

11A DCNW2006/0543/F - RETROSPECTIVE APPLICATION FOR A BOUNDARY FENCE AND LOWER GROUND FLOOR STORE AT MILL COTTAGE, PAYTOE, LEINTWARDINE, HEREFORDSHIRE, SY7 0NB

11B DCNW2006/0546L – RETROSPECTIVE APPLICATION FOR WORKS CARRIED OUT BOTH INTERNALLY AND EXTERNALLY AT SAME

For: Mr & Mrs D Parry per McCartneys, 7 Broad Street, Leominster, Herefordshire, HR6 8BT

Date Received:
23rd February 2006

Ward: Mortimer

Grid Ref:
40975, 71336

Expiry Date:
20th April 2006

Local Member: Councillor Mrs O Barnett

Introduction

Further to the above-mentioned planning applications being presented to Committee on 19 April 2006, at which Members deferred the applications for further clarification about the applications and their background, a meeting was arranged with English Heritage on site on Monday, 15 May 2006, at which no representation from English Heritage was present. Therefore this meeting was rearranged for Friday, 2 June 2006. An update on the outcome of this meeting will be presented to Committee separately.

A further letter has been received from John and Carol Challis of The Grange (Wigmore Abbey) confirming that the Local Government Ombudsman has investigated their complaint with regards to the planning procedure of the Council in respect of development at Mill Cottage, and have found no case for maladministration in respect of planning procedures.

One of the main concerns with regards to local residents and English Heritage about the use of the building as a care home, is the already approved material change of use at the premises and its impact on the surrounding environment.

Officers wish to bring to Members' attention a recent planning appeal involving the issuing of a lawful development certificate for change of use of a dwelling in Cheshire to a children's home for four children between the ages of 11 and 17 who would be looked after by at least two carers operating on an eight-hour rota system. The Inspector decided that the main issue was whether the lack of any carers living permanently in the property materially changes its character as a dwellinghouse. In his opinion it did not and the certificate was issued.

Therefore in consideration of this ruling, it is considered that use of Mill Cottage as a children's care home has no more detrimental impact on the surrounding environment than its use as a dwellinghouse.

The application otherwise is as presented to Committee on 19 April 2006 for regularisation of the retrospective works to the Listed building. Meanwhile the applicants do not wish to consider the proposed boundary fencing as originally proposed, to which English Heritage object, as they now intend dismantling the existing unauthorised boundary fence.

1. Site Description and Proposal

- 1.1 The location for the 'retrospective' application is a former farmhouse known as 'Mill Cottage' situated in open countryside, the property's curtilage is adjacent to the C1017 public highway. The property currently has planning use as a C2 residential institution for the care of four children and accommodation for seven resident carers. This approval was granted by this Committee on 5th October 2005.
- 1.2 Mill Cottage is a Grade II Listed property, a three storey structure constructed predominantly constructed externally of brick with some stone and timber frame. The roofing material externally is of slate on the oldest part of the property, with tile on the adjoining addition.
- 1.3 Within the property's curtilage is a hardstanding car parking area that can accommodate in excess of 10 cars, the rest of the cottage's domestic curtilage is laid down to lawn.
- 1.4 The property forms part of a former farmstead, to which the owner has the more modern steel framed buildings to the rear of the cottage in agricultural use. These structures are accessed via a separate access from the public highway to that of Mill Cottage itself.
- 1.5 To the rear south easterly side of the more modern agricultural structures presently in agricultural use, is the remains of Wigmore Abbey, this is a Scheduled Ancient Monument. A property known as 'The Grange' sits between the agricultural buildings and this ancient monument. These are Grade One Listed.
- 1.6 The applications include works already carried out both internally and externally at Mill Cottage and include internal partition walls, replacement windows, cladding on rear lower ground floor store using horizontal, sawn, softwood boarding, a new store, as well as proposed development including cladding the ground floor store in locally sourced natural stone and installation of boundary railings to the store.
- 1.7 Also forming part of this report is planning application Ref. No. NW06/0543/F this is also in part a retrospective application for a boundary fence surrounding three sides of Mill Cottage itself. The fence is of mainly timber construction and the application requests planning approval for removal of existing concrete posts and timber panels and replacement with horizontal rails with a stained finish.
- 1.8 It is proposed to clad both sides of the fence on the south east and north west elevations with horizontal rails and clad exposed concrete posts with vertical boarding. It is proposed to screen the fencing on the south western boundary with a 'green screen' using evergreen Ivy 'Hedra'. The existing external lighting on the fencing is to be removed and replaced by proprietary lighting bollards.

2. Policies

2.1 Leominster District Local Plan

- A1 – Managing the District's Assets and Resources
- A2 – Settlement Hierarchy
- A9 – Safeguarding the Rural Landscape
- A18 – Listed Buildings and their Settings
- A22 – Ancient Monuments and Archaeological sites
- A24 – Scale and Character of Development
- A45 – Diversification on Farms
- A54 – Protection of Residential Amenity
- A61 – Community, Social and Recreational Facilities
- A73 – Parking Standards and Conservation

2.2 Herefordshire Unitary Development Plan (Revised Deposit Draft)

- S1 – Sustainable Development
- S2 – Development Requirements
- S11 – Community Facilities and Services
- DR2 – Land Use and Activity
- H16 – Car Parking
- E12 – Farm Diversification
- T11 – Parking Provision
- HBA1 – Alterations and Extensions to Listed Buildings
- HBA4 – Setting of Listed Buildings
- ARCH3 – Scheduled Ancient Monuments
- CF1 – Residential Nursing and Care Homes

3. Planning History

- 3.1 NW05/3408/F - Retrospective application for a boundary fence and lower ground floor store - Refused 12th December 2005.
- 3.2 NW05/2608/F - Retrospective application for change of use to C2 residential institution at Mill Cottage - Approved 5th October 2005.
- 3.3 NW05/1741/L - Retrospective application for works carried out to include replacement windows, partition walls, cladding to rear and mill workings, permitted fence and concrete store - Withdrawn 14th July 2005.
- 3.4 NW05/1736/F - Retrospective application for a boundary fence and lower ground floor store - Withdrawn 14th July 2005.

4. Consultation Summary

Statutory Consultations

- 4.1 English Heritage – A verbal report will be given to Committee on this response, which at the time of writing this report has not been received.

Internal Council Advice

- 4.2 Traffic Manager - Has no objection to the grant of permission.

- 4.3 Conservation Manager - The proposals are as discussed on site. The previously unacceptable alterations will now be more sympathetic to the listed building. No objections to the proposals as outlined in the applications subject to inclusion of a condition with regards to details of all materials to be used to any approval notice subsequently issued.

5. Representations

- 5.1 Adforton Parish Council states in response to application Ref No. NW06/0543/F:-

- 'The Council supports the cladding of exposed brickwork of concrete blocks with local stone.
- The Council does not support the use of modern materials and creating a wooden fence in close proximity to antiquities and historic sites. This should be in the same local stone as the rest of the adjacent property.'

The response to application Ref. No. NW06/0546/L states:-

'The Council supports its original concern over the extensive illegal alterations to a listed building. This is against planning regulations and creates a serious precedent if allowed, especially the outside alterations which are not sympathetic to the adjacent ancient monument.'

- 5.2 Four letters of objections to the development have been received from:-

- Alison Thomas, Stanway Bank, Adforton, Craven Arms
- John and Carol Challis, Wigmore Abbey, Leintwardine, Shropshire
- Julie W Laybourn, Paytoe Hall Cottage, Paytoe, Leintwardine, Shropshire
- Gillian Greenwood, Cranes Lane Cottage, Paytoe, Leintwardine, Shropshire

These objections can be summarised as follows:-

- Concerns raised about plans submitted for planning approval not showing 'before' and 'after' elevations.
- Proposal takes dwelling out of range of 'local affordability'.
- Concerns about water supply and foul water disposal.
- Increased road usage in relationship to the business conducted on site, and size of car parking area on site.
- Impact of the proposal on setting of Wigmore Abbey.
- Objections to proposal being considered separately to that of the change of use.
- Impact of proposal on privacy and security of Wigmore Abbey.
- Concerns that local residents views have not been taken into account in relationship to the planning history of the site.
- Cottage dwellings within the vicinity in the same ownership as that of Mill Cottage being used in connection to the care home.

- 5.3 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 application and previous planning history of the site has created a lot of dissatisfaction in the local community, surrounding the application site. It must be

emphasised for the benefit of all concerned, that the retrospective application for change of use to C2 residential institution at Mill Cottage that was approved subject to conditions by the Northern Area Planning Sub-Committee at its meeting held on 5th October 2005 in-line with officer recommendation was a completely separate planning issue to that of the retrospective works carried out to the property and works proposed subject to the applications currently under planning consideration. The change of use application had to be considered firstly so as not to prejudice the use of the site in relationship to the works subject to the present application.

- 6.2 Secondly planning legislation makes provision for 'retrospective applications' and therefore the applications have to be considered on their merits as presented for planning consideration against relevant planning policies.
- 6.3 The main issue with regards to the current applications under consideration is:-
- Impact of retrospective development and proposed development on the listed buildings and setting of listed buildings.
- 6.4 The Conservation Manager in the response received on 9th March 2006 acknowledges the listed status of the building as well as that of the surrounding built environment, some of which are grade I listed – The Grange and Wigmore Abbey. The response states no objections to the proposals as outlined in the application subject to a condition being attached to any approval notice issued with regards to all construction materials to be used in the development.
- 6.5 It is noted that Adforton Parish Council also raise no objections for proposals to the cottage itself, but do raise concerns about the unauthorised wooden fence proposals. It is considered that the fence proposals are satisfactory and in keeping with surrounding structures, parts of which are externally constructed of timber.
- 6.6 Careful consideration has been given to letters of objections received to this application from members of the public as well as to the comments received from the Parish Council, they are however, largely, not material to the proposals. Those that relate to a different opinion in terms of the impact upon the character and setting of the listed buildings and ancient monument, to that of officers.

RECOMMENDATION

NW06/0543/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 - A06 (Development in accordance with approved plans)**

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development.

- 3 - C02 (Approval of details)**

Reason: To safeguard the character and appearance of this building of [special] architectural or historical interest.

- 4 - Notwithstanding the approved plans no permission is given to the construction of the boundary fence as indicated on the approved plan, rev. no. LSV 222/01A.**

Reason: In the interests of the setting of the Listed buildings.

NW06/0546/L

That listed building consent be granted subject to the following conditions:

- 1 - C01 (Time limit for commencement (Listed Building Consent))**

Reason: Required to be imposed by Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

- 2 - C02 (Approval of Details)**

Reason: To safeguard the character and appearance of this building of [special] architectural or historical interest.

INFORMATIVES:

- 1 - N15 - Reason(s) for the Grant of PP/LBC/CAC**

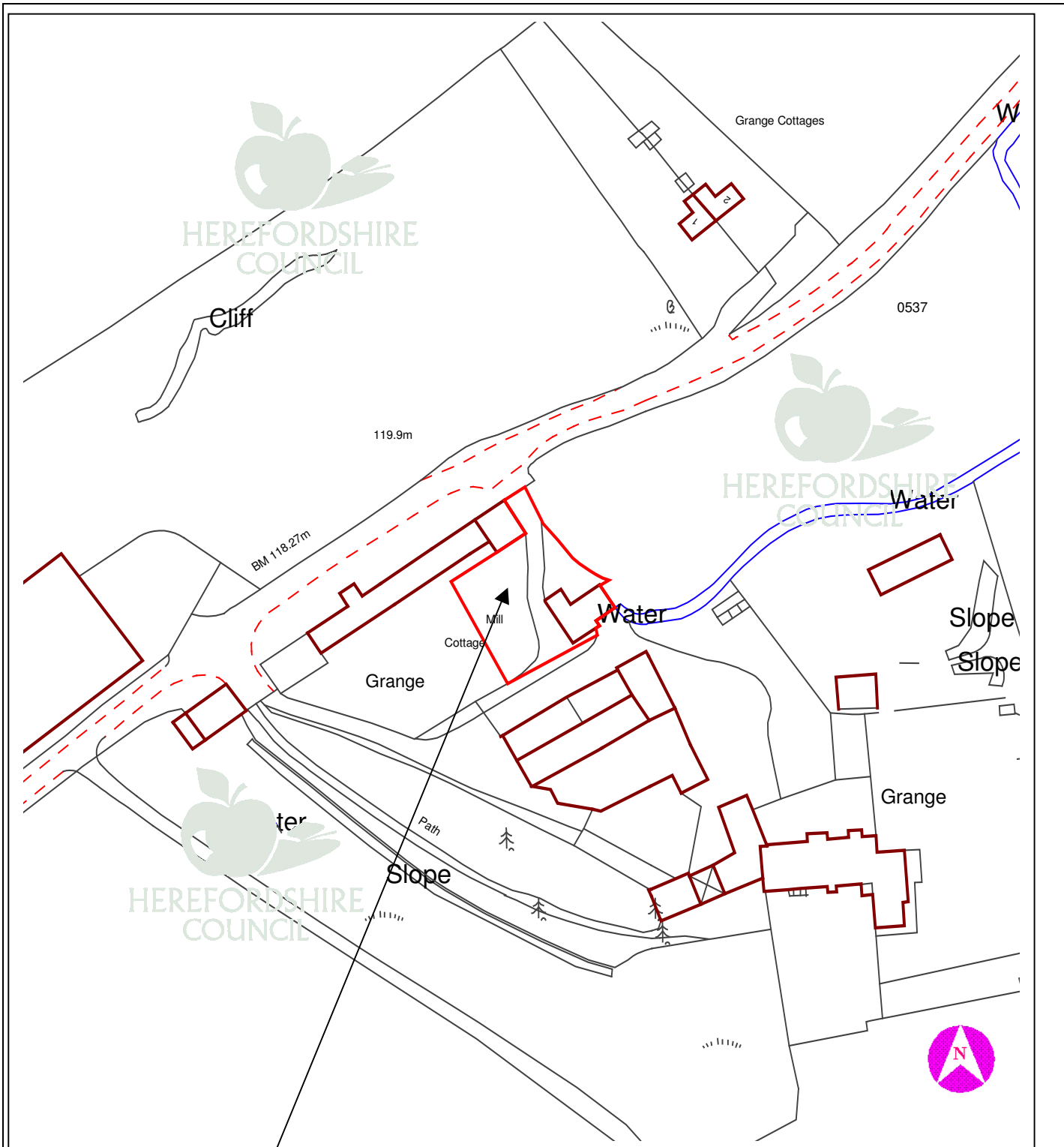
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNW2006/0543/F

SCALE : 1 : 1250

SITE ADDRESS : Mill Cottage, Paytoe, Leintwardine, Craven Arms, Herefordshire, SY7 0NB

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