



<u>Committee and Date</u>
Central Planning Committee
8th December 2010

<u>Item/Paper</u>
6
Public

Development Management Report

Application Number: 10/04210/FUL

Parish: Cound

Grid 356074 - 305329

Ref:

Proposal: Formation of new vehicular access and driveway including erection of gates and fencing; erection of cricket pavilion; re-positioning of tennis courts

Site Address: Cound Hall Cound Shrewsbury Shropshire SY5 6AH

Applicant: Renaissance Invest.Ltd

Case Officer: Jane Raymond **email:** planningdmc@shropshire.gov.uk

1.0 THE PROPOSAL

1.1 This application relates to the formation of a new vehicular access including the erection of entrance piers and gates. The proposed site plan initially indicated the erection of 2 lodges either side of the entrance but these are the subject of a separate application and an amended plan has been submitted that no longer shows these. The proposed new access will be off the Coundarbour to Cound Road, immediately after the junction to Upper Cound.

1.2 The drive itself will be across agricultural land and includes a cattle grid at the main entrance and also at the other end where entrance gates, screens and piers are proposed under planning reference 10/04212/FUL. This is considered to be the boundary of the formal parkland associated with the Hall. Two turf pyramids are also proposed to mark the end of the formal avenue of trees before the drive turns 90 degrees in a South West direction running parallel to the brook that marks the boundary to this field.

1.3 The application also includes the erection of a cricket pavilion and the re-positioning of an existing tennis court. The existing tennis court is a grass court and its replacement will also be a grass court enclosed by new green wire court fencing. The court will measure 32 metres by 20 metres and will be in the same position as existing but orientated East to West rather than North to South. Its proposed use is for the amenity of the dwelling and not for public use.

1.4 The proposed cricket pavilion will be located in the bottom of the field to the South West of the Hall close to the boundary with St Peters Church, Cound. It will be a single storey pitched roof building measuring 13 metres by 8 metres, timber framed and timber clad and is intended for private residential use by friends and family of the applicant.

2.0 SITE LOCATION/DESCRIPTION

2.1 Cound Hall is a grade 1 listed building set within grounds that are either laid to formal parkland or in agricultural use. To the North East of the Hall are residential properties consisting of the converted stable buildings and the new detached houses built as an enabling development now referred to as Cound Park. The main access to the hall is directly off the A458 Shrewsbury to Much Wenlock Road and the secondary access to the hall now provides the main access to Cound Park.

2.2 The land where the new access drive will be related is the agricultural land to the South West of the Hall and is not part of the formal parkland or garden area that is closer to the Hall. The field that the cricket pavilion will be located in is to the South of the Hall and is already used for cricket matches and there is a cricket practice net located here. There is pedestrian access to this field via a path through the church yard and via Public footpath 0414/15/1 to the South of the Hall. Footpath 0414/13/1 also runs along the North West boundary of this field and in a northerly direction across the proposed access drive. Informal vehicular access is provided to the cricket pitch by a field gate to the North of the Church.

3.0 RECOMMENDATIONS

3.1 Recommend approval

4.0 REASON FOR DELEGATED DETERMINATION OF APPLICATION

4.1 The scheme does not comply with the delegation to officers as set out in Part 8 of the Shropshire Council Constitution as 6 or more individual representations have been received relating to material planning reasons.

5.0 RELEVANT PLANNING HISTORY

5.1 98/0678/OUT/272/89 – Residential Development. Refused August 1998, Appeal Dismissed March 1999.

5.2 SA/02/1238/F - Enabling development for the erection of 5 detached dwellings with freestanding garages within former walled kitchen garden area, together with the erection of 8 detached dwellings with freestanding garages alongside realigned service road, together with remodelling of existing lodge with erection of a detached garage at entrance, to facilitate the repair and reoccupation of Cound Hall. Approved 13th August 2003.

5.3 10/04212/FUL - Erection of single storey extension (ballroom, swimming pool); two storey extension (garaging, office, boiler room); single storey extension (implement shed); garden temple; erection of entrance gates, screens and piers. Pending consideration.

5.4 10/04213/LBC - Internal and external works to include demolition of service building and walling; excavation to allow for two storey extension; remedial works including new copings to retaining wall; replace windows on west elevation with gothic windows and erection of extensions; erection of gates, screens and piers affecting a Grade I Listed Building. Pending consideration.

5.5 10/04328/FUL - Erection of 2 Italianate lodges. Pending consideration.

6.0 CONSULTEE RESPONSES

6.1 Open Spaces Society – The public right of way that crosses the development area should not be changed in any way and should remain open and available at all times.

6.2 The Ramblers Association – Cound Footpath 15/1 runs along the Southern boundary of the site and any new works should not interrupt this right of way.

6.3 SC Public Paths Orders Officer – FP13 Cound (0414/13/1) runs along the north west boundary of the site and must remain open and available at all times both during and after development has taken place

6.4 SC Highways Development Control – The scale of the proposed access opening and the consequential removal of highway boundary hedge would allow for an adequate level of intervisibility between emerging and passing drivers and the depth of the access would adequately allow for a vehicle to stand clear of the carriageway while any gates are opened or closed. Therefore the proposal would not result in any undue highway safety implications but recommends that a carriageway edge marking is painted across it to highlight the edge of the road. The existing gateway to the North West of St Peters Church would be suitable for occasional use to access parking in the field during summer months.

6.5 Shropshire Fire and Rescue – Gives advice on the provision of adequate access for emergency fire vehicles.

6.6 Cound Parish Council – No comment

6.7 English Heritage – Do not wish to comment but recommend that the application should be determined in accordance with national and local policy guidance and conditions should be imposed regarding landscaping, materials and finishes.

7.0 PUBLIC REPRESENTATIONS

7.1 The nearest property, St Peters Church, Cound was individually notified and the Agent has confirmed that the site notice was displayed at the site by the applicant. A letter setting out the concerns and observations of the Cound Arbour Residents Group signed by 6 households and 3 letters of objection have been received summarised as follows:

- The location of the entrance is too close to the junction of the lane to Upper Cound and the bridge, and the extra vehicular traffic using the lane between the A458 and the War memorial would be damaging to this historic bridge, increase the potential for accidents and increase the level of noise from night time traffic for residents of Cound Arbour.
- Would welcome confirmation as to whether Highway Development Control has taken into account the recent history of hunt balls, weddings and other events increasing traffic volumes making an already hazardous route more dangerous. There is nothing to stop the hall being used on a regular basis for such events. A Traffic Impact Analysis should be commissioned.
- No site notice has been displayed where the drive is proposed.
- The historic rural landscape and its settlement pattern will be affected due to the entrance and lodges being sited in such a prominent position at the entrance to Cound and Harnage and the approach to these villages will be degraded.
- The proposed drive is an inappropriate use in this bucolic location
- The proposal does not respect nor enhance the War Memorial, Church or townscape of Cound and Harnage and will diminish their character.
- Cound has a thriving tennis club and cricket club in close proximity.

- The settings of nearby listed buildings will not be preserved.
- Cound Hall already has two drives, one that provides access to Cound Park and the second which is the main entrance to the Hall so a third is not required.
- When the applicants requested permission for enabling development in 1998 on or near to the site of this proposal it was refused for pressing reasons which have not changed. The Inspector outlined that any development of this land currently in agricultural use would stand out as a discordant and isolated feature in an area of attractive countryside that provides the setting for Cound Hall and St Peters Church and would have serious consequences for the appearance of the countryside.
- The irreversible and arguably detrimental effect that the Cound Park enabling development has upon the Hall's setting 'flies in the face' of the applicants desire to 'restore' the Hall's historical setting.
- The proposed access would not restore the Hall's setting.
- There is no confirmation from English Heritage that the repairs to the Hall have been completed satisfactorily and that the terms of the covenants entered in to as part of the approved enabling development have been fully complied with.
- No documents appear to have been submitted to establish that the setting in the past was anything near like that now being proposed, except for the ornate gates that were situated close to the front of the Hall. A report produced in 1990 entitled 'An Archaeological Appraisal of Cound Hall' indicates that there have never been any driveways to the South-West of the Hall.
- The proposed driveway constitutes a change of use of what is currently agricultural land into private parkland.
- The applicant has already planted an avenue of trees along part of the route of the proposed new driveway implementing works that will change the character of the Hall's setting.
- CPRE commented on the Planning Applications for the 'enabling development' and want confirmation whether they have commented on this.

8.0 PLANNING POLICY

8.1 Shrewsbury and Atcham Borough Local Plan

GP1: General Requirements for Development

GP2: Character and setting

HE7: Development affecting the setting of a Listed Building

LNC3: Development in the Countryside

TLR2: Facilities for Tourism, Leisure and Recreation Development outside the Urban area.

9.0 THE MAIN ISSUES

The main issues in determining this application are:

- Principle
- Design, Scale and Impact on the countryside and the setting of nearby listed buildings
- Highway Safety

10.0 OFFICER APPRAISAL

10.1 Principle

10.1.1 The proposed tennis court is simply a re-orientation of the existing and is therefore acceptable. The provision of a cricket pavilion is acceptable in principle provided that it accords with Policy TLR2 of the Local Plan in terms of scale and design, impact on the landscape and highway safety which will be considered later in the report. Concerns have been raised regarding the need for a new access to the Hall as there is an established existing access off the A458. However the need for this proposal is not a material planning consideration that would justify refusal.

10.2 Design, Scale and Impact on the countryside and the setting of nearby listed buildings

10.2.1 The proposed cricket pavilion will be situated adjacent to the boundary with the graveyard to the rear of St Peters Church, Cound and there is a mature hedge along this boundary that will obscure it from view. In addition the building will not impact on the setting of the Listed Hall as it is over 300 metres away and will be well screened by existing trees. In any case the proposed pavilion will be a simple small scale structure constructed of timber that will blend into the rural landscape and will have no adverse impact on the character and appearance of the locality.

10.2.2 The proposed access drive includes the erection of entrance piers and vehicular and pedestrian gates. It is considered that the scale and design of the proposed new entrance is appropriate given the status of Cound Hall, a Grade 1 Listed Building. The entrance will be situated opposite the war memorial and within 150 metres of an historic iron bridge and it is not considered that the proposed entrance will affect the setting of either of these structures nor have an adverse impact on the character and appearance of the locality.

10.2.3 The drive that will be across agricultural land will not prevent it from being used for agricultural use and the proposed cattle grids will enable animals to graze the land. The provision of the driveway will therefore not change the use of the land from its current agricultural use and the planting of trees does not require planning permission. It is considered that the laying of a drive across the field will not change its rural, agricultural appearance and would have no adverse impact on the setting of Cound Hall but would actually improve its setting and approach.

10.3 **Highway Safety**

10.3.1 Highways Development Control considers that the proposed drive would not result in any undue highway safety implications. It has been asked whether Highway Development Control has taken into account the recent history of hunt balls, weddings and other events increasing traffic volumes and that a 'Traffic Impact Analysis' should be commissioned. However as this is an access drive to a residential property it is not considered necessary. Whilst the property may have occasional use for events these are considered to be incidental to the residential use of the dwelling and would not have such significant highway implications as to warrant refusal of the application. The use of the property for anything other than residential use would be the subject of an application for change of use of the site when highway implications and the suitability of an access would be considered.

10.3.2 With regard to the Cricket Pavilion the field is already used for playing cricket and the existing gateway to the north west of St. Peters Church is available for visitors to park their cars on the field during the summer months and Highways Development Control have no objection to this occasional use.

10.4 **Other Matters**

10.4.1 Confirmation from English Heritage that the repairs to the Hall have been completed satisfactorily and that the terms of the covenants entered in to as part of the approved enabling development have been fully complied with are not relevant to the determination of this proposal. CPRE are not statutory consultees for this type of application and therefore have not been consulted however it is not considered that the scheme would have any adverse impact upon the landscape.

11.0 **CONCLUSION**

11.1 The proposed development will have no adverse impact on the character and appearance of the locality and the landscape, nor will it affect the setting of nearby listed buildings and historic structures and will have no highway safety implications.

LIST OF BACKGROUND PAPERS:

HUMAN RIGHTS

Article 8 give the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the County in the interests of the Community.

First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents.

This legislation has been taken into account in arriving at the above recommendation.

Environment Appraisal

N/A

Risk Management Appraisal

N/A

Community / Consultations Appraisal

Included within the report

Member Champion

Councillor Malcolm Price

Local Member

Councillor Claire Wild

Appendices

None

Reason for Approval

1. The proposed development will have no adverse impact on the character and appearance of the locality and the landscape, nor will it affect the setting of nearby listed buildings and historic structures and will have no highway safety implications.

In determining this application the Local Planning Authority gave consideration to the following policies:

Shrewsbury and Atcham Borough Local Plan

GP1: General Requirements for Development

GP2: Character and setting

HE7: Development affecting the setting of a Listed Building

LNC3: Development in the Countryside

TLR2: Facilities for Tourism, Leisure and Recreation Development outside the Urban area.

Conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91(1) of the Town and Country Planning Act, 1990 (As amended).

2. The development shall be carried out strictly in accordance with the approved plans and drawings.

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details.

3. Details of the carriageway edge marking to highlight the edge of the road shall be submitted to and agreed in writing with the Local Planning Authority and shall be painted in accordance with the approved details prior to the development being brought into use.

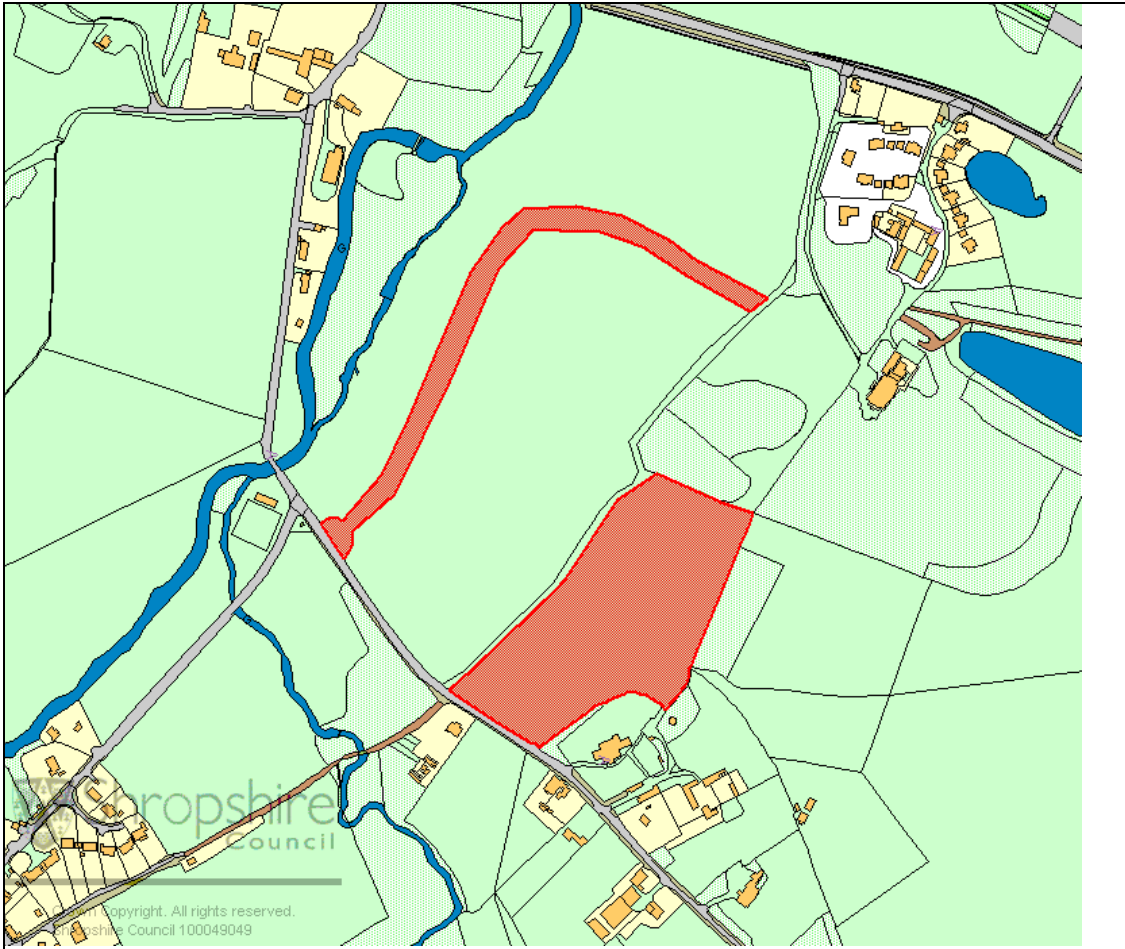
Reason: In the interest of highway safety.

4. The materials for the cricket pavilion, tennis court and drive shall be as indicated in Section 8 of the submitted application form and there shall be no variation without the prior consent in writing of the Local Planning Authority.

Reason: To ensure a satisfactory appearance to the development.

5. Prior to the erection of the entrance gates full details of the external materials and metal gates shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approval details.

Reason: To ensure that the external appearance of the development is satisfactory



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