

**8 DCCE2003/3505/F - CHANGE OF USE FROM STORAGE/WAREHOUSING TO BLACKSMITHING WORKSHOP TO INCLUDE ERECTION OF TWO CHIMNEYS AT 35A MORTIMER ROAD, HEREFORD, HR4 9SP**

**For: Mr. R. Hastings, 5 Green Street, Hereford, HR1 2QG**

**Date Received: 24th November 2003      Ward: Three Elms      Grid Ref: 50781, 41205**  
**Expiry Date: 19th January 2004**

Local Members: Councillors Mrs. P.A. Andrews, Mrs. S.P.A. Daniels, Ms. A.M. Toon

**1. Site Description and Proposal**

- 1.1 The application site comprises a vacant warehouse and yard positioned to the rear of residential properties fronting the north-west side of Mortimer Road and with access between Nos. 35 and 37 Mortimer Road. The warehouse was last used for the storage and distribution of clothing, although previous to this was used as a joinery workshop and for motor vehicle body and mechanical repairs. The yard is shared with a small haulage company.
- 1.2 The proposal is to change the use of the site from storage/warehouse to a blacksmith's workshop, to include the erection of three chimneys.

**2. Policies**

2.1 Hereford Local Plan:

Policy E2	-	Established Employment Areas
Policy E7	-	Criteria for Employment Development
Policy H12	-	Established Residential Areas
Policy H21	-	Compatibility of Non-residential Use

2.2 Herefordshire Unitary Development Plan (Deposit Draft):

Policy S2	-	Development Requirements
Policy DR9	-	Air Quality
Policy DR13	-	Noise
Policy H1	-	Established Residential Areas
Policy E5	-	Safeguarding Employment, Land and Buildings

**3. Planning History**

- 3.1 HC/900075/SZ - Use as a motor vehicle body and mechanical repair shop - planning permission not required 07/03/90.
- 3.2 HC/900436/PF - Use for storage and distribution of corporate clothing - approved 23/10/90.

#### 4. Consultation Summary

##### Statutory Consultations

- 4.1 There are no statutory consultees.

##### Internal Council Advice

- 4.2 Head of Engineering and Transportation: no objection.

Head of Environmental Health and Trading Standards: Whilst the building is of substantial brick / blockwork construction, the large sliding doors to the front are light weight metal clad and the roof is also of light weight construction. In view of this and the close proximity of occupied dwellings, concern expressed at the potential impact of the proposal on nearby residents by reason of noise and vibration. To this end, conditions are recommended requiring details of noise attenuating measures and limiting hours of use of power tools.

Coke and gas fired forges are generally clean burning and consequently would not anticipate nuisance from fumes or odour arising from the proposed use.

#### 5. Representations

- 5.1 Hereford City Council : no objection subject to the Head of Environmental Health and Trading Standards raising no objection.

- 5.2 One objection letter has been received from No. 37 Mortimer Road, summarised as follows:

- Noise and vibration disturbance from blacksmithing equipment, including air hammers. Likelihood of doors being left open preventing attenuation;
- Fume nuisance.

- 5.3 In support of the application, the applicant has provided a written statement summarised as follows:

- Specific use is artist blacksmithing, initially part time, although increasing over time;
- Two types of forge will be used - a gas forge and a coke forge. The gas forge runs on bottled propane and produces only carbon dioxide as a by-product. The coke forge burns coke and once properly alight (10 minutes from initial lighting), produces no smoke. Although the image of a blacksmith is of a noisy, dirty workshop, this is, historically due to the activities of shoeing horses which is not intended here;
- Wastage would be minimal (limited metal off-cuts delivered to scrap yard);
- Unlikely to be more than 1 or 2 visitors / customers per month. Deliveries limited to one or two vehicles per month delivering steel and coke, and collectios three or four times per year.
- Initially three blacksmiths would be employed;
- Regarding noise, some would be produced by occasional use of hammers, air hammers and anvils. This equipment would be sited towards the middle of the building to limit effects of vibration; anvils would be rubber mounted.

5.4 The full text of this letter and statement can be inspected at Central Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

## **6. Officers Appraisal**

6.1 The main issues in this case are the impact of the proposed use on the character of the area and the amenities of nearby residential properties in Mortimer Road.

6.2 The warehouse building itself lies within an Established Employment Area, although the access drive and adjacent houses are within an Established Residential Area. Policy E2 of the Local Plan allows Class B1, B2 and B8 uses within the Established Employment Areas provided that they are in accordance with Policy E7. Policy E7 requires such development to be environmentally acceptable, in particular in terms of the relationship with neighbouring properties. Policy H12 relates specifically to Established Residential Areas requiring their character and amenity to be protected or enhanced. Policy H21 requires non-residential development in or immediately adjoining Established Residential Areas to be compatible with adjacent residential uses.

6.3 The overall scale of the development and the expected levels of activity are considered appropriate for the residential setting. Specifically, it is not considered that three members of staff and perhaps five or six other vehicle movements per month should cause nuisance, particularly having regard to the previous uses of the site as a storage and distribution warehouse and for car repairs. Conditions are recommended limiting times for delivery and collection by commercial traffic.

6.4 The applicant accepts that there would be some noise generated by, in particular, hammers and anvils although no objection is raised on environmental health grounds subject to an appropriate standard of noise attenuation being provided in the building. Conditions are recommended requiring details to be submitted prior to the use commencing and also requiring the front doors to be kept closed whilst machinery or noisy tools are in use. With these safeguards, it is not considered that any adverse harm would be caused to residential amenity.

## **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. The development shall be carried out in all respects strictly in accordance with the approved plans received by the local planning authority on 24th November 2003, except where otherwise stipulated by conditions attached to this permission.**

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

- 3. No noisy machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times 8.00 a.m. to 6.00 p.m. nor at any time on Saturdays, Sundays, Bank or Public Holidays.

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

- 4. The premises shall be used as an Artists' Blacksmith Workshop only and for no other purpose (including any other purpose in Class B2 of the schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: The local planning authority wish to control the specific use of the land/premises, in the interest of local amenity.

- 5. The applicant shall submit for the prior written 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 the use. The scheme shall be based on a noise and vibration report from a suitably qualified and experienced consultant who shall specifically refer to the impact of the development on nearby residential properties in terms of both noise and vibration and shall quantify the effects of any proposed mitigation measures.

Reason: To safeguard the amenity of the area.

- 6. The front doors of the building containing the Artists' Blacksmith Workshop shall be kept closed whenever noisy machinery and / or tools (including hammers, air hammers and anvils), are in use.

Reason: To safeguard the amenities of the area.

**Informatives:**

- 1. For the purposes of condition Nos. 4 and 6, "Artists' Blacksmith Workshop" is defined as a blacksmith's workshop where sculptures, fine art, ornate gates and railings and other ornate metal items are manufactured. The definition specifically excludes the manufacture of horseshoes and / or the shoeing of horses at the site and general engineering.
- 2. N15 – Reason(s) for the Grant of PP/LBC/CAC.

Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies