

MEETING:	PLANNING COMMITTEE
DATE:	16 MAY 2012
TITLE OF REPORT:	<p>S113564/F- CHANGE OF USE OF THE GARDEN FROM USE CLASS A4 DRINKING ESTABLISHMENT TO USE CLASS C3 DWELLING HOUSES. CONSTRUCTION OF 2 NEW DWELLINGS AND CREATION OF PUBLIC PAVEMENT AT GARDEN OF THE BULL RING INN, KINGSTONE, HEREFORD, HR2 9HE</p> <p>For: Mr Braithwaite per Michael Drake Architects Ltd, 83 Greenbank Road, Greenbank, Bristol, BS5 6HE</p>
WEBSITE LINK:	http://www.herefordshire.gov.uk/housing/planning/58286.aspx?ID=113564&NoSearch=True

Date Received: 20 December 2011 Ward: Valletts

Grid Ref: 342366,235657

Expiry Date: 29 February 2012

Local Member: Councillor JF Knipe

1. Site Description and Proposal

- 1.1 The application site comprises part of the hedgerow lined garden to the Bull Ring public house. This area of land is to the north east of the public house and adjoins the existing car park that will remain with the public house. The site is 32 metres at its widest where it adjoins the existing car park. It tapers down to 8 metres as the site inclines on this grassed area. The C1221 road skirts the south eastern side of the site, which is elevated above the road. The application site includes a hedgerow between the aforementioned class III road and the existing car-park. The application site adjoins the boundaries of two residential properties, Ash Tree Cottage and Rosemary Cottage. There are three further dwellings on the opposite side of the C1221 road. The southern most dwelling (Green Court Cottage) is a Grade II listed building. The other two dwellings are later red brick faced houses that are separated from the C1221 road by a triangular area of grass.
- 1.2 The application site is wholly within the defined settlement boundary for Kingstone which is designated as one of the main villages in Policy H4 of Herefordshire Unitary Development Plan.
- 1.3 It is proposed to erect two 3 bed dwellings on this site, which would be elevated above the level of the C1221 road by 1.6 metres. The brick faced dwellings will share one central access point with parking provided to the rear of each of the detached dwellings. Visibility of 2.4m by 43m in each direction will be created onto the C1221, which will entail reducing the height of the existing bank that adjoins the road. A footpath will be created along the roadside frontage and will link to the existing vehicular entrance into the public house.
- 1.4 The house nearest to the existing public house car park will be brick faced under a reclaimed slate roof that is 7.7 metres to the ridge. The other house which is on the more elevated part

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of the site is 7 metres to the ridge. The reduced ridge height being achieved by providing the first floor accommodation comprising 3 bedrooms within the roof space. The principal or roadside elevation will have three dormer windows. It too will be faced in red brick under a slate.

- 1.5 This revised application follows one for three dwellings that was withdrawn following concerns raised by the Conservation Manager. The applicant has confirmed that commencement will be undertaken within 12 months and therefore there is no requirement to secure Section 106 contributions.

2. Policies

2.1 National Planning Policy Framework

It is considered that paragraphs 14, 17, 30, 47, 56 and Annex 1: Implementation are particularly relevant to this application.

2.2 Herefordshire Unitary Development Plan HUDP

S1	-	Sustainable Development
S2	-	Development Requirements
DR1	-	Design
DR2	-	Land Use and Activity
DR3	-	Movement
DR5	-	Planning Obligations
H4	-	Main villages: Settlement Boundaries
H13	-	Sustainable Residential Design
H14	-	Re-using Previously Developed Land and Buildings
H15	-	Density
H16	-	Car Parking
HBA4	-	Setting of Listed Buildings
HBA9	-	Protection of Open Areas and Green Spaces
CF6	-	Retention of existing facilities
T8	-	Road Hierarchy

3. Planning History

- 3.1 DCSW2004/3540/O Site for residential development. Refused 13.01.2005 as follows:
- It is considered that with the need to provide adequate visibility across the site frontage which, given the difference in levels, i.e between the highway and the site, together with the loss of established hedgerow, would be detrimental to the amenity of this part of the village. Therefore, the proposal is contrary to the provisions of Policies GD.1, SH.8 and T.3 contained in the South Herefordshire District Local Plan*
- The development of the site, given its elevated position and the contribution the open space makes to the village, would be visually intrusive and would detract from the amenity of this part of the village. Therefore, the proposal is contrary to the provisions of Policies GD.1, SH.8 and C.30 contained in the South Herefordshire District Local Plan.*
- 3.2 DMS/110649/F Change of use of land from Use Class A4 drinking establishment to Use Class C3 dwelling houses, construction of 3 new dwellings and public footpath. Withdrawn 1.08.2011.

4 Consultation Summary

Statutory Consultations

- 4.1 Welsh Water raise no objections subject to the imposition of conditions relating to the separate treatment of foul and surface water

Internal Council Advice

- 4.2 Traffic Manager supports the application subject to footpath across site frontage being adopted and conditions relating to visibility.
- 4.3 Conservation Manager states that in the new scheme, the two dwellings are placed, rather more as a traditional street frontage than previously (for withdrawn scheme), and at a much reduced ground level. The two houses relate to the triangular green to the east, and doing that will enclose and create a new 'streetscape' of definite visual quality. The much narrower plans and gables of the proposed houses are much closer to the scale of traditional village buildings, and this will reinforce the impression of a village frontage. Many of our earlier concerns about, for example, multiple accesses, poor house types and over dense development have been addressed in this new scheme. And I note that the development does not stand directly in front of the listed Green Court Cottage, so that its setting will be affected, but in my view, not harmed. In addition, the orientation of the houses, their form and their reduced level mean that the view from the churchyard to the distant rim of hills, which gives a strong rural churchyard feeling, will not be so profoundly affected.

I conclude that the settings of the adjacent listed buildings are affected but not harmed in this scheme and that the scheme therefore meets the UDP and NPPF policy tests.

Landscaping conditions are required. Boundaries should be green and not solid timber fencing. The dormer detail of House 2 and consequent larger number of downpipes, is rather coarse and requiring the agreement of details would be appropriate

- 4.4 Public Rights of Way Manager raises no objections, as it will not impact on public footpath

5. Representations

- 5.1 Kingstone Parish Council make the following observations:

Agreed that comments made in respect of previous application for 3 houses remain valid. At the previous Council meeting in December members of the public were unanimous in opposing the application

Our original comments for the first application were;-

The Parish Council has serious concerns over any proposal that jeopardizes the future of the one remaining public house in Kingstone. Whilst this proposal keeps the pub, the car parking area is greatly reduced and this could make it difficult for any future owner to expand the business. There have been proposals like this in the past and there was concern about cars entering onto the road on a blind bend. Is the highway engineer satisfied that the footpath overcomes previous perceived problems?

As the buildings opposite are listed, is the development appropriate? The Parish Council has for many years, with the agreement of the publicans, used the pub car park for weddings, funerals and other events keeping the roads relatively free. With many events this has included using the proposed development site

The footpath would be most welcome solving one of the long-standing pedestrian safety problems in the village. Even so the Parish Council on balance recommends the refusal of the application.

In addition to the above it was noted that footpath is still not joined for walking around the pub to the Post Office. The car parking calculations, in the supporting documents item 4.5.6: ignore the potential for more unused areas of the pub to be used when run as a successful business. Councillors were unanimous in rejecting this application.

5.2 Eight letters of objection have been received from local residents. These are summarised as follows:

- Loss of car-park (third to half) makes pub less attractive and viable i.e to extend it
- Site used by church, it has no car-park for services i.e. weddings, funerals and by other organizations
- Site used previously, e.g. boules could be used again.
- Only venue in Kingstone for hot food.
- Key facility in village with Post Office and shop.
- Loss of hedgerow particularly for car-park result in car headlights shining in on us. Also structural work required if bank to remaining car-park removed.
- Height of dwellings; dominant
- New access dangerous , result in faster traffic and noise/disturbance
- Path better sited on opposite site of road.
- Although not attractive site used by wildlife.

5.3 The consultation responses can be viewed on the Council's website by using the following link:-

www.herefordshire.gov.uk/housing/planning/searchplanningapplications.aspx

Internet access is available at the Council's Customer Service Centres:-

www.herefordshire.gov.uk/community_and_living/consumer_advice/41840.asp

6. Officer's Appraisal

6.1 The key issues for consideration in the determination of this detailed application are as follows:

- (a) Principle of development/loss of community facilities.
- (b) Impact of the development upon the locality including a listed building and views of the church
- (c) Impact upon residential amenity.
- (d) Highway safety.

Principle of development/impact on pub viability

6.2 The application site is wholly within the settlement boundary for Kingstone and as such, the principle of residential development is broadly supported by Policy H4 of the HUDP. Further to this the importance attached to the retention of the public house as a locally important community facility is acknowledged. In this respect Policy CF6 requires that consideration must be given to the impact of development proposals that would result in the loss of existing facilities. In this case, whilst the proposed residential development would result in the loss of part of the existing curtilage of the public house, its use as such will continue. A total of 21 parking spaces will be retained together with a beer garden and play area, and in this respect it is not considered that the proposal will result in the loss of the facility and moreover will retain appropriate ancillary facilities to enable it to continue trading. It seems clear from local representations that the parking area has been used by agreement as parking for Church

goers. The benefits of this are acknowledged but such an arrangement is not in my view legally enforceable and would not represent a reasonable ground for the refusal of permission since it could be stopped at any point.

- 6.3 In view of the above, whilst the concerns of local residents are duly noted, there is no evidence to suggest that the public house would not continue to operate should planning permission be granted and as such the proposal is considered to accord with Policies H4 and CF6 of the HUDP. .

Impact on locality

- 6.4 The new dwellings have been sited such that they front onto the C1221 road, this reflects the relationship of the dwellings on the opposite side of the road. The siting of the slightly staggered dwellings will also still allow views across the rear of the relatively deep gardens. This issue is one that was identified previously by the Building Conservation Officer as being of particular significance when looking south westwards from the grounds of St Michaels All Angels Church over the Bull Ring towards distant hills and vice versa from the south west. This was one of the determinants of considering any residential development on the site. The siting of the dwellings proposed still leaves sufficient spacing to the rear or west and between the new two –storey dwellings to allow views through the site and achieve a plot coverage reflecting dwellings in the vicinity of the application site. It is also considered as regards the relationship to the grade II Green Court Cottage, that the orientation of the southernmost dwelling (house 1) will not adversely impinge upon the setting of this listed dwelling. Therefore, the proposal accords with Policy HBA4 of Unitary Development Plan.
- 6.5 The dwellings will need to be cut into the site. This is detailed in sections provided across the site showing the relative ridge heights as compared to existing dwellings to the north west adjoining the application site and on the opposite side of the C1221 road. The new detached dwellings are of differing ridge heights, the northernmost one (house 2) will only be 6.7 metres to the ridge, has been cut into the site as has the taller dwelling (house 1) down slope from it. House 2 is comprised of two elements one of which is 7.6 metres high and the other on the down slope 7 metres to the ridge. The scale and massing reflects the scale of other properties in the vicinity of the site and also reduces the impact of the development in the street scene. The impact of the dwellings can also be ameliorated by sensitive landscaping around the site which would be the subject of a planning condition.
- 6.6 The application site constitutes part of an open space and therefore the proposal needs to satisfy the requirements of Policy HBA9 of Unitary Development Development Plan. Whilst, this privately used area of land makes a contribution to the amenity of the village. It is considered that the remaining land left with the public house and the low density of development proposed and landscaping will outweigh the loss of hedgerow lined open space. Therefore, it is considered on balance that that the proposal accords with Policy HBA9 of Unitary Development Plan.
- 6.7 It is considered that the simple forms of the dwellings proposed, the use of dormer windows, white painted windows, facing brick and slate type materials will reflect the local vernacular and will assist in settling the new dwellings into the site. Therefore, the proposal as regards use of materials accords with Policies DR1, H13 and HBA9 of Unitary Development Plan.

Impact upon residential amenity

- 6.8 Whilst, limited representations have been received in relation to the amenity of residents in the vicinity of the application site, nevertheless it is a relevant consideration. It is considered that the orientation and distance of the two dwellings in relation to the existing dwellings across the C1221 road and to the south east is such that the proposal will not result in adverse overlooking. Furthermore, whilst the site is elevated in relation to the road, the new dwellings

will be set down below existing ground levels and the relatively modest height and articulated roof designs are such that the proposed development will not be overly dominant or overbearing on neighbouring properties. The approval of slab levels by condition will ensure that the two dwellings are set down as much as practicable. It is also not considered that the noise and disturbance from the use of the new dual access would impact significantly upon the amenities of residents living opposite the site entrance. This is with regard to car head-lights, as these will be directed towards the triangular area of village green and not the dwellings either side of it.

- 6.9 Reference has been made to the removal of bank and hedgerow opposite Green Court Cottage. This is in order to facilitate improved access and the provision of the footpath that extends along the site frontage. This is a matter that will need consideration in the interests of the amenity of the site and those of residents living opposite the car-park. This can be addressed within the remit of a landscaping condition that would be required in any case for the new site frontage and as regards boundaries for the new dwellings.

Highway safety

- 6.10 Representations have been received in relation to highway safety and in particular to the position of the proposed new access. It is not considered that the provision of a single access point with the requisite visibility available in each direction, as detailed in submitted plans, will adversely effect highway safety in the locality. The new access arrangements are endorsed by the Traffic Manager. The removal of bank and hedgerow will not only improve visibility around the bend, but will also improve facilities for pedestrians and provide improved pedestrian linkage with the provision of a new footpath. The footpath is also considered to be provided in the optimum position. Providing a footpath on the opposite side of the C1221, as supported in representations received, would potentially impinge upon the amenity of residents on that side of the road given the proximity of the footpath to their properties. A safe access and localised improvements to pedestrian access can be facilitated and therefore the proposal accords with Policies DR3 and T8 of Unitary Development Plan.

Conclusion

- 6.11 It is considered that the development proposed will provide a good quality small scale housing scheme that will also improve footpath linkages in the village, a matter which the Parish Council supports. Whilst the two new dwellings will have an impact on this elevated site, this can be mitigated by landscaping. It is not considered that the development of this site will materially impact upon the long term viability of the public house and the siting and orientation of the two dwellings will compliment the existing street scene and will not have an adverse impact on the setting of listed buildings in the vicinity. The distances between new and existing dwellings in the vicinity of the application site are satisfactory as regards the possibility of overlooking and overshadowing existing dwellings. The means of access provides for appropriate levels of visibility onto the C1221 and the new footpath will provide refuge for pedestrians walking to the public house, shop and post office. Having regard to all of the above, it is considered that the application accords with the guidance contained within the National Planning Policy Framework together with Policies S1, S2, DR1, DR2, DR3, H4, H13, H15, H16, HBA4, HBA9, T8 and CF6 of Herefordshire Unitary Development Plan.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1. The development hereby permitted shall be begun before the expiration of one year from the date of this permission**

Reason: To comply with the provisions of Section 91(1) (b) of the Town and Country

Planning Act 1990 (as amended) and to reflect the decision of the Local Planning Authority on 4 March 2009 to suspend (effective from 1 April 2009) the requirements of the Authority's 'Planning Obligations' Supplementary Planning document (February 2008) in relation to residential developments of five dwellings or less.

2. B01 Development in accordance with the approved plans
3. C01 Samples of external materials
4. G10 Landscaping scheme (including boundary treatments)
5. G11 Landscaping scheme - implementation
6. HO3 Visibility splays
7. H05 Access gates
8. H06 Vehicular access construction
9. H09 Driveway gradient
10. H13 Access, turning area and parking
11. H17 Junction improvement/off site works
12. I51 Details of slab levels
13. L01 Foul/surface water drainage
14. L02 No surface water to connect to public system
15. L03 No drainage run-off to public system

Reason for Approval

1. Having regard to the erection of these two detached dwellings, the local planning authority considered that the small scale development of this site within Kingstone, an identified Main Village was acceptable in principle and as such in accordance with Policy H4 of the Herefordshire Unitary Development Plan. Furthermore it was considered that the proposal would not result in the loss of an existing community facility and as such satisfied the requirements of Policy CF6. It was considered that design, scale and layout of the dwellings were in keeping with the character of the locality and together with their relationship to existing dwellings and listed buildings in the vicinity of the site; the means of access; improved pedestrian access and the impact upon the residential amenity of residents the proposal was considered acceptable. As the proposal also accords with Policies S2, DR1, DR2, DR3, H13, H15, H16, T8, HBA4 and HBA9 of Herefordshire Unitary Development Plan and the guidance contained with the National Planning Policy Framework.

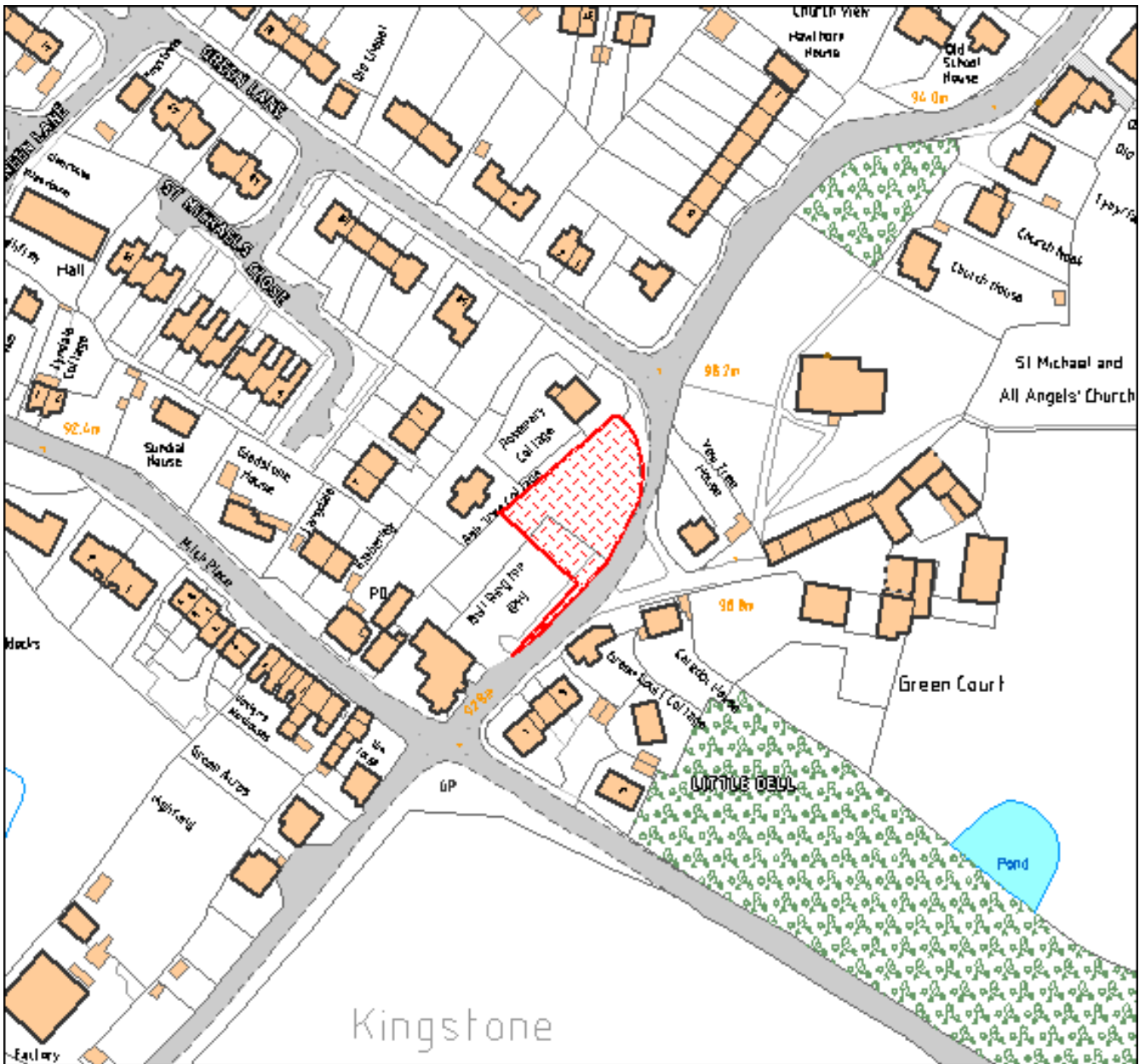
Decision:

Notes:

Background Papers

Internal departmental consultation replies.

Further information on the subject of this report is available from Andrew Prior on 01432 261932



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APPLICATION NO: S/113564/F

SITE ADDRESS : GARDEN OF THE BULL RING INN, KINGSTONE, HEREFORD, HR2 9HE

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