

<b>MEETING:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>12 OCTOBER 2011</b>
<b>TITLE OF REPORT:</b>	<p><b>DMS/111656/F - PROPOSED VARIATION OF CONDITION 10 OF PLANNING PERMISSION DMS/102193/F - TO ALLOW UNLIMITED ACCESS AND FLEXIBLE LOADING AND UNLOADING TIMES AT LAND OPPOSITE, THE BELL INN, TILLINGTON, HEREFORDSHIRE, HR4 8LH</b></p> <p><b>For: Wetland Plants per Mr Richard Ball, Ilex, Ashfield Crescent, Ross-on-Wye, Herefordshire, HR9 5PH</b></p>

**Date Received: 23 June 2011**

**Ward: Burghill, Holmer and Lyde**

**Grid Ref: 346381,245201**

**Expiry Date: 12 September 2011**

Local Member: Councillor SJ Robertson

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

- 1.1 The site is a 0.5ha parcel of agricultural land sited on the east of the C1099 (Roman Road between Tillington and Credenhill). To the south west boundary of the site are two residential properties (Sunnycroft and Southview). The site sits in an elevated position with the boundary and both the adjoining roads and the neighbouring properties being at a lower level. The road drops to the south west and the cross-roads to the north-east are also lower.
- 1.2 In January 2011, following a site visit, Planning Committee permitted the formation of a new access and site road, construction of new packing shed, erection of one polytunnel and siting of four storage units in connection with the use of the site for the growing and packing of aquatic / wetland plants and the administration of the business. Works were implemented shortly after this and the business is now operational on the site. The majority of works have now been completed in accordance with the approved details, including the access and track, polytunnel, packing shed, storage containers.
- 1.3 The planning permission was subject to conditions. This application is for the variation of Condition 10 of Planning Permission DMS102193/F that reads:

*The hours during which working may take place, including the loading and unloading of service and delivery vehicles together with their arrival and departure from the site, shall be restricted to 0800 to 1800 Mondays to Fridays and 0800 to 1300 on Saturdays There shall be no such working on Sundays, Bank or Public Holidays.*

*Reason: To safeguard the amenities of the locality and to comply with Policy DR2 of the Herefordshire Unitary Development Plan.*

- 1.4 The application requests that this be varied to allow for unlimited access to allow for the care of plants, to control the temperature of the polytunnel and for the feeding and care of site livestock. It has also been confirmed by the applicant that no variation has been sought in respect of loading and unloading of service vehicles and this would remain as Monday to Friday 0800 to 1800 and Saturdays 0800 to 1300.

## **2. Policies**

- 2.1 PPS1 - Delivering Sustainable Development  
PPS4 - Planning for Sustainable Economic Growth

- 2.2 Herefordshire Unitary Development Plan 2007:

- S2 - Development Requirements  
DR2 - Land Use and Activity  
DR3 - Movement  
E11 - Employment in the Smaller Settlements and Open Countryside  
E13 - Agricultural and Forestry Development

## **3. Planning History**

- 3.1 DMS/102193/F Forming new access and site road. Construction of new packing shed. Erection of 1 no. polytunnel. Placing of 4 no. mobile storage units on site. Approved 12 January 2011.

## **4. Consultation Summary**

### Internal Council Advice

- 4.1 Traffic Manager: Has no objection to the grant of planning permission.

## **5. Representations**

- 5.1 Burghill Parish Council: "If unlimited access is permitted to the site the Parish Council is most concerned with regard to the impact of additional traffic into and out of a dangerous access. When lorries and large vehicles wait to gain access the site they stop in the road partially blocking it at a very dangerous point, it has also been noted that vehicles to and from the site frequently travel at speeds unsuitable for the type of road particularly combined with the size of vehicle; both the parish council and local residents are very concerned with regard to road safety.

One of the reasons the applicant states he requires unlimited access to the site is for the 'feeding and care of site livestock' (goldfish in lily ponds and a cat (!) kept to control field voles), a member of Burghill parish is a retired veterinary surgeon and has confirmed that goldfish do not require feeding every day; the requirement for unlimited site access for a cat is tenuous to say the least.

In summary the Parish Council would like to object most strongly to the above application."

- 5.2 Letters of representation / objection have been received from the following:

Martin Symonds, Goose Ploc, Tillington.  
Mrs Powell, The Wain House, Burlton Lane, Burghill.

Mrs Rosemary Lloyd, Ridgebourne House, Tillington.  
Margery Watkins, Southview, Tillington.  
Mr M Roberts, Sunnycroft, Tillington.  
Alan Groves, 281 Kings Acre Road.  
Melanie Preedy, 6 Cherry Orchard, Tillington.

The comments made in these letters can be summarised as follows:

- Concerns those previous conditions were not complied with.
- Impact on neighbour amenity is already felt with the regular comings and goings (including outside of restricted hours).
- Concern about traffic movements at any time of day and night and impact of these.
- Increased traffic impact would have potential impact on highway safety.
- The new access has had the effect of increased traffic speeds on this road.
- The development is an eyesore.
- The telegraph pole impedes visibility.
- The applicant previously stated that 24 hours care was not required.
- The Ancient hedgerow is dead / has been destroyed.
- The reasons given for this request are spurious.

5.3 The full text of these letters can be inspected at Hereford Customer Services, Franklin House, 4 Commercial Road, Hereford, HR1 2BB and prior to the Committee meeting.

## **6. Officer's Appraisal**

6.1 The development has been established and the permission implemented. The key consideration in the assessment of this application is the potential impact on the amenities of local residents and highway safety if the condition restricting on site activities were varied.

6.2 The key reason that this condition was imposed on the original planning permission related to the potential impact that activity on site may have on the amenities of the adjoining residential properties. Policy DR2 of the Herefordshire Unitary Development Plan seeks to ensure that land use and activity does not prejudice amenity of adjoining land and buildings.

6.3 During the application process more detailed discussion with the applicants to try and establish their processes and working practices on the site now that the site is operational has taken place. The applicants have provided examples and details of the tasks that would be undertaken outside of the existing restricted hours. These are described as follows:

- *Putting on or removing frost protection fleece, shade netting, windbreak. - manual process*
- *Opening closing ventilation to polytunnel for control of temperature and humidity.- manual process*
- *Walking round site to assess needs of plants.*
- *Watering*
- *Re-potting*
- *Moving plants to suitable position*
- *Feeding (fish, cats livestock)*
- *Pest control*
- *Weeding*
- *Seed sowing*
- *Care of seedlings*
- *Plant division*
- *Pruning*
- *Preparing plants for transport*

Some of this would take place within the building and polytunnel. It is also noted that this work is very seasonal with peak sales being between March and July and it is in that period there may be a need to operate during the available daylight hours. The hours in winter will be more limited. It is also noted that the planning permission restricts the lighting on the site, which has been approved as being two bulkheads lights with low energy light bulbs being attached to the North east corner of the packing Shed and north of the storage units. These will not illuminate the outdoor planting areas of the site to allow working outside of daylight hours.

6.4 It is considered that some restrictions are necessary to protect the amenities of the neighbours. The applicant is agreeable to restrictions on activity that may cause noise and disturbance, for example;

- *Hedge cutting*
- *Grass cutting*
- *Rotovating ground*
- *And other machinery as necessary for the general maintenance of the site.*

6.5 It is therefore recommended that varied conditions are imposed (in lieu of condition 10 above), that would allow Wetland Plants to operate, whilst also protecting the amenities of the local residents.

6.6 This condition would restrict access for service and delivery vehicles.

1. *The hours during the loading and unloading of service and delivery vehicles together with their arrival and departure from the site, shall be restricted to 0800 to 1800 Mondays to Fridays and 0800 to 1300 on Saturdays and at no time on Sundays, Bank or Public Holidays.*

*Reason: To safeguard the amenities of the locality and to comply with Policy DR2 of the Herefordshire Unitary Development Plan.*

This would represent no change to the existing position but would continue to protect the amenities of residents in accordance with Policy DR2 of the Herefordshire Unitary Development Plan.

6.7 A second condition is also recommended that would allow the applicants access to the site to ensure the care of plants and animals (e.g., the uses listed above (1st list)). These are quiet uses that should not impact on the amenities of local residents. It should be noted that the key, core hours of the business would not change and that these 'extra' hours are to allow for some flexibility to respond to demand and weather conditions.

6.8 The potential for additional noise and disturbance from vehicles moving in and out of the site has also been considered. It is your officer's opinion that due to the minimal nature of these, and having regards to the proximity of the road, this would not warrant the refusal of this application. It is also noted that a fence has now been erected between the application site and Sunny View and this would afford additional mitigation. It is also recognised that the original condition does not stop the applicants accessing the site, only working on the site.

6.9 The wording of the revised condition suggested would restricts the use of plant, machinery and power tools (such as rotavators, strimmers etc) to the hours that the existing permission allows. This would continue to protect the amenities of the adjoining residential properties.

2. *Working on site shall be restricted to 0800 to 1800 Mondays to Fridays and 0800 to 1300 on Saturdays and at no time on Sundays, Bank or Public Holidays except for access for undertaking the care of plants and animals. The use of plant, machinery or power tools or equipment is not permitted outside of these hours.*

*Reason: To safeguard the amenities of the locality and to comply with Policy DR2 of the Herefordshire Unitary Development Plan.*

- 6.10 Concern has also been raised in respect of the potential impact on highway safety. The proposal is unlikely to intensify the use of the approved access and a reason for refusal would be difficult to sustain on this basis. The Traffic Manager raises no objection to this proposal.
- 6.11 Representations received raise concern in particular with the breaches of condition that occurred during the construction period. These were fully investigated and were rectified by the applicant at our request, and within the timescales set out. The only outstanding matter relates to the replanting of the hedgerow. It will be necessary to assess this and consider what planting would be required in the areas in which its translocation was unsuccessful. As this can only take place during the planting season, discussions with the applicant will be pursued.
- 6.12 Having regard to the above the proposal, subject to the varied conditions listed above, is recommended for approval.

**RECOMMENDATION**

**That planning permission be granted subject to the following conditions:**

- 1. **The hours during the loading and unloading of service and delivery vehicles together with their arrival and departure from the site, shall be restricted to 0800 to 1800 Mondays to Fridays and 0800 to 1300 on Saturdays and at no time on Sundays, Bank or Public Holidays.**

**Reason: To safeguard the amenities of the locality and to comply with Policy DR2 of the Herefordshire Unitary Development Plan.**

- 2. **Working on site shall be restricted to 0800 to 1800 Mondays to Fridays and 0800 to 1300 on Saturdays and at no time on Sundays, Bank or Public Holidays except for access for undertaking the care of plants and animals. The use of plant, machinery or power tools or equipment is not permitted outside of these hours.**

**Reason: To safeguard the amenities of the locality and to comply with Policy DR2 of the Herefordshire Unitary Development Plan.**

**Informative:**

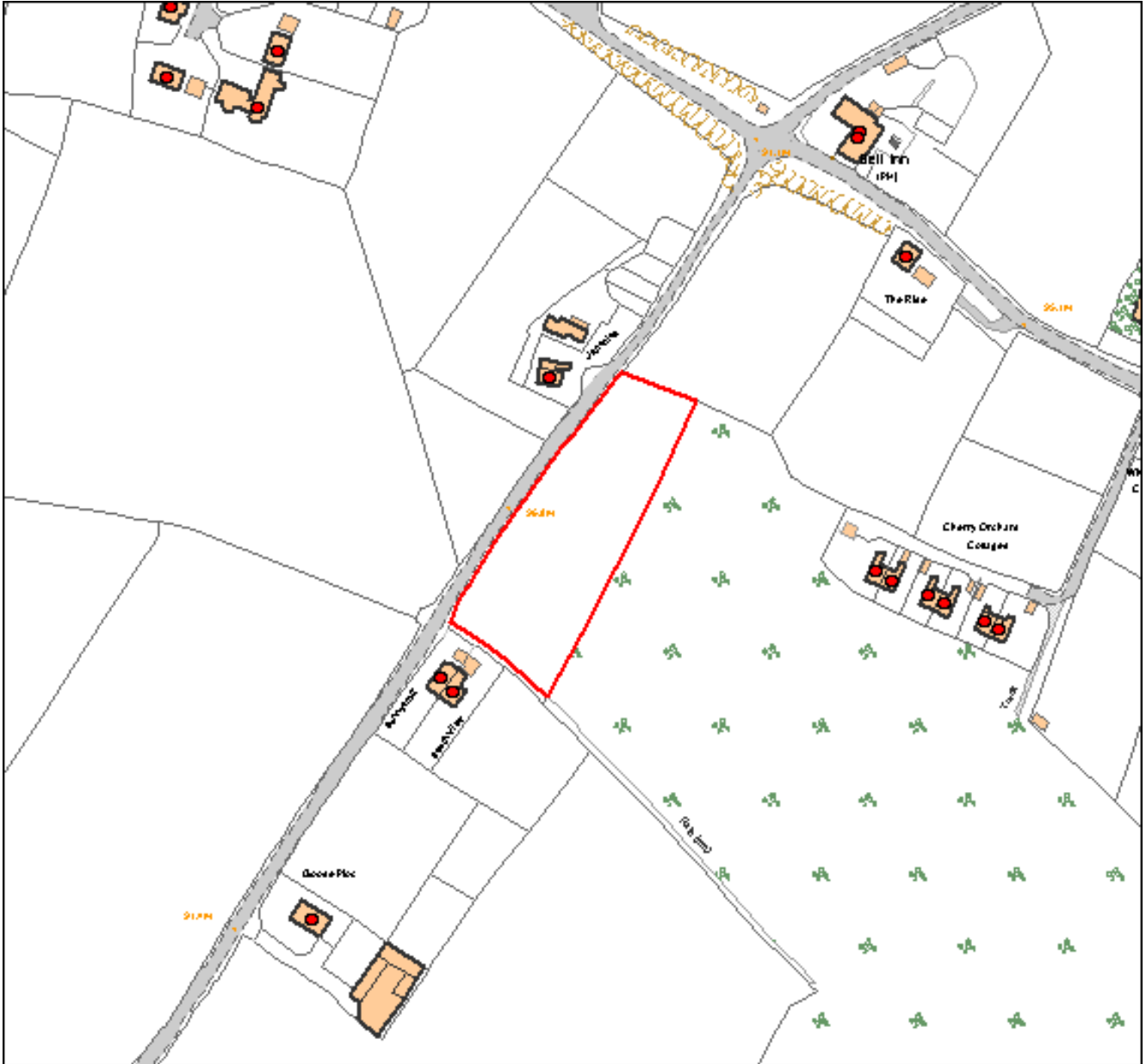
- 1. **N15 Reason(s) for the Grant of PP/LBC/CAC**

Decision: .....

Notes: .....

**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DMS/111656/F

**SITE ADDRESS :** LAND OPPOSITE, THE BELL INN, TILLINGTON, HEREFORDSHIRE, HR4 8LH

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