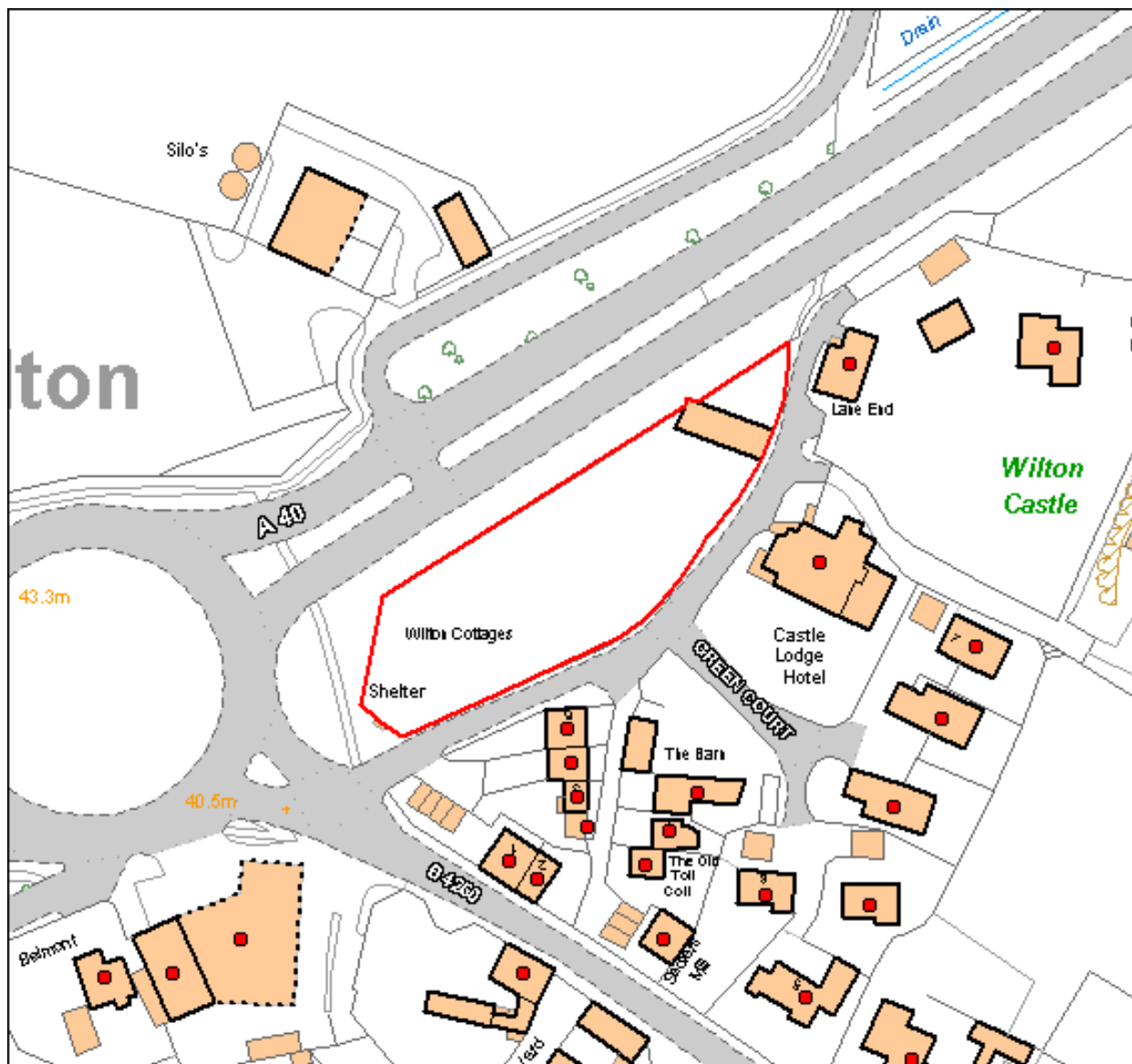
- 1 N15 Reason(s) for the Grant of Planning Permission**
- 2 N19 Avoidance of doubt - Approved Plans**

Decision:

Notes:

Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCSE0009/1859/F DMSE/091989/F

SITE ADDRESS : CASTLE LODGE HOTEL, WILTON, ROSS-ON-WYE, HEREFORDSHIRE, HR9 6AD

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