

**6 DCNE2004/0951/O - SITE FOR DETACHED DWELLING
AT FORGE COURTYARD, CANON FROME, LEDBURY,
HEREFORDSHIRE, HR8 2TG****For: Canon Frome Developments per C A Masefield
Building Design Services 66-67 Ashperton Road
Munsley Ledbury Herefordshire HR8 2RY****Date Received:
16th March 2004****Ward:
Frome****Grid Ref:
64819, 43279****Expiry Date:
11th May 2004**

Local Member: Councillor R Manning

Introduction

Last year members supported the proposal to erect an additional dwelling at Forge Court, Canon Frome. The application also included moving the play area. The proposal was supported subject to a Section 106 Agreement to ensure the future maintenance of the play area including adoption of the open space.

Officers Appraisal

Extensive discussions have taken place with the applicant's legal advisors over the terms of the Section 106 Agreement. The road serving 'Forge Courtyard' will not be adopted therefore adoption of the play area by the Council cannot be achieved. Therefore the alternative is to provide the ownership of the new dwelling with the future maintenance. This can be achieved via a planning condition which the applicant's legal advisor considers is acceptable and importantly reasonable.

The previous report is appended.

Recommend

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 - The play area shall be maintained in perpetuity by the owners of the dwelling approved under this permission.

Reason: To ensure the future maintenance of the play area.

6 - The play area shall be permanently divided from the dwelling by means of a boundary fence as require by condition 3 above.

Reason: In order to clarify the terms of this permission.

Decision:

Notes:

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Since the previous report was prepared the following correspondence has been received:

A Petition signed by 34 people supporting the proposal and a further letter of objection.

The previous report is as follows:

1. Introduction

This site is located within a group of new houses and conversions on the former Wargents Engineering Workshop at Canon Frome. The proposal, in outline form, is to build upon a proposed play area and create a new play area to the rear of the proposed building plot. The building plot will measure approximately 17.2 metres by 28.6 metres. The play area measures 17.2 metres by 13 metres.

2. Policies

Planning Policy Guidance Note 3 – Housing
Planning Policy Guidance Note 7 – The Countryside – Environmental Quality and Economic and Social Development

Hereford and Worcester County Structure Plan

Policy H16A – Housing in Rural Areas
Policy H20 – Housing in Rural Areas
Policy CTC9 – Development Requirements

Malvern Hills District Local Plan

Housing Policy 4 – Development in the Countryside

Herefordshire Unitary Development Plan (Deposit Draft)

Policy H7 – Housing in the Countryside Outside Settlements
Policy RST4 – Safeguarding Existing Open Space

3. Planning History

NE2000/1938/O – Redevelopment of agricultural engineers yard to provide for the erection of 2 nos. detached three-bedroom dwellings and the provision of 3 nos. two bedroom dwellings through conversion of two existing buildings. Approved 20th December 2000.

NE2001/2109/RM – Redevelopment of existing agricultural engineers yard to provide 5 no. dwellings by conversion of existing buildings and new build. Approved 19th October 2001.

NE2002/0712/F – Variation of condition 7 of Planning Permission NE2000/1938/O to provide reduced visibility splay. Approved 16th April 2002.

4. Consultation SummaryStatutory Consultations

4.1 None required.

Internal Council Advice

4.2 Head of Engineering and Transport recommends conditions.

5. Representations

5.1 Castle Frome Parish Council raise no objections.

5.2 One letter of objection has been received from Mr P K Clarke, 7 Hopton Yard, Canon Frome, Ledbury

The main points raised are:

- a) When I purchased my property I was informed that the play area was identified when a house was refused on it.
- b) The size of the house outlined on the plot appears excessive in relation to the plot and other houses.
- c) This will enclose the only open space in this development.

5.3 The applicants have submitted the following information in support of their approval.

- a) The whole site of this development was used for an agriculture engineering business until February 1999.
- b) The site of the proposed dwelling no. 5 Forge Courtyard, is the area on which an old timber framed barn stood until destroyed by fire a few years ago. Subsequently a metal framed agricultural building occupied the site.

- c) We have submitted plans for a play area nearby.
- d) The original planning consent was for 5 dwellings i.e. two new houses and the conversion of the Cider Mill into two dwellings and the Forge into one. We are now, with planning approval, converting the Cider Mill into one dwelling; therefore the proposed new house will be the fifth dwelling in the site.
- e) The access is suitable.
- f) The number of vehicles using the area when planning is granted for this house, will be far less than the traffic generated when the site was used as an agricultural workshop.
- g) The sewage system installed large enough to receive the waste from the proposed house.
- h) There is obviously a need for this kind of property in Canon Frome; the first house built was sold very soon after it was marketed. The second property sold shortly afterwards, before building work started.
- i) There is a development containing 7 large houses to the north of our 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 This planning application has been submitted following investigation by the Council's Enforcement Section. Condition no.4 attached to the planning permission for re-development of the former agricultural engineering works required that details for equipment on the play area are submitted prior to the commencement of the development.
- 6.2 Planning permission was originally granted on this site for its re-development on December 2000, the plans for which had been amended during its processing by removal of a house on this site and inclusion of a play area. The applicant is now seeking to re-instate the house and move the play area to the rear of the new house away from the development it was proposed to serve. In addition no access way is proposed to the play area which would be land locked. Furthermore as the site is outside of any settlement boundary as identified by the Malvern Hills District Local Plan its development for housing is contrary to both local and national planning policies and advice contained in Planning Policy Guidance Note 3 and Planning Policy Guidance Note 7.

RECOMMENDATION

That planning permission be refused for the following reasons:

- 1 The site is located outside of any settlement boundary as identified in the Malvern Hills District Local Plan and accordingly its development is contrary to Housing Policy 4 together with Policies 16A and H20 of the Hereford and Worcester County Structure Plan.

- 2 The development of the identified play area with a dwelling is contrary to Planning Policy Guidance Note 3 in that the revised layout will create an isolated and land locked play area contrary to the principles of ground design layout and security.

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.