

**DCSE2003/3710/O - ERECTION OF ONE DWELLING,
OLD BAKERY, LAND TO REAR OF PETERSTOW
STORES, PETERSTOW, NR. ROSS-ON-WYE,
HEREFORDSHIRE**

**For: Mrs P Bryan per Paul Smith Associates,
Chase View House, Merrivale Road, Ross-on-Wye
Herefordshire, HR9 5JX**

Date Received: 10th December 2003 Ward: Llangarron Grid Ref: 56502, 24560

Expiry Date: 4th February 2004

Local Member: Councillor Mrs. J. A. Hyde

1. Site Description and Proposal

- 1.1 The application site lies to the rear of the village shop at Peterstow which is on the north east side of the A49(T). This bakery comprises a complex of single-storey buildings, most of which are in poor condition. The bakery and shop were formerly part of the same business but have been separated and the bakery closed for a number of years. Vehicular access to the bakery is through the shop car park, with a narrow drive widening to an irregular shaped area of about 0.13ha. The site is surrounded by residential properties.
- 1.2 The proposal to erect one dwelling is for outline permission and all matters except means of access are reserved for later approval. As originally submitted 3 dwellings were proposed with siting not reserved. The application however pre-supposed mains drainage which is not available in Peterstow and the application has been revised to take account of drainage problems.

2. Policies

2.1 Planning Policy Guidance

PPG.3	-	Housing
PPG.13	-	Transport

2.2 Hereford and Worcester County Structure Plan

Policy CTC.1	-	Area of Outstanding Natural Beauty
Policy H.16A	-	Housing in Rural Areas
Policy H.18	-	Housing in Rural Areas

2.3 South Herefordshire District Local Plan

Policy C.5	-	Development within Area of Outstanding Natural Beauty
Policy C.23	-	New Development affecting Conservation Areas
Policy SH.6	-	Housing Development in Larger Villages
Policy SH.8	-	New Housing Development Criteria in Larger Villages
Policy SH.14	-	Siting and Design of Buildings

- Policy SH.15 - Criteria for New Housing Schemes
- Policy GD.1 - General Development Criteria
- Policy ED.4 - Safeguarding existing Employment Premises

2.4 Unitary Development Plan (Revised Deposit Draft)

- Policy H.6 - Housing in Smaller Settlements
- Policy CF.2 - Foul Drainage

3. Planning History

- 3.1 SE2003/3733/C Demolition of bakery buildings - Conservation Area Consent granted 12.02.04

4. Consultation Summary

Statutory Consultations

- 4.1 Highways Agency has no principle objections to these proposals as the proposed use is likely to generate fewer trips and remove the likelihood of heavy goods vehicle movements than the established commercial use of the site. However in accepting this development there are some important aspects that the Highways Agency have directed planning conditions to ensure that the site operates as safely as possible. These conditions relate to the permanent closure of the superfluous access to the A49 and to ensure that the remainder of the car park can be marked out in the manner prescribed in the site plan.

Internal Council Advice

- 4.2 Head of Conservation does not wish to object in principle from an architectural point of view.

5. Representations

- 5.1 The appellant's agent has submitted the following case:

- "- the application site was used, until 2001, as a bakery supplying three shops owned by the applicant and with six wholesale deliveries being made daily
- the site retains its lawful planning use and is relatively unencumbered in terms of intensity of use and hours of operation. Since the closure of this bakery the buildings and site have, unfortunately, assumed a dilapidated appearance detracting from the locality
- vehicular access to the previous bakery was severely restricted by the modest size of the site. There were approximately 38 vehicular movements per day of which 14 movements were by commercial vehicles. With no on-site turning area, these vehicles either reversed into, or out of, the bakery posing some highway danger. Delivery vehicles would often have to park on the A49(T) when a commercial vehicle was already in the bakery yard
- the applicant's proposal is to demolish the buildings and to erect one dwelling. The existing eastern vehicular access adjoining a bus stop would be closed. This, and the elimination of heavier vehicles and reduction of private vehicles visiting this site daily would improve considerably road conditions within the site and on this stretch of the A49(T). Furthermore, the use of an adjoining car park in the ownership of the applicant but used by patrons of the village stores would be

- enhanced. Only the occasional private car would pass through the car park rather than the stream of commercial vehicles one would associate with a commercial property of this size
- furthermore, the dwelling would enhance considerably the character and appearance of the site and the conservation area. The application site adjoins residential properties on three sides. Its use as housing land would be more in keeping with its surroundings than as a largely, unrestricted commercial premises
 - the village of Peterstow is identified in the adopted Local Plan as a 'larger' village to which housing is to be steered. The principle of housing on this site is therefore acceptable particularly as this proposal involves 'previously-developed' land the redevelopment of which is afforded priority in national planning guidance
 - the adopted Local Plan affords some protection of employment sites. However I would contend that the utility of this property as commercial premises is limited. Its re-use for industrial purposes - for which planning permission would not be required - would reintroduce heavy goods vehicles to this site posing a highway hazard to this stretch of the A49(T). Moreover, the continued commercial use of this property so close to housing would cause harm to the living conditions of their occupants. Therefore, the environmental, visual and highway benefits accruing from the proposed development would outweigh the value of this property as commercial premises."

5.2 The Parish Council makes the following objections:

"Drainage - not on mains - site not properly services in its present form.

Access - the bakery vehicles have not used the access for some years, since when the trade of the Post Office Shop has increased considerably. The car parking/access area is already under difficulties onto and from the A49 - a further 3 - 9 car users would complicate matters too much.

Density of Dwellings - the proposed development of 3 houses (fairly large) would be excessive for the area available and would prejudice the facilities of adjoining owners.

Note of Development - application not pinned up on site at 13.01.04. All neighbours should have been informed - has this been done?

We query the comments made in the letter concerning 'Peterstow being identified as a larger village to which housing should be steered'. Since when?"

It should be noted that these objections and those in paragraph 5.3 relate to the original submission. Any further comments on the revised proposal will be reported at the Committee meeting.

5.3 8 letters have been received objecting to the proposal. There are 3 main reasons cited, which are summarised below:

Drainage

- 1) the bakery drainage system did not function effectively with the result that water ponded on the land
- 2) adjoining properties have problems with their septic tanks/bio-discs with regular maintenance necessary to stop problems (e.g. backing-up). This seems to result from a rise in water table over recent years which is now high

- 3) not only would it not be possible to drainage these new houses but would exacerbate problems of adjoining properties
- 4) it is thought that unofficially these problems, including contamination by sewage is the reason for, or contributed to, closure of the bakery.

Access

- 5) site has no suitable access and effectively inaccessible and useless for building
- 6) existing access is through car park of village shop and there is limited visibility along busy trunk road. Shop has right to use car park in perpetuity
- 7) currently delivery vehicles (PO and retail) cannot always park in car park and have to park on footway/carriageway with consequent risk to pedestrians - this would occur more frequently if access to new development had to be maintained. Similarly servicing of shop is extremely difficult and would be made worse
- 8) conflict with shop customers
- 9) development could disrupt the village shop's trade with very serious repercussions for the business
- 10) bakery products were distributed mainly during very early hours when little traffic on highway whereas cars of occupiers of houses would be in and out throughout the day including rush hours

Amenities

- 11) houses on this site would spoil outlook from existing house(s), block light and result in loss of privacy
- 12) two houses built to side of one objector and planning permission for two more, and cumulatively further development would result in loss of daylight
- 13) would be overcrowded, too high density
- 14) spoil immediate natural environment (character of village?)
- 15) reduce property value and building works would cause nuisance and disruption to shop.

Two objectors were not opposed to some housing if problems could be resolved.

The full text of these letters can be inspected at Southern Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

6. Officers Appraisal

- 6.1 The site is within the defined settlement of Peterstow and in principle residential development is encouraged (Policies H.18 and SH.6 of the County Structure Plan (HWCSP) and Local Plan (SHDLP) respectively). Policy ED.4 (SHDLP) seeks to safeguard existing employment premises within settlement unless this is outweighed by "environmental improvements and community benefits". In this case the buildings are unattractive and demolition and erection of one new dwelling would enhance the character and appearance of Peterstow Conservation Area, it is considered. This is also likely, on balance, to improve the amenities of neighbours. Furthermore the resumption of commercial use of these buildings would involve commercial vehicles using a sub-standard access and in the Highways Agency's view the proposal is likely to generate less trips and would therefore bring improvements to highway safety. It is considered therefore that there are significant benefits which outweigh the advantages to the local economy of resisting the loss of these commercial buildings. Although constrained by the position of the village store, adjoining houses and mature trees on

the site, it is considered that one dwelling could be sited which would be sufficiently far from the site boundaries to ensure that the amenities of neighbours would not be harmed unacceptably.

- 6.2 From the representations it is clear that drainage has been a problem on this site. It is understood however that the septic tank serving the shop has been removed from this site and a new drainage system installed on adjoining land. Percolation tests have been carried out and there is sufficient land for the required spreaders. The Building Control Officer advises that in his view adequate drainage can be achieved for one dwelling. The detailed design of the drainage scheme can be the subject of a planning condition. Furthermore one house is unlikely to result in greater effluent and surface water than the existing commercial building (assuming commercial use resumed). For these reasons it is considered that the proposal would be drained acceptably.
- 6.3 A third concern raised by local residents is the access. It is acknowledged that the access off the A49(T) has below standard visibility. This is compounded by the access drive passing through the shop car park with possible conflict between shop traffic (customers cars, delivery vehicles and post office vans) and vehicular traffic to and from the new property. The Highways Agency for the reason given above considers that there would be benefits to highway safety resulting from the reduction in trips plus the closure of another access to the south-east of the shop and marking out of the car park. This view assumes that a resumption of commercial use is probable. This is arguable but nevertheless with only one new house proposed it is not considered that the conflicts anticipated in the representations would be so serious as to justify refusal of planning permission.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

1. **A02 (Time limit for submission of reserved matters (outline permission))**
Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
2. **A03 (Time limit for commencement (outline permission))**
Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
3. **A04 (Approval of reserved matters)**
Reason: To enable the local planning authority to exercise proper control over these aspects of the development.
4. **A05 (Plans and particulars of reserved matters)**
Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
5. **F48 (Details of slab levels)**

Reason: In order to define the permission and ensure that the development is of a scale and height appropriate to the site.

6. F18 (Scheme of foul drainage disposal)

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

7. Prior to the occupation of the proposed dwelling the existing access to the south-east of the village shop shall be permanently closed to vehicular traffic. The means of affecting this closure shall be agreed with the local planning authority in consultation with the highway authority.

Reason: To ensure that the A49 trunk road continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10 (2) of the Highways Act 1980 by minimising disruption on the trunk road resulting from traffic entering and emerging from the application site and in the interests of road safety.

8. Prior to the occupation of the proposed dwelling the car parking adjacent to this property and to the village store shall be permanently marked out in the manner illustrated on the site plan drawing.

Reason: To ensure that the A49 trunk road continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10 (2) of the Highways Act 1980 by minimising disruption on the trunk road resulting from traffic entering and emerging from the application site and in the interests of road safety.

Informative(s):

1. N15 - Reason(s) for the Grant of Planning Permission

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.