

**16 DCNW2004/0260/F & DCNW2004/0261/L -  
CONVERSION AND CHANGE OF USE FROM PUBLIC  
17 HOUSE TO 2 NO. SHOPS AND 7 NO. DWELLING UNITS  
AT THE CASTLE INN, CHURCH STREET, KINGTON,  
HEREFORDSHIRE, HR5 3BE**

**For: Messrs D A & S A Jaques per Mr B Thomas,  
The Malt House, Shobdon, Leominster, Herefordshire**

**Date Received:**  
22nd January 2004

**Ward:**  
Kington Town

**Grid Ref:**  
29543, 56655

**Expiry Date:**  
18th March 2004

Local Member: Councillor Terry James

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

- 1.1 The application site comprises a 0.065-hectare plot, which occupies a prominent location on Church Street, within the Kington Conservation Area. The site consists of a Grade II Listed, early 19th Century, 3-storey property forming part of the street frontage. The principle building is the former Public House/hotel. This is a large and dominating structure with a white roughcast render finish to the front, sides, and elements of the rear. To the rear, a two-storey rear projection runs out from main building, along the boundary with the adjoining property to the southeast (number 32). This projection is of stone construction with some brickwork and some white painted elements. The previous use of this element of the built form was hotel accommodation and kitchen and bathroom facilities associated with the Public House use. A single storey modern extension of limited merit is found to the rear of the main building, also attached to the two-storey projection, forming a 'L' shape insert. This extension formed toilet facilities for the Public house. Also to the rear is found a detached two-storey building, previously utilised as a ballroom. The ballroom building is of stone construction. All elements are essentially in a sound condition.
- 1.2 The site is currently vacant. The historical use of the building was as a Public House/hotel however this is stated as having ceased in 1999. It is understood that an element of the main building remained in partial use as a dwelling for a further period time but now the building is entirely vacant.
- 1.3 The character of the locality is a mix of commercial and residential uses. The immediate neighbouring properties are residential. The site is on the periphery of the commercial centre of Kington. The surrounding properties are mixed in age, design, character, and appearance. A number of buildings of some architectural merit are in close proximity to the site. The area is a sensitive element of the Conservation Area and the site forms an important element to it.
- 1.4 An access point to the site is from Church Street. This is a gated entrance allowing access to the small courtyard between the main building and the ballroom. The site is essentially level although the garden area does have some variation.

- 1.5 These applications seek Planning permission and Listed building Consent for the conversion of the buildings on site to form 2 shops units and 7 dwelling units. The shop units are proposed to utilise the two historical bar room areas within the Public house. This will allow for the creation of two retail units with a combined floor space of 70 square metres. The 7 dwelling units proposed consist of 2 cottages in the ballroom building, 2 cottages in the two storey projection to the rear of the main Public House building, and two flats and a maisonette on the second and third floors of the Public House building. No parking facilities are currently available on site, and none are proposed as part of this application.

## 2. Policies

### Government Guidance

- PPG1 General Policy and Principles
- PPG3 Housing
- PPG15 Planning and the Historic Environment

### Hereford and Worcester Country Structure Plan

- H15 Leominster Sub-Area
- CTC9 Development Requirements
- CTC13 Buildings of Special Architectural or Historical Interest
- CTC15 Conservation Areas
- CTC18 Development in Urban Areas
- S1 Criteria for Retail Development

### Leominster District Local Plan

- A1 Managing The District's Assets And Resources
- A2(A) Settlement Hierarchy
- A14 Safeguarding The Quality Of Water Resources
- A16 Foul Drainage
- A18 Listed Buildings And Their Settings
- A21 Development Within Conservation Areas
- A23 Creating Identity And An Attractive Built Environment
- A24 Scale And Character Of Development
- A32 Development Within Town Centre Shopping And Commercial Areas
- A54 Protection Of Residential Amenity
- A62 Proposals Resulting In The Loss Of Community Facilities
- A70 Accommodating Traffic From Development
- A72 Parking Within Or Adjacent To Central Shopping And Commercial Areas
- A73 Parking Standards And Conservation

### Herefordshire Unitary Development Plan (Deposit Draft)

- S1 Sustainable Development
- S2 Development Requirement
- S3 Housing
- S4 Employment
- S5 Town centres and retail
- S6 Transport
- S7 Natural and historic heritage
- S11 Community facilities and services
- DR1 Design
- DR2 Land Use & Activity
- DR3 Movement

DR4	Environment
H1	Hereford and the market towns: settlement boundaries and established residential areas
H13	Sustainable residential design
H14	Re-using previously developed land and buildings
H15	Density
H16	Car parking
TCR1	Central shopping and commercial areas
TCR2	Vitality and viability
TCR8	Small scale retail development
T11	Parking provision
HBA1	Alterations and extensions to listed buildings
HBA3	Change of use of listed buildings
HBA4	Setting of listed buildings
HBA6	New development within conservation areas

### 3. Planning History

3.1 None relevant to this application.

### 4. Consultation Summary

#### Statutory Consultations

4.1 Welsh Water - Raised no objection subject to conditions relating to the control of foul and surface water discharges from the site.

#### Internal Council Advice

4.2 Head of Engineering and Transportation – advises that this proposal fails to meet the standards of the Council for the provisions of car parking facilities. It is pointed out that a development of this size should be provided with 14-16 spaces. The lack of on-street parking is noted. At the time of the site visit, Thursday 12th February 2004 at 1400 hours, a total of 12 spaces were available in the vicinity of the site. The availability of parking in the Council car park in Crabtree Road is noted, however, there is a charge for this facility between 0800 and 1500. Facilities for refuse collection are also not specified. However, it is recognised that this is a difficult situation and as such the following are advised as conditions to allow development to take place :

1. The developer must ensure that any purchasers or tenants of the dwellings are fully aware that there is no parking provision on site and any parking on street is subject to the current Traffic Regulation Orders. In practice this probably means that purchasers or tenants will need to park on public car parks. The nearest public car park is located by Crabtree Road, there is a parking charge between 0800 and 1500 hours; however there are other free car parks in Kington.
2. To encourage the use of public transport the developer should supply each occupant with a free daily one month's supply of bus tickets to and from Hereford or any destination of a similar distance from Kington, e.g. Leominster, Llandrindod Wells. We understand one of the bus operators provides Multi-Journey tickets.
3. To encourage the use of bicycles the developer should provide on site a minimum of 4 cycle lockers; if the dwellings are to be occupied solely by elderly residents these could be substituted for Sheffield Cycle stands that could be used by visitors.

4.3 Chief Conservation Officer - raises no objection to the proposal in terms of the works to the Listed building and the implications upon the Kington Conservation Area. A number of conditions are suggested and will be referred to in the Officers appraisal and recommendation.

## 5. Representations

5.1 A total of 6 letters of objection were received in response to this application. Of these, 3 are from the same address. The 4 sources of objection are as follows:

- G.F. Parry, 7 Church Street, Kington
- Mr R. Mills, 32 Church Street, Kington
- Mr and Mrs N Layton, 34A Church Street, Kington
- Mr B. Rump, 30 Church Street, Kington (3 letters)

5.2 The objections to the scheme can be summarised as follows:

1. Lack of on site parking facilities.
2. Provision for safe removal of asbestos.
3. Details of materials - appropriate? To match?
4. Implications regarding the stonewall forming the boundary with 'White Lion' (Number 32/33). This wall is currently in a relatively poor state of repair in places and has collapsed in one section.
5. No additional windows should be included in the elevation overlooking adjacent property (Number 32).
6. Desirability of new guttering on elevation on boundary with adjacent property (Number 32).
7. Overlooking of rear garden area of adjacent property (number 30) with associated loss of privacy.

5.3 Kington Town Council commented as follows on the proposed development:

'The creation of two new retail units is welcomed. However, concern is raised regarding the parking provision associated with the site. The limited parking provision in the vicinity of the Castle Inn is highlighted and the Town Council expresses a wish for as least 1 parking space per dwelling being provided within the site.'

5.4 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 associated with this application are considered to be as follows:

1. The principle of development, considering the loss of a community facility.
2. The impact of the proposal upon the Listed Building and the Kington Conservation Area.
3. Transportation Issues
4. Residential Amenity implications

6.2 Each of these key issues will be considered independently, together with a discussion of the remaining issues.

Principle of Development

- 6.3 Regarding the residential element to the proposal, policy A2(A) of the Leominster District Local Plan establishes that within Kington development will be permitted subject to compliance with other Local Plan policies. Policy A32 states that within town centres, where vacant or underused floor space exists within upper storeys, their conversion to residential will be permitted subject to local plan policies relating to Listed Buildings and transportation.
- 6.4 Turning to the retail element of the scheme, within the central shopping area of Kington policy A32 of the Local Plan states proposals for new commercial use within Part A of the use Classes Order, together with complementary uses, will be supported where appropriate.
- 6.5 Notwithstanding the above, as this building was previously a Public House/hotel, it is appropriate to consider policy A62, which relates to proposal resulting in the loss of community facilities. In this situation, the redundant nature of the property, the limited likelihood of its re-use as a Public house or hotel, and the availability of alternative Public Houses and hotels within close proximity to the site, is such that it is considered reasonable to conclude that the facility is no longer required or likely to be re-established in its previous role. It is considered that the building is capable of only a limited number of roles. It is of note that no objections are raised to the conversion in principle.
- 6.6 It is therefore considered that the residential and retail elements of this scheme are acceptable in principle, subject to acceptability in consideration of the details of the scheme, with particular consideration of the conservation, transportation, and amenity issues.

Listed Building and Conservation Area Issues

- 6.7 This application involves works to a Listed Building, and additional curtilage structures, in a prominent location within the Kington Conservation Area. Clearly considerable weight must be given to the acceptability of this scheme in consideration of the impact upon this valuable building and its setting.
- 6.8 The Historic Buildings and Conservation Officer has been involved in this scheme from an early stage. Prior to the submission of an application negotiations took place to ensure the schemes acceptability.
- 6.9 The removal of the 20<sup>th</sup> Century extension to the rear is welcomed, as are the improvements associated with the southwest elevation. It is considered that the application represents an opportunity to improve the on site situation. That said, some minor amendments have taken place since the submission of the original application. These can be summarised as follows:
- Revised internal layout in ground floor shop to maintain formal space of the room
  - Railings to the stone steps to the northwest elevation of the two storey projection to be retained
  - Window detail revisions in the interests of appearance
  - Existing doors retained with glazing inserts, as opposed to replacement with window opening.

- 6.10 The internal works are generally improvements, however, some are mild compromises, such as the maisonette arrangement, are necessary for the viability of the scheme. Ultimately though, the works are considered to be an improvement over the current situation and in the best interests of the Listed Building.
- 6.11 The external works are generally limited to renovation. To the front, no changes are proposed. Elsewhere, existing and historic openings are utilised and important features retained. Only the northeast elevation at ground floor level involves any significant change and these works are considered justifiable and acceptable. The site is currently in a generally dilapidated state and the works proposed are considered to be both appropriate and desirable in the interests of the buildings and site.
- 6.12 By virtue of the works proposed for the site it is considered that the Conservation Area will not be adversely affected by the development. The front elevation, as noted, will remain unchanged and elsewhere the works are considered appropriate improvements that will preserve, and in some cases enhance, the impact of the built form upon the Conservation Area.
- 6.13 The works are supported by the Historic Buildings Officer and considered to be in accordance with adopted development policy. Specific issues of detail such as materials, guttering, joinery, repairs, and painting will be controlled through conditioning to ensure their acceptability.

#### Transportation

- 6.14 The Transportation Unit accept the difficulties associated with this application. Although not offering specific support to the scheme, conditions are suggested to overcome the issues as far as is possible. In consideration of these conditions, the requirement for the developer to advise of the parking provision and situation locally is most appropriately covered by an informative. Regarding the public transport situation and the supply of one months tickets, it is not considered that this is a particularly useful strategy. That said, an informative is again suggested to advise of the local public transport provision. The provision of cycle lockers is considered sensible and a condition will be afforded requiring this.
- 6.15 Ultimately the transportation issue boils down to the following question: Does one allow the proposal in view of its ability to renovate an important Listed Building and associated curtilage buildings, bringing with it the potential to regenerate the site and locality? Or does one refuse it on the grounds that, notwithstanding the town centre location advantages, it has transportation problems associated with it? Even if the refusal of the scheme has the potential to sterilise the site?
- 6.16 It is suggested that the greater good is served by permitting the application and reaping its benefits, with the potential offered by the scheme and its location compensating for the transportation issues associated with it.

#### Residential Amenity

- 6.17 The remaining issue of note is that of residential amenity. Objection has been received regarding the privacy implications of the proposal. The key issue revolves around the proposed first floor opening to the rear of the ballroom building, serving a kitchen, and a ground floor side opening in the two storey projection to the rear of the Listed Building, also serving a kitchen.

- 6.18 Clearly the proposed first floor window in the rear of the ballroom building will allow for overlooking of the neighbouring rear garden area (number 30), however, the opening is historic and is rear facing, not side. The opening does not, therefore, directly overlook the rear garden area of the adjacent property. The situation will be no different to that found with any rear window on a boundary with an adjoining property. A degree of privacy will be lost but not to the extent that refusal is considered to be justified. In addition, a large obscure glazed window is not considered visually acceptable in this building.
- 6.19 Considering the side opening overlooking adjoining property number 32, the privacy issue here is considered valid. The window is at ground floor level and looks directly over the garden area of the neighbour from the side. This window is currently, and will remain a kitchen window, and the lower glazing panel is obscured. This is considered sufficient to overcome privacy concerns and will be conditioned to ensure the continuing privacy of this neighbour. It is pointed out that this situation has been discussed with the occupants of number 32 (during a site visit on the 17<sup>th</sup> February 2004) and no objection is raised on the basis that the obscure glazing is indeed conditioned for retention.

#### Other Issues

- 6.20 The wall on the boundary with property number 32 has been raised as an issue. No works are currently proposed to this wall and any that are intended would require formal consent by virtue of the Listed Status of the Castle Inn.
- 6.21 The guttering has also been raised, this is an issue conditioned for further consideration by the Historic Buildings and Conservation team.
- 6.22 Regarding the refuse collection, no formal arrangement is intended. A bin storage area is proposed to the rear of the site but the collection would be as per the general arrangement for the locality. This is considered acceptable in consideration of the scale of the proposal and the fact that access to the site by collectors would be problematic. The details of the refuse storage will be conditioned for detailed approval.

#### Conclusion

- 6.23 The scheme is considered to represent an opportunity for regeneration not only of the site, but also the locality. In a town centre location it is suggested that weight should be given to the availability of local services and facilities, and the availability of public transport links. The option of refusal has implications of site sterilisation and further decline. On balance, it is considered that the benefits offered by the scheme outweigh the problems.

### **RECOMMENDATION**

#### **NW2004/0260/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 )(drawing numbers 506/11, 506/01, 506/02. 506/03, 506/04, 506/05, 506/07, 506/08 and Site Location Plan, all received on 22/01/04. Plus, 506/06A, 506/09A, and 506/10A, all received on the 05/04/04).

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 - B02 (Matching external materials (extension) )

Reason: To ensure the external materials harmonise with the existing building.

- 5 - C02 (Approval of details )

(a) details of all new windows and doors and painted finish to external joinery

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

- 6 - 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.

- 7 - C05 (Details of external joinery finishes )

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

- 8 - C09 (External repointing )

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

- 9 - C11 (Specification of guttering and downpipes )

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

- 10 - C12 (Repairs to match existing )

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

- 11 - E16 (Removal of permitted development rights )

Reason: To protect the character and setting of the site and locality and to prevent undesirable development in this location.



- 12 - E18 (No new windows in specified elevation )(any elevation of the property).

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

- 13 - E19 (Obscure glazing to windows )(serving the kitchen in dwelling unit identified in drawing 506/06 as 'cottage 1')

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

- 14 - F16 (Restriction of hours during construction )

Reason: To protect the amenity of local residents.

- 15 - F18 (Scheme of foul drainage disposal )

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

- 16 - F39 (Scheme of refuse storage )

Reason: In the interests of amenity.

- 17 - The two shop units hereby permitted shall be for a use as defined under Class A1 of the Use Classes Order 1987 only.

Reason: For the avoidance of doubt and to ensure a suitable use of the shop units.

- 18 - H29 (Secure cycle parking provision) (4 cycles)

Reason: To ensure that there is adequate provision for secure cycle accommodation within the application site, encouraging alternative modes of transport in accordance with both local and national planning policy.

**Informatives :**

- 1 - N03 - Adjoining property rights
- 2 - N06 - Listed Building Consent
- 3 - N07 - Housing Standards
- 4 - N15 - Reason(s) for the Grant of PP/LBC/CAC
- 5 - The developer should ensure that any purchasers or tenants are aware of the on site parking provision and the parking situation in the locality, in consideration of the current Traffic Regulation Orders.
- 6 - The developer should ensure that all purchasers or tenants are aware of the available public transport facilities and the available routing and timetable information.

NW2004/0261/L

That listed building consent be granted subject to the following conditions :

1 - C01 Time limit for commencement (Listed Building Consent)

Reason: Required to be imposed by Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2 - C16 Detailed scheme of demolition operations

Reason: To minimise the risk of damage to the existing building.

3 - B01 (Samples of external materials )

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

4 - B02 (Matching external materials (extension) )

Reason: To ensure the external materials harmonise with the existing building.

5 - C02 (Approval of details )

(a) details of all new windows and doors and painted finish to external joinery

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

6 - 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.

7 - C05 (Details of external joinery finishes )

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

8 - C09 (External repointing )

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

9 - C11 (Specification of guttering and downpipes )

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

10 - C12 (Repairs to match existing )

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

**Informatives :**

- 1 - N03 - Adjoining property rights
- 2 - N15 - Reason(s) for the Grant of PP/LBC/CAC

Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.