

9 (A) DCCW2004/1701/F - CHANGE OF USE FROM PUBLIC HOUSE TO PRIVATE DWELLING. ALTERATIONS AND EXTENSIONS TO CONVERT THE EXISTING BUILDING INTO TWO UNITS AND THE ERECTION OF TWO ADDITIONAL UNITS AT THE PLOUGH INN, CANON PYON, HEREFORDSHIRE, HR4 8NU

For: Mrs. V. Santillo per Mr. A. Last, Brookside Cottage, Knapton, Birley, Herefordshire HR4 8ER

(B) DCCW2004/1703/F - CHANGE OF USE OF EXISTING CAR PARK TO RESIDENTIAL USE AND FOR THE ERECTION OF TWO DWELLINGS AND ASSOCIATED COVERED AND UNCOVERED PARKING AT THE PLOUGH INN, CANON PYON, HEREFORDSHIRE, HR4 8NU

For: Mrs. V. Santillo per Mr. A. Last, Brookside Cottage, Knapton, Birley, Herefordshire, HR4 8ER

Date Received: 10th May 2004

Ward: Wormsley Ridge

Grid Ref: 46322, 48669

Expiry Date: 5th July 2004

Local Member: Councillor J.C. Mayson

1. Site Description and Proposal

- 1.1 The site is within the village of Canon Pyon on the western side of the A4110. The existing public house is a traditional double fronted building facing the main road with extensive car parking to the rear, and a skittle alley extending along the side boundary. To the east of the site are a pair of recently constructed semi detached dwellings and opposite are detached residential units, otherwise the site is surrounded by farmland. The existing access into the site is to remain unchanged. Both application sites (with the exception of a narrow strip of land on the southern side of application DCCW2004/1701/F), are identified in the existing Leominster District Local Plan and the emerging Unitary Development Plan as within the settlement boundary.
- 1.2 Application DCCW2004/1701/F is for the change of use of the public house and alterations, to create two units, and to demolish the skittle alley to create two additional units. The alterations to the public house include a first floor extension to the front and demolition of an existing single storey section to the side. The conversion creates two four bed units. The additional new units would be a three bed dwelling and a two bed bungalow.

- 1.3 Application DCCW2004/1703/F is on the car parking area to the rear of the public house. This application proposes two new two storey units, both three bed. These are sited directly behind the public house and together with the other new units and conversion of the public house, a courtyard formation of dwellings is proposed. Twenty parking spaces are proposed for the overall development, mainly in the north western corner of the site, five of which are covered by an open "barn" style car port.

2. Policies

2.1 Planning Policy Guidance:

- PPG1 - General Policy and Principles
PPG3 - Housing

2.2 Leominster District Local Plan:

- Policy A1 - Managing the District's Assets and Resources
Policy A2 - Settlement Hierarchy
Policy A23 - Creating Identity and an Attractive Built Environment
Policy A24 - Scale and Character of Development
Policy A34 - Village based Neighbourhood Shops and other Small Scale Commercially based Local Services
Policy A62 - Proposals resulting in the Loss of Community Facilities
Policy A70 - Accommodating Traffic from Development
Policy A71 - Vehicle Parking Standards for Development away from Central Shopping and Commercial Areas and Conservation Areas

2.3 Herefordshire Unitary Development Plan (Revised Deposit Draft);

- Policy H4 - Main Villages: Settlement Boundaries
Policy H9 - Affordable Housing
Policy H13 - Sustainable Residential Development
Policy H14 - Re-using Previously Developed Land and Buildings
Policy CF6 - Retention of Existing Facilities

3. Planning History

- 94/00361 Site for 4 dwellings. Refused 23/08/1994.
- 95/0569/O New access, two dwellings and revised car park layout. Approved 19/10/1995.
- 98/0668/O New access, two dwellings and revised car park layout. Approved 20/01/1999.
- NW00/1800/F 2 no four bedroomed houses with garages. Approved 01/11/2000.
- CW2003/1547/F Change of use from public house to private dwelling. Alterations and extensions to convert existing building into two units and erection of 3 units. Refused 20/08/2003.

4. Consultation Summary

Statutory Consultations

- 4.1 Dwr Cymru Welsh Water: No objection subject to conditions.
Internal Council Advice
- 4.2 Head of Engineering and Transportation: No objection subject to conditions and providing the two applications are linked.
- 4.3 Conservation Manager: The site is close to the recorded course of a Roman Road and as such the proposal has minor archaeological implications and a condition is recommended.
- 4.4 Forward Planning Manager: Advises that the loss of a locally based service should only be permitted where the local service is no longer viable and the premises can accommodate the proposed new use without redevelopment. The proposed new build is to be assessed in relation to Policy A2 which states that small scale development will be permitted within settlement boundaries. Whilst a narrow strip of land (part of the existing skittle alley) is outside the settlement boundary designated by the Leominster District Local Plan, the land is brownfield and is included in the settlement boundary of the Unitary Development Plan.

5. Representations

5.1 Canon Pyon Parish Council:

Application DCCW2004/1701/F

1. Under Hereford UDP Revised Deposit Draft H5 Canon Pyon has a brownfield site earmarked to provide 12 dwellings adequate for current needs.
2. The Parish Council consider the application is contrary to Policies A29 and A39(2), A62(3) of the Leominster District Local Plan and Chapter 27 Paragraphs 10 and 11 of the Leominster District Local Plan.
3. The Parish Council objections dated 19th June, 2003, referring to the previous application DCCW2003/1547/F still apply.
4. In the wider interest of the community the Parish Council opposes the loss of amenities and cannot support the application.

Application DCCW2004/1703/F

1. Under the Hereford UDP Revised Deposit Draft H4 Canon Pyon has a brownfield site earmarked to provide 12 dwellings adequate for current needs.
2. The application is contrary to Leominster District Local Plan 27.10 "Reducing the need to travel" and Leominster District Local Plan 27.11 "No new housing sites proposed for Canon Pyon".
3. It would appear contrary to:

- (a) Leominster District Local Plan Policy A1(3) and Policy 54 harming the amenities of existing properties.
- (b) Policy A1(4), general density.
- (c) Policy A24(8), cramped development.
- (d) Policy A1(6), reducing the need to travel.

4. The Parish Council cannot support the application.

5.2 DCCW2004/1701/F and DCCW2004/1703/F

One letter from Canon Pyon Post Office raising no objection and stating that the applicants have been considerate in their design to the properties most likely to be affected. Request that the mature Ash tree adjacent to the boundary is retained if at all possible.

5.3 DCCW2004/1701/F and DCCW2004/1703/F

Two letters of objection, one from the Hereford and District Skittle League and one from the Pioneers Skittle Team, both objecting on the basis of the loss of the skittle alley. The Hereford and District Skittle League have played at the Plough Inn for 18 years, the closure would mean the end of the village skittle team, pool team, darts, crib etc. which would be a sad loss to the social well being of the village community.

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

6. **Officers Appraisal**

6.1 The applications are integrally linked and will be appraised together. The proposal raises a number of key issues and is firstly considered in terms of the general principle of both the loss of a community facility and the principle of new residential development in this location. Detailed design matters, neighbour implications, parking and access issues are then addressed.

6.2 The Principle of a Change of Use of the Public House

Policies A29, A34 and A62 of the Leominster District Local Plan seek to retain employment generating uses and community facilities in villages unless it can be demonstrated that the local service is no longer commercially viable or required and an alternative community facility is not needed. The previous application (CW2003/1547/F, which was refused on the impact upon open countryside, amenity issues and access grounds), included substantial evidence that the public house has been marketed for a prolonged period of time (for 7 years), at what was considered to be a reasonable asking price, without success. Confidential financial details were also provided which indicated that the business was no longer commercially viable. Taking this into account, together with the fact that there is another public house in the village (as well as one in Bush Bank a few miles north), and that the village has reasonable provision of other local services such that there is not an identified need for an alternative community use, it was not considered reasonable to raise objection to the principle of a change of use of the building.

6.3 The Principle of New Residential Building

The site is identified within the settlement boundary of Canon Pyon in both the Leominster District Local Plan and the emerging Unitary Development Plan, whereby Policy A2 allows small scale residential development in principle. In this case the development is considered to be of a scale and character compatible with the surroundings. Although the site is at the end of a linear section of development, it forms an integral courtyard and as such is not considered to create backland development or a precedent for further development in rear gardens. The previous application (reference CW2003/1547/F) was refused partly on the grounds that built development would overhang the settlement boundary and would therefore have an adverse affect on the surrounding open countryside. In this case a narrow strip of the application site still overhangs the settlement boundary, however this is now proposed to be residential curtilage and the built form is taken away from the boundary, therefore there are no objections in this respect.

6.4 Design

The existing public house has been converted into two units without the need for significant extension and the basic traditional appearance of this building is retained. The design of the new build has been the subject of negotiation during the application process. The new units have been designed with the intention of creating a scheme which has the appearance of converted outbuildings. Amended plans have been received which show more traditional detailing and avoid the regularity of openings which was previously considered problematic. These amended plans are acceptable and improve the appearance of the units. Re-consultation has not been considered necessary in this instance. Conditions can be imposed to control landscaping and boundary treatments which will have a significant impact upon the overall appearance of the scheme.

6.5 Amenity Issues

Levels of mutual overlooking and privacy for the new units are considered acceptable, and although the garden areas created are relatively small they are considered adequate and in any event it would not be appropriate for the planning process to dictate garden sizes. A reasonable distance (25 metres) is maintained to the existing neighbouring semi detached properties and the level of activity associated with the new dwellings would not cause any more disturbance to neighbours than the public house use of the site.

6.6 Parking/Access

The existing access to the site is to be used and 20 parking spaces will be provided in total for the scheme as well as turning and manoeuvring space. This equates to at least three spaces per property and is more than adequate, furthermore subject to conditions there are no objections to the access arrangements.

6.7 Conclusion

Overall, it has been satisfactorily demonstrated and previously accepted that a change of use of the public house accords with Local Plan policy. Furthermore, the principle of new residential development in this location is acceptable in line with Policy A2 of the Leominster District Local Plan. The detailed design has been subject to negotiation

and is now considered acceptable. There is no adverse impact upon neighbours and the amenities created for the new units are considered acceptable as are the parking/access arrangements. Overall no objections are raised to the scheme.

RECOMMENDATION

In respect of DCCW2004/1701/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. A09 (Amended plans).**

Reason: To ensure the development is carried out in accordance with the amended plans.

- 3. B01 (Samples of external materials).**

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

- 4. D03 (Site observation - archaeology).**

Reason: To allow the potential archaeological interest of the site to be investigated and recorded.

- 5. E16 (Removal of permitted development rights).**

Reason: In the interests of the character and amenity of the surrounding area.

- 6. E18 (No new windows in specified elevation).**

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

- 7. E19 (Obscure glazing to windows).**

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

- 8. G04 (Landscaping scheme (general)).**

Reason: In order to protect the visual amenities of the area.

- 9. G05 (Implementation of landscaping scheme (general)).**

Reason: In order to protect the visual amenities of the area.

- 10. G01 (Details of boundary treatments).**

Reason: In the interests of visual amenity and to ensure dwellings have satisfactory privacy.

11. H14 (Turning and parking: change of use - domestic).

Reason: To minimise the likelihood of indiscriminate parking in the interests of highway safety.

12. Foul water and surface water discharges must be drained separately from the site.

Reason: To protect the integrity of the public sewerage system.

13. No surface water shall be allowed to connect (either directly or indirectly) to the public sewerage system.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of exiting residents and ensure no detriment to the environment.

14. No land drainage run-off will be permitted, either directly or indirectly, to discharge into the public sewerage system.

Reason: To prevent hydraulic overload of the public sewerage system and pollution of the environment.

15. The proposed development site is crossed by a public sewer with the approximate position being marked on the attached Statutory Public Sewer Record. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times. No part of the building will be permitted within 3 metres either side of the centreline of the public sewer.

Reason: To protect the integrity of the public sewer and avoid damage thereto.

16. E24 (Staging of Development)

Reason: To ensure that adequate parking provision for the overall development is provided.

17. F39 (Scheme of refuse storage).

Reason: In the interests of amenity.

18. F16 (Restriction of hours during construction).

Reason: To protect the amenity of local residents.

Informatives:

- 1. If a connection is required to the public sewerage system, the developer is advised to contact the Dwr Cymru Welsh Water's Network Development Consultants on Tel: 01441 331155.**
- 2. The proposed development is crossed by a trunk/distribution watermain, the approximate position being shown on the attached plan. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus**

at all times. I enclose our Conditions for Development near Watermains. It may be possible for this watermain to be diverted under Section 185 of the Water Industry Act 1991, the cost of which will be re-charged to the Developer.

3. N15 - Reasons for the Grant of PP.

In respect of DCCW2004/1703/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. A09 (Amended plans).

Reason: To ensure the development is carried out in accordance with the amended plans.

3. B01 (Samples of external materials).

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

4. D03 (Site observation - archaeology).

Reason: To allow the potential archaeological interest of the site to be investigated and recorded.

5. G04 (Landscaping scheme (general)).

Reason: In order to protect the visual amenities of the area.

6. G05 (Implementation of landscaping scheme (general)).

Reason: In order to protect the visual amenities of the area.

7. G01 (Details of boundary treatments).

Reason: In the interests of visual amenity and to ensure dwellings have satisfactory privacy.

8. H14 (Turning and parking: change of use - domestic).

Reason: To minimise the likelihood of indiscriminate parking in the interests of highway safety.

9. Foul water and surface water discharges must be drained separately from the site.

Reason: To protect the integrity of the public sewerage system.

- 10. **No surface water shall be allowed to connect (either directly or indirectly) to the public sewerage system.**

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of exiting residents and ensure no detriment to the environment.

- 11. **No land drainage run-off will be permitted, either directly or indirectly, to discharge into the public sewerage system.**

Reason: To prevent hydraulic overload of the public sewerage system and pollution of the environment.

- 12. **E16 (Removal of permitted development rights).**

Reason: In the interests of the character and amenity of the surrounding area.

- 13. **F39 (Scheme of refuse storage).**

Reason: In the interests of amenity.

- 14. **F16 (Restriction of hours during construction).**

Reason: To protect the amenity of local residents.

Informatives:

- 1. **If a connection is required to the public sewerage system, the developer is advised to contact the Dwr Cymru Welsh Water's Network Development Consultants on Tel: 01441 331155.**
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- 3. **N15 - Reasons for the Grant of PP.**

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.