

6 DCNE2003/3714/F - RETENTION OF TIMBER FRAMED BUILDING AND CONTINUED USE OF THE BUILDING FOR FURNITURE SALES AND STORAGE AT FOLEY HOUSE, 39 BYE STREET, LEDBURY, HEREFORDSHIRE, HR8 2AA

For: Kevin Neil & Terry Jenkins at same address

Date Received:
10th December 2003

Ward:
Ledbury

Grid Ref:
70963, 37710

Expiry Date:
4th February 2004

Local Members: Councillor P Harling, Councillor D Rule and Councillor B Ashton

1. Site Description and Proposal

- 1.1 The property is located to the north of the Bye Street with vehicular access being gained off Lawnside Road. The existing property is occupied residentially by the applicants and is also used as a guesthouse. To the north are residential properties, east is a funeral directors and west is an osteopath/private dwelling. The application is retrospective following investigation by the Enforcement Officer and is for the retention of a timber framed building and its continued use for the storage and sales of furniture and other domestic items. A twelve-month temporary permission is requested.
- 1.2 The site lies just outside the principal shopping and commercial area identified in the Ledbury Inset Map. It lies just within the Ledbury Conservation Area. Foley House is a Grade II Listed Building.

2. Policies

Malvern Hills District Local Plan

Employment Policy 14 - Home-Based Businesses

Shopping Policy 7 - Retail Development Outside The Principal Shopping and Commercial Areas

Conservation Policy 2 - New Development in Conservation Areas

Conservation Policy 11 – The Setting of Listed Buildings

Planning Policy Guidance Note 4 – Industrial and Commercial Development and Small Firms

Planning Policy Guidance Note 18 – Enforcing Planning Control

Herefordshire Unitary Development Plan (Deposit Draft)

E9 – Home Based Businesses

HBA 4 – Setting of Listed Buildings

HBA6 – Development within Conservation Areas

3. Planning History

NE2003/2365/F – Retention of timber framed building and continued use of the building for furniture sales and storage. Refused 8th October 2003 for the following reason:

‘The business use causes unacceptable disruption to the amenity of occupants of adjacent residences. As such the business use is contrary to Policy CTC.9 of the Hereford and Worcester County Structure Plan, Employment Policy 14 and Shopping Policy 7 of the Malvern Hills District Local Plan and advice contained within PPG4.

The use of the remainder of the domestic curtilage for the storage, display and sale of furniture and other domestic items neither preserves or enhances the character and appearance of the Conservation Area or the setting of the listed house known as Foley House. As such the development is also contrary to policies CTC.7 and CTC.15 of the Hereford and Worcester County Structure Plan, Conservation Policy 2 and 11 of the Malvern Hills District Local Plan and advice contained within PPG 15.’

NE2001/1792/F – Change of use of domestic garden to refreshments garden, Foley House. Permitted 3rd September 2001. Subsequent appeal allowed retention of ‘rustic arch’.

4. Consultation Summary

Statutory Consultations

4.1 None required.

Internal Council Advice

4.2 Head of Transport and Engineering has no objection.

4.3 Chief Conservation Officer – minor concern regarding retention of the large modern shed in terms of its proximity to the rear of Foley House. Of greater concern is the detrimental impact that the use of the building and yard has on both the setting and the Listed Building and Conservation Area.

5. Representations

5.1 Ledbury Town Council comment as follows:

‘Members reiterate their comments from the previous application: The loss of off road parking has created traffic problems with large vehicles taking up residential on-street parking spaces which cause obstructions to pedestrians. Business is being conducted in a residential area. The associated noise from continued vehicular movements and barking dogs results in the loss of amenity to the neighbouring properties.

Members feel that the application should be retrospective, as business has been conducted on this site for some considerable time. They also wonder whether there should be a change of use.

There appears to be several adjustments which have been made to the stone buildings and it is hoped that any alterations have been approved by the Conservation Office.

In addition members wonder why the same application has come before them again without any apparent enforcement action having taken place.'

- 5.2 Elgar Housing Association is concerned that noise and vehicular usage will increase disturbing their tenants, and considers the shed to be unsightly.
- 5.3 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 Whilst not lying within the principal commercial area of the town as defined in the Ledbury Town Inset Map it is immediately adjacent. Furthermore it is in an area of mixed commercial, municipal and residential uses.
- 6.2 Employment Policy 14 and Shopping Policy 7 generally seek to protect the amenities of nearby residents. In this instance these include nos. 1 – 4 Masefield Close and 41 Bye Street. These properties immediately adjoin the site and are potentially affected by traffic movements within the site, and by the impact upon the visual amenity.
- 6.3 Conservation Policies 2 and 11 seek to protect the character of the Conservation Area and setting of the Listed Building. In this instance it is considered that the impact of the timber building, behind the large funeral directors building has little impact. The use of the yard for external storage has a much greater impact, and indeed formed the basis of the second reason for refusal on the previous application.
- 6.4 Having regard to the advice contained within Planning Policy Guidance Notes 4 and 18 and the fact that there is an extant permission for use of the site as a tea garden it is considered that the request for a 12-month trial period to assess the impact upon the amenity of nearby residents is wholly reasonable.
- 6.5 The impact upon amenity of the outside storage is however rather more obvious and perhaps in recognition of such has not been applied for on this occasion. It would also appear that the amount of storage taking place within the yard has been reduced. It would be prudent however to add a condition to any time limited permission to prevent outside storage. This would leave some room for customer parking if required.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1 - E20 (Temporary permission)(25 March 2005)**

Reason: To enable the local planning authority to give further consideration of the acceptability of the proposed use after the temporary period has expired.

- 2 - E06 (Restriction on Use)(delete premises insert building)(for sale of furniture only)

Reason: The local planning authority wish to control the specific use of the building in the interest of local amenity.

- 3 - E03 (Restriction on hours of opening)(9am – 6pm)

Reason: In the interests of the amenities of existing residential property in the locality.

- 4 - Within 3 months of the date of this permission all outside storage shall have ceased and the items shall have been removed either to within the building or from the site.

Reason: In the interests of visual amenity and to protect the character and setting of the listed building and Conservation Area.

Informative:

- 1 - N15 - Reason(s) for the Grant of PP/LBC/CAC

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.