

**9 DCNW2005/1288/F - PROPOSED 2 SINGLE STOREY EXTENSIONS, CHANGE OF USE OF GROUND FLOOR TO RESTAURANT AND NEW VEHICULAR ACCESS AT THE OLD VICARAGE, AYMESTREY, LEOMINSTER, HEREFORDSHIRE, HR6 9SU**

**For: Mr. P. Leedham-Smith per Bryan Thomas  
Architectural Design Ltd, The Malt House, Shobdon,  
Leominster, Herefordshire, HR6 9NL**

**Date Received: 20th April, 2005      Ward: Mortimer      Grid Ref: 42614, 65252**

**Expiry Date: 15th June, 2005**

Local Member: Councillor Mrs. L.O. Barnett

A Member site visit took place on the 26th July, 2005. Members were made aware of an amended plan that had been submitted on the 15th July, 2005.

The amended plan revises the route of the access which would now be retained within the garden of "Porch House" joining with the existing access road which leads from the A4110, alongside the church, through the car park and onward towards "Vicarage Cottage".

Highways have raised no objection to this revised scheme, but suggest an additional condition – HO8 – relating to Access closure.

Additional letters of objection have also been received and the following report has been updated accordingly.

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

1.1 The application site comprises a detached dwelling within a large garden. The dwelling is not visible from the highway and currently has the benefit of two accesses onto the A4110. The first runs between the dwelling known as Porch House and the Listed Church and second lies to the north of the Grade II Listed Vicarage Cottage.

1.2 Planning permission is sought for the extension of the property and change of use of the ground floor to a restaurant. The extensions to the property would consist of a single storey dining room to the rear (west) elevation of the property and a small single storey extension to the front of the building which would provide a washing up area. The application also proposes the creation of a new access across the existing church car park and onto the A4110 between Vicarage Cottage and Porch House. The amended plan submitted also shows the existing access adjacent to the church as being closed.

## **2. Policies**

### **2.1 Herefordshire & Worcester Council Structure Plan**

Policy H16A – Development Criteria

Policy CTC13 – Buildings of Special Architectural or Historic Interest

## 2.2 Leominster District Local Plan (Herefordshire)

Policy A1 – Managing the District's Assets and Resources

Policy A2(D) – Settlement Hierarchy

Policy A9 – Safeguarding the Rural Landscape

Policy A18 – Listed Buildings and their Settings

Policy A16 – Foul Drainage

Policy A70 – Accommodating Traffic from Development

## 2.3 Herefordshire Unitary Development Plan (Revised Deposit Draft)

Policy S2 – Development Requirements

Policy S4 – Employment

Policy S7 – Natural and Historic Heritage

Policy DR1 – Design

Policy DR2 – Land Use and Activity

Policy DR13 – Noise

Policy E11 – Employment in Smaller Settlements and Open Countryside

Policy LA2 – Landscape Character

## 3. Planning History

NW05/0287/ Proposed 2 no. single storey extensions and change of use of ground floor to restaurant - withdrawn

## 4. Consultation Summary

### Statutory Consultations

4.1 English Nature responded as follows: As with the previous development proposals at this site, English Nature wishes assurances that the existing treatment plant is capable to sustaining the extra load which will be placed on it and, if it is not, what system the applicant intends to put in its place. Given the proximity of the Site of Special Scientific Interest to the development site, the water quality issues do need addressing.

4.2 The Environment Agency raises no objection subject to conditions relating to the provision of a private treatment system.

### Internal Council Advice

4.3 Traffic Manager raises no objection subject to conditions relating to visibility splays, gates, parking provision and cycle parking provision.

4.4 The Conservation Manager responded as follows:

- The Old Vicarage is already a large building compared to the Vicarage Cottages and this proposed extension adds to the footprint substantially. The proposed extension on the south east of the building will have some impact on the Vicarage Cottages however it appears that this could be minimised particularly if foliage is used as a 'screen'.

- The proposed new access will have some detrimental impact on the adjacent Grade II Listed dwellings (The Vicarage Cottages). There is currently already an access just to the north of these Cottages.
- No objections to design proposal.
- Some concern about new vehicular access as increased traffic (in addition to that on the main road and to the access to the north) will have negative impact on Vicarage Cottages.

4.5 The Environmental Health Manager recommends conditions as follows:-

No development approved by this permission shall be commenced until a scheme for the conveyance of foul drainage to a private treatment plant has been submitted to and approved by the Local Planning Authority. No part of the development shall be brought into use until such treatment plant has been constructed.

Reason: To prevent pollution of the water environment.

Note: A discharge consent under the Water Resources Act 1991 (as amended by the Environment Act 1995) may be required from the Agency and such a consent may not be granted. For further information on this matter the applicant is asked to contact the Wye Environment Management Team, in our Monmouth Office, on (01920) 582739.

The applicant should demonstrate that the existing foul drainage system is operating satisfactorily and is capable of accepting any potential increase in flow and loading resulting from this proposal without causing pollution.

Flood Risk Standing Advice

The site falls within Flood Zone 1, Category: Domestic Extensions.

4.6 The Environment Agency will not provide bespoke comments on planning applications of this lower risk nature that are covered by Standing Advice unless they fall within the bye-law distance of a Main River.

Full details of the relevant Standing Advice can be found on [www.pipernetworking.com](http://www.pipernetworking.com).

## 5. Representations

5.1 Aymestrey Parish Council raise the following points:

- There is very strong local opposition to the proposed development. Objections range from impact on neighbouring properties, noise, road safety and potential loss of the village pubs should they lose their food based income.
- It is believed that the developer is not in possession of the land needed to implement the plans as submitted.
- The plans submitted do not show other nearby accesses onto the A4110. It is evident that there are several accesses to other property in close proximity to the proposed new access to the Old Vicarage. The traffic hazard is therefore greater than had been previously appreciated. Some residents claim the plans are inaccurate and do not show the correct disposition of neighbouring properties.

5.2 One letter of support has been received from the applicant Mr. Leedham-Smith which makes the following points:-

- It is my intention to open a French restaurant at the above property. The Old Vicarage is set in approximately 8 acres of mainly landscaped gardens in a very secluded setting and is not overlooked.
- We intend to open the restaurant from Tuesday through to Saturday plus Sunday lunchtime. The last service will be at 9.30 pm and the restaurant will have 40 covers with the aim of providing fine dining in a low key atmosphere.
- We will employ 10 staff, 4 of which will live in and the remaining staff will be employed from the local area.
- We estimate that we will have 2 weekly van deliveries of fresh meat and fish, the remaining produce will be sourced locally.
- We do not intend to have any outside functions ie Weddings/parties as this would not fit in with what we hope to achieve with our restaurant.
- Vehicle movements. We have the village pub/restaurant "The Riverside" as our yardstick and reference to estimate these. They have 70 covers plus drinking customers and have 18-20 parking spaces. So on this basis we estimate no more than 16 cars to enter and exit our premises when we are full.
- In summary. I understand the concerns of Aymestrey residents. I wish to reassure everyone that first and foremost this is my family home and I live in the village. I aim to act in a responsible manner. Any issues such as restriction of vehicle movements after 11.00 pm. I am happy to discuss.
- I feel this proposed development to open a restaurant in Aymestrey not only offers employment for local people but also supports the Council's policy of encouraging rural businesses in villages.

5.3 A total of 14 letters were received from the following persons in response to the application:

- Campaign to Protect Rural England
- W.A. and P.J. Cartwright, Vicarage Cottage, Aymestrey (x2)
- R.M. Holland, The Cottage, Aymestrey - (x2) including traffic survey
- K.G. Holland, The Cottage, Aymestrey
- Mr. and Mrs. J. Scamp, Hillside Cottage, Bacon Lane, Aymestrey
- Mr. and Mrs. J. Challis, Wigmore Abbey, Leintwardine
- Mr. and Mrs. P.J. Wilkinson, The Corner House, Aymestrey
- Mr. and Mrs. R. Purdy, Crown Cottage, Aymestrey
- Mr. and Mrs. J. Heale, Aymestrey Court, Aymestrey (x2)
- S.T. Hutchings and V.M. Thorpe on behalf of the Trustees of the Church Car Park
- Mrs. C. Lawson, The Mill, Aymestrey

5.4 On receipt of the amended plans further letters were received from the following persons:-

Mr. and Mrs. R. Purdy, Crown Cottage, Aymestrey  
W.A. and P.J. Cartwright, Vicarage Cottage, Aymestrey (x2)  
S.T. Hutchings and V.M. Thorpe on behalf of the Trustees of the Church Car Park  
Mr. and Mrs. J. Challis, Wigmore Abbey, Leintwardine  
Mr. & Mrs. J. Heale – Aymestrey Court, Aymestrey

The concerns raised can be summarised as follows:

- Intensified use of highway causing highway safety objections, due to speed and busy nature of road and close proximity of other residential driveways.
- Impact on highway safety of other road users when leaving their driveways/dwellings.
- Danger to pedestrians.
- Traffic survey submitted that was undertaken by local residents.
- Impact on the setting of the adjacent listed buildings including Vicarage Cottages, The Piggery and Church.
- Impact and harm on the character of the Conservation Area through alterations to street scene (removal of wall and trees) and due to the associated use of the property.
- Lack of detailed information provided with the application as to the new access width, size, drainage etc.
- Removal of mature trees to create access.
- Noise and disturbance caused to residents from 'After hours'/unsociable hours noise nuisance, music, fireworks and outdoor functions such as weddings.
- Impact on neighbour from new driveway running along their boundary.
- Security concerns for neighbour if no secure gates to restaurant.
- Impact on drains discharging to River Lugg/drainage concerns.
- Introduction of a restaurant would have a negative impact on the character of the village and would be out of context.
- Trustees of Church Car Park have not agreed to the new access which crosses their land.
- Already a restaurant in the village.
- Impact of any lighting and use of non renewable fuels and pollution caused.
- Car lights shining into windows.
- Request environmental impact assessment due to impact on wildlife and River Lugg.
- Loss of space for church car park.
- The garden of the roadside cottage would be totally lost and the front wall demolished ruining a charming village.
- People attending would have to go in the entrance of the restaurant to get to church car park.
- Access for emergency vehicles?
- Waste removal and accumulation – how will this be accounted for?
- Landscaping should be provided between Vicarage Cottage and the driveway.
- Are conditions imposed enforceable?

5.5 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 main issues for consideration is the determination of this application are as follows:-

- The principle of the change of use from a residential property to restaurant
- The impact of the proposed use, extensions and new access on the character and appearance of the Conservation Area and setting of the Listed Buildings
- Highway safety.

- The impact of the use on the amenities if the occupiers of the adjoining properties
  - Drainage
- 6.2 Although Aymestrey is not a village that has a settlement boundary there is a distinct cluster of dwellings, which are located around the A4110. The Old Vicarage sits in substantial grounds behind the dwellings, which front the highway. Policy A34 of the Leominster District Local Plan broadly supports proposals, which would provide small-scale local services. Ideally these should be located within or adjacent to one of the larger, defined villages but given the good transport links and relationship with the surrounding settlement a commercial use in this location can be supported in principle.
- 6.3 The proposed extensions are in scale and keeping with the character of the dwelling and would have no direct impact on any of the neighbouring dwellings. As such they would preserve the character and appearance of the Conservation Area and would not impact on the setting of the adjacent listed buildings.
- 6.4 The creation of the new access causes more concern in relation to impact on the Conservation Area and setting of the Listed Buildings. The creation of an opening onto the highway would alter the street scene through the removal of several trees and part of a stone-wall which fronts the highway. Undeniably this would alter the street scene and therefore careful consideration of this is required. Details of how this access will be formed have not been submitted but with the sensitive treatment of this access, including the splays, boundary treatment and landscaping this issue could be overcome and the character and appearance of the Conservation Area preserved if not enhanced. In relation to the impact on the setting of the Listed Building, the dwelling itself is some 45m from the new access, and a close board fence currently forms the boundary between the two. The setting of the Listed Building would not be compromised by the creation of an access in this location. The revised route of the access along the boundary with the church car park is also considered to be an acceptable form of development. The revised access route, through the garden of Porch House, does raise some concern regarding the loss of amenity space and impact on the amenities of the occupants of the dwelling itself. However, this remains in the ownership of the dwelling and impact could be mitigated with the use of fencing and landscaping. Retention of some of the existing trees and boundary hedge adjacent to the car park would be expected.
- 6.5 There is strong local concern that the proposed new use of the dwelling would lead to additional traffic movements that would compromise highway safety. The two existing accesses are substandard and would not be suitable for such a use. As such this revised application includes the new access that would provide a safe means to accessing the site. The Traffic Manager recommends conditions and it is felt necessary that a Grampian style condition is imposed to ensure that the access works are carried out in accordance with the approved plans prior to any other works commencing on site. A condition requiring the closure of the existing accesses is also recommended.
- 6.6 Members should also note that the trustees/owners of the church car park, over which the new access crosses have as yet not agreed to the revised access arrangements. The correct notice has been served on the landowners and therefore the agreeing of this matter is not one that would restrict the granting of permission. However, if this access arrangement cannot be provided prior to any other development or use on the site commences then the permission could not be lawfully implemented.

- 6.7 The main concern in relation to impact on the amenities and living conditions currently enjoyed by the neighbouring dwellings relates to the occupiers of Vicarage Cottage. This dwelling would, as a result of this proposal, have an access to either side of the property and backs onto the gardens of the application site. Careful consideration has been given to this issue and with conditions relating to hours of opening, restrictions on outdoor music and noise attenuation measures for kitchen ventilation and refrigeration equipment the use is unlikely to cause any adverse disturbance to these residents or to those that reside on the opposite side of the A4110. Furthermore, additional planting and screening could be provided between the two properties and in particular the boundary treatments between the driveway and the dwelling known as Porch house which the applicant is currently purchasing. Landscaping between Vicarage Cottage and the driveway should also be retained and enhanced. Conditions are recommended to secure this.
- 6.8 There is also some concern raised with regards to a provision of suitable drainage arrangements. The Environment Agency has advised that a private treatment plant would be appropriate. Further details of this would be requested by condition and the Environment Agency re-consulted where appropriate.
- 6.9 To conclude, the proposed extensions and change of use would preserve the character of the Conservation Area and settings of the Listed Buildings. With appropriate conditions the new vehicular access would not cause any highway safety concerns. Conditions are recommended which would prevent the use being un-neighbourly and affecting the living conditions of those living in the vicinity. After careful consideration this proposal is recommended for approval with the appropriate conditions.

**RECOMMENDATION:**

**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 - B02 (Matching external materials (extension))**

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

**3 - G04 (Landscaping scheme (general))**

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

**4 - G05 (Implementation of landscaping scheme (general))**

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

**5 - F32 (Details of floodlighting/external lighting)**

**Reason: To safeguard local amenities.**

**6 - Before any fixed ventilation, refrigeration or other noise penetrating plant is used on the premises, the applicant shall submit for the prior approval of the Local Planning Authority a scheme of noise attenuating measures. The approved**

scheme shall be implemented before the first use of the development to which it relates commences and shall be retained for the duration of use. The scheme should identify any nearby residential properties that may be affected by noise from any fixed ventilation, refrigeration or other plant in accordance with BS4142.

During the construction phase no machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times: Monday-Friday 7.00 am - 6.00 pm, Saturday 8.00 am - 1.00 pm nor at any time on Sundays, Bank or Public Holidays.

Reasons: To protect the amenity of local residents.

- 7 - No development approved by this permission shall be commenced until a scheme for the conveyance of foul drainage to a private treatment plant has been submitted to and approved by the Local Planning Authority. No part of the development shall be brought into use until such treatment plant has been constructed.

Reasons: To prevent pollution of the water environment.

- 8 - E03 (Restriction on hours of opening)

Reason: In the interests of the amenities of existing residential property in the locality.

- 9 - E02 (Restriction on hours of delivery)

Reason: To safeguard the amenities of the locality.

- 10 - F14 (Time restriction on music)

Reason: In order to protect the amenity of occupiers of nearby properties.

- 11 - G01 (Details of boundary treatments)

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

- 12 - H01 (Single access - not footway)

Reason: In the interests of highway safety.

- 13 - H03 (Visibility splays)

Reason: In the interests of highway safety.

- 14 - H04 (Visibility over frontage)

Reason: In the interests of highway safety.

- 15 - H05 (Access gates)

Reason: In the interests of highway safety.



**16 - H15 (Turning and parking: change of use - commercial)**

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

**17 - H29 (Secure cycle parking provision)**

**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 - N15 - Reason(s) for the Grant of PP/LBC/CAC**
- 2 - HN04 - Private apparatus within highway**
- 3 - HN05 - Works within the highway**
- 4 - HN22 - Works adjoining highway**

Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.