

7 DCCW2004/0034/F - RENEWAL OF TEMPORARY PERMISSION TO ALLOW PERMANENT PERMISSION AND VARIATION OF CONDITION 1 OF PLANNING PERMISSION CW2001/2639/F FOR USE OF WELDING AND FABRICATION AT AMBERLEY WORKSHOP, MARDEN, HEREFORD, HR1 3BS

For: Mr. J.A. Ashcroft, 16 Orchard Green, Marden, Hereford, HR1 3ED

Date Received: 6th January 2004

Ward: Sutton Walls

Grid Ref: 54009, 47584

Expiry Date: 2nd March 2004

Local Member: Councillor J.G.S. Guthrie

1. Site Description and Proposal

1.1 The site is located on the west side of the Sutton to Bodenham road at the junction with Wyatt Road. The site is just to the south of the Amberley Arms Public House (formerly The New Inn). It is 0.5 hectares in area measuring approximately 46 metres in diameter and 120 metres in depth.

1.2 This application seeks full planning permission to allow the permanent use of Amberley Workshop as a welding and fabrication business and a variation of Condition 1 attached to planning permission CW2001/2639/F which restricted the use of the building for welding and fabrication of agricultural vehicle parts and agricultural building/equipment parts only.

2. Policies

2.1 Planning Policy Guidance:

PPG1	-	General Policy and Principles
PPG4	-	Industrial and Commercial Development and Small Firms
PPG7	-	The Countryside – Environmental Quality and Economic and Social Development

2.2 Hereford and Worcester County Structure Plan:

Policy E1	-	Economic Growth
Policy E6	-	Industrial Growth in Rural Areas
Policy E8	-	Industrial Development in Rural Areas
Policy CTC9	-	Development Requirements
Policy CTC14	-	Conversion of Buildings
Policy A1	-	Development on Agricultural Land
Policy A2	-	Diversification

2.3 South Herefordshire District Local Plan:

Policy GD1	-	General Development Criteria
Policy C1	-	Development in Open Countryside
Policy C36	-	Reuse and Adaptation of Rural Buildings
Policy ED3	-	Employment Proposals Within/adjacent to Settlements
Policy ED6	-	Employment in the Countryside
Policy ED7	-	Reuse and Adaptation of Rural Buildings for Employment/ Tourism Use
Policy ED8	-	Farm Diversification
Policy T4	-	Highway and Parking Standards

2.4 Herefordshire Unitary Development Plan (Deposit Draft):

Policy S1	-	Sustainable Development
Policy S2	-	Development Requirements
Policy E11	-	Employment in the Countryside

3. Planning History

- 3.1 SH980258FZ Proposed three bay tractor/implement shed - Planning Permission Required 06/04/1998.
- SC980394PF Agricultural buildings cut into landscape (retention of) - Approved 23/09/1998.
- CW2001/2639/F 1) Retrospective planning permission for 70 metres of roadway from existing site to highway. 2) Change of use of existing building from agricultural to a welding and fabrication business for agricultural vehicle parts, building/equipment parts. 3) Demolition of existing loose boxes and erection of new building for stabling, tack room and store - Approved 23/01/2002.
- CW2002/3326/F Change of use and conversion of Amberley Workshop to disabled residential property - Refused 19/03/2003. Appeal dismissed 3rd September 2003.

4. Consultation SummaryStatutory Consultations

- 4.1 None.

Internal Council Advice

- 4.2 Head of Engineering & Transportation: If the variation of Condition 1 is not going to increase the intensity of use then no objections would be raised to the grant of planning permission.
- 4.3 Head of Environmental Health & Trading Standards: No objection as long as Conditions 5, 6 and 9 of previous permission CW2001/2639/F are retained.

5. Representations

- 5.1 Marden Parish Council: The Parish Council agree that a) it has no objection to the proposed variation of Condition 1 of planning permission CW2001/2639/F, and b) it is opposed to the granting of a renewal on a permanent basis and would prefer a

temporary period to allow for future reviews of activities at the site. The length of the temporary period of the permission is at the discretion of Herefordshire Council.

5.2 Two letters of objection have been received from John Sanders, Amberley House, Sutton St. Nicholas, Hereford and from Chris Barltrop, Amberley Gate, Sutton St. Nicholas, Hereford. Objections raised:

- The Council have previously shared concerns of local residents which reflected in the conditions imposed when personal permission was granted in January 2002 to operations strictly limited to a specific business on the premises. It clearly states at that time that such use "is only acceptable in this location having regard to the specific nature of the business run by the applicant and his son". The current application specifically asks for additional commercial use and that the supporting letter details that previous attempts to sell the premises for business use have failed. Even if a sale of the property is not achieved an expansion of activity would clearly result if this application were approved. Indeed if permission is granted then given the history of the site, industrialization by stealth will have been permitted.
- The applicant's own supporting letter of the 24th January 2002 when asking to convert the building to domestic use made it clear that he is aware of noise and nuisance caused to his neighbours by the operations in the past. Such noise and nuisance would inevitably continue and no doubt increase if a new owner were to expand operations. As I have made it clear in the past, I find the Council through its Planning Department suspiciously lacking in any will to enforce adopted policies and specific conditions. This building was erected for agricultural purposes and industrial uses began before any planning permission was granted. That this is not an appropriate place for industrial development is clearly recognised by all authorities, to allow it to expand would be completely unacceptable, and I trust the application will be refused.
- Complaints are made with regard to unauthorised development and the planning history for this site.
- The industrial noise and pollution and industrial HGV use of the access is dangerous. The restriction to welding may fool you but it is a welding and fabrication (another word without parameters) which has been breached by the allowing of a third party to work on trailers on the site.
- Constant disturbance has been caused through noise and bonfires from the site, and it has been witnessed that HGV's have severe difficulty in entering and leaving the site. Photographs have been submitted showing HGV's entering the site as well as individual cars being sold from the front roadside location.

Mr. Sanders has listed a number of complaints against the activities associated with the site. Perhaps it is time the Council's Planning Authorities will demonstrate that planning regulation is there for the benefit of all for the protection of land from abuse. Mr. Ashcroft has never had a need for an agricultural building, he cannot sell an industrial building restricted to purposes for which he applied to his personal use. The Council and Planning Inspector would not let them breach the planning regulations with the conversion to a residential unit.

It is suggested that to revert back to the original agricultural use would be most appropriate.

The full text of these letters 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 two issues in relation to this case are the acceptability of a permanent permission further to the temporary consent granted in January 2002 and secondly whether the expansion of the restrictive condition to enable the use of the building for welding and fabrication purposes as opposed to welding and fabrication of agricultural vehicle parts, buildings and equipment is acceptable.
- 6.2 As will be noted from the planning history, a number of applications have been submitted for development on this site in recent years. The most important under reference CW2001/2639/F. Temporary planning permission was granted to use this modern steel framed portal building for welding and fabrication purposes for agricultural vehicle parts, building/equipment parts. This consent was given for a two year period to enable the Local Planning Authority to give further consideration to the acceptability of the use after the temporary period has expired. Since that permission an application to convert the former agricultural building to a single residential unit was refused by this Authority and dismissed at appeal under reference CW2002/3326/F.
- 6.3 The applicant has indicated that the restrictive condition which allows only welding and fabrication in relation to agricultural activity has led to work recently being turned away from their business which otherwise could have been completed on site. The example suggested in their covering letter with this application suggests that they would be able to weld and fabricate hand railings, safety railings and similar components for commercial buildings where at present there will be no agricultural tie associated with such activity. The critical question for consideration is whether removing the agricultural element of this condition would in fact alter or significantly change the nature of business on the site. Having carefully considered this matter, Officers are of the opinion that the removal of the agricultural connection from this condition would not actually cause significant harm or materially change the processes which are currently carried out. Furthermore, with the strict conditions as were previously imposed, the use of the building can still be limited to the applicant only and controls be placed on external storage as well as operation and noise associated with the site.
- 6.4 With regard to the request to vary Condition 2 of the previous permission to enable this to be a permanent approval, Officers have again given careful thought to potential implications. Whilst normally a second temporary would not be encouraged, in this instance having regard to the small change in the business activity associated with the building through the variation of Condition 1, it is recommended that a further two year permission is granted to enable the more open ended welding and fabrication use to establish. This material change to the former condition would justify a second temporary permission and would enable the Local Planning Authority to consider this matter again at a later date. This would also meet the recommendations of the Parish Council who suggest a further temporary consent as opposed to a permanent permission would be appropriate.
- 6.5 Whilst the concerns of the two local residents are noted, Officers consider that the uses associated with this site will still be relatively low key having regard to the fact that the permission is for the applicant only and the building cannot be used by any other operator without a specific planning permission. With all other conditions as were previously agreed, it is not considered that a refusal at this time could be justified having regard to the previous permission that has been issued and the planning

history associated with this site. It should also be noted that if Members are minded to support the Officer recommendation, the description of the development will need to be amended to reflect the temporary permission suggested.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1. The premises shall be used for welding and fabrication only and for no other purpose (including any other purpose in Class B1 or 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.

- 2. This consent shall expire on 10th March 2006. Unless further consent is granted in writing by the local planning authority prior to the end of that period, the use hereby approved shall permanently cease.**

Reason: To enable the local planning authority to give further consideration of the acceptability of the proposed use after the temporary period has expired.

- 3. This permission shall enure for the benefit of Mr. John Ashcroft and his son only and not for the benefit of the land or any other persons interested in the land.**

Reason: The nature of the development is such that it is only considered acceptable in this location having regard to the specific nature of the business run by the applicant and his son.

- 4. When the premises cease to be occupied by Mr. John Ashcroft and his son or at the end of two years whichever shall first occur, the use hereby permitted shall cease and all materials and equipment brought on to the premises in connection with the use shall be removed.**

Reason: The nature of the development is such that it is only considered acceptable in this location having regard to the specific nature of the business run by the applicant and his son.

- 5. 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 8 am to 6 pm Monday to Friday and 8 am to 1 pm Saturday nor at any time on Sundays, Bank or Public Holidays.**

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

- 6. There shall be no open air operation of plant, machinery or equipment within the application site.**

Reason: To protect the amenities of nearby properties.

- 7. No goods, plant, material or machinery shall be deposited or stored outside the buildings subject of this application.**

Reason: To protect the appearance of the locality.

- 8. Within one month of the date of this permission details shall be submitted to and approved in writing by the local planning authority of the type of machinery and equipment to be used within the building.**

Reason: In the interests of the amenity of the area.

- 9. No power tools or machinery shall be used at the premises other than those approved in relation to Condition 8 of this planning permission.**

Reason: In the interests of the amenity of the area.

- 10. There shall be no ancillary retail sales in association with the permitted business or sales of any other goods or materials from the application site.**

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

Informative:

- 1. N15 - Reason(s) for the Grant of Planning Permission.**

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.