

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	21 November 2018
TITLE OF REPORT:	<p>182130 - PROPOSED CHANGE OF USE OF RESIDENTIAL DWELLING TO OFFICE ACCOMMODATION AT NEW HOUSE FARM, NEW HOUSE FARM BARN, GRAFTON LANE, GRAFTON, HEREFORDSHIRE, HR2 8BL</p> <p>For: Gamber Logistics Ltd per Mr David Kirk, 100 Chase Road, Ross-On-Wye, Herefordshire, HR9 5JH</p>
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=182130&search=182130
Reason Application submitted to Committee – Re-direction	

Date Received: 8 June 2018

Ward: Wormside

Grid Ref: 349606,236325

Expiry Date: 7 August 2018

Local Member: Councillor JF Johnson

1. Site Description and Proposal

- 1.1 The application site is New House Farm, a former agricultural building that was converted to a dwellinghouse in 2007. There was a subsequent garage and bat loft permitted in 2009 to the north. The site is located to the east of Grafton Lane with the access to the north of the dwelling and a large hardstanding/parking area. This arrangement can be clearly seen on the aerial photograph below:



Further information on the subject of this report is available from Miss Emily Reed on 01432 383894

- 1.2 This application seeks change of use of the dwellinghouse to office accommodation. The applicant, Gamber Logistics, is currently based at Pengethley on the A49 and proposes to relocate administration staff to New House Farm. The rest of the business would remain on the Pengethley site.
- 1.3 No external alterations or operational development are proposed as part of the scheme. It is purely for the change of use of the building as it stands.

2. Policies

2.1 Herefordshire Local Plan – Core Strategy:

SS1	-	Presumption in Favour of Sustainable Development
SS4	-	Movement and Transportation
SS6	-	Environmental Quality and Local Distinctiveness
RA6	-	Rural Economy
MT1	-	Traffic Management, Highway Safety and Promoting Active Travel
E1	-	Employment provision
LD1	-	Landscape and Townscape
LD2	-	Biodiversity and Geodiversity
LD3	-	Green Infrastructure
SD1	-	Sustainable Design and Energy Efficiency
SD3	-	Sustainable Water Management and Water Resources
SD4	-	Waste Water Treatment and River Water Quality

The Herefordshire Local Plan Core Strategy policies together with any relevant supplementary planning documentation can be viewed on the Council's website by using the following link:-

<https://www.herefordshire.gov.uk/planning-and-building-control/planning-policy/core-strategy/adopted-core-strategy>

2.2 Callow and Haywood Neighbourhood Development Plan (made on 1 December 2016)

Policy CH1	–	Protecting and Enhancing the Rural Landscape
Policy CH2	–	Building and Transport Design Principles
Policy CH4	–	Protecting the Sensitive Landscapes Assets in the Urban Fringe
Policy CH5	–	Managing New Business Development in Former Agricultural Buildings and other Land-Based Rural Business Buildings

https://www.herefordshire.gov.uk/download/downloads/id/8712/neighbourhood_development_plan_september_2016.pdf

2.3 National Planning Policy Framework (NPPF)

Chapter 2	–	Achieving sustainable development
Chapter 6	–	Building a strong, competitive economy
Chapter 9	–	Promoting sustainable transport
Chapter 12	–	Achieving well-designed places
Chapter 14	–	Meeting the challenge of climate change, flooding and coastal changes
Chapter 15	–	Conserving and enhancing the natural environment

3. Planning History

3.1 **DCCE0009/1948/F** – Open fronted garage with bat loft. Approved

DCCE2007/2938/F – Conversion of vacant barn into dwelling and demolition of redundant farm structures. Approved

Further information on the subject of this report is available from Miss Emily Reed on 01432 383894

4. Consultation Summary

Statutory Consultations

4.1 Natural England – No objection

No objection - SUBJECT TO APPROPRIATE MITIGATION BEING SECURED

We consider that without appropriate mitigation the application would:

- have an adverse effect on the integrity of River Wye Special Area of Conservation
- damage or destroy the interest features for which River Wye / Lugg Site of Special Scientific Interest has been notified.

In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required / or the following mitigation options should be secured:

- Foul sewage to be disposed in line with Policy SD4 of the adopted Herefordshire Core Strategy. Where a package treatment plant is used for foul sewage, this should discharge to a soakaway or a suitable alternative if a soakaway is not possible due to soil/geology.
- Surface water should be disposed of in line with Policy SD3 of the adopted Herefordshire Core Strategy and the CIRIA SuDS Manual (2015) C753.

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures. Subject to the above appropriate mitigation being secured, we advise that the proposal can therefore be screened out from further stages in the Habitats Regulations Assessment process, as set out under Regulation 63 of the Habitats Regulations 2017.

Notwithstanding the above, your authority should be aware of a Ruling made recently by the Court of Justice of the European Union (the CJEU) on the interpretation of the Habitats Directive in the case of People Over Wind and Sweetman vs Coillte Teoranta.

The case relates to the treatment of mitigation measures at the screening stage of a HRA when deciding whether an appropriate assessment of a plan/project is required. Competent authorities currently making HRAs should be mindful of this case and should seek their own legal advice on any implications of this recent ruling for their decisions. Natural England's advice on other natural environment issues is set out below.

Further advice on mitigation

To avoid impacting the water quality of the designated sites waste and surface water must be disposed in accordance with the policies SD3 and 4 of the adopted Herefordshire Core Strategy.

Foul sewage

We would advise that package treatment plants should discharge to an appropriate soakaway which will help to remove some of the phosphate (see NE report below). Package Treatment Plants and Septic Tanks will discharge phosphate and we are therefore concerned about the risk to the protected site in receiving this. We therefore propose that the package treatment

plant/septic tanks and soakaway should be sited 50m or more from any hydrological source. Natural England research indicates that sufficient distance from watercourses is required to allow soil to remove phosphate before reaching the receiving waterbody. (Development of a Risk Assessment Tool to Evaluate the Significance of Septic Tanks Around Freshwater SSSIs) Where this approach is not possible, secondary treatment to remove phosphate should be proposed. Bespoke discharge methods such as borehole disposal should only be proposed where hydrogeological reports support such methods and no other alternative is available. Any disposal infrastructure should comply with the current Building Regulations 2010.

Surface water

Guidance on sustainable drainage systems, including the design criteria, can be found in the CIRIA SuDS Manual (2015) C753. The expectation is that the level of provision will be as described for the highest level of environmental protection outlined within the guidance. For discharge to any waterbody within the River Wye SAC catchment the 'high' waterbody sensitivity should be selected. Most housing developments should include at least 3 treatment trains which are designed to improve water quality. The number of treatment trains will be higher for industrial developments. An appropriate surface water drainage system should be secured by condition or legal agreement.

Internal Council Consultations

4.2 **Transportation Manager – No objection following further clarification**

Initial Response

As stated in the pre app advice, a Transport Statement is required along with details of the existing businesses movements.

Without the provision of this information I can not look to review the site and therefore ask for a refusal.

Further Response

Clarification was submitted by the agent for the application, and subject to the use of the building being conditioned for offices, the Officer no longer objects.

4.3 **Conservation Manager (Ecology) – No objection**

Based on supplied information and if relevant, General Binding Rules concerning required soakaway outfalls from new septic systems, there are no identified unmitigated Likely Significant Effects on the River Wye SAC

5. **Representations**

5.1 **Callow and Haywood Group Parish Council – Object**

The Callow & Haywood Group Parish Council are minded to object to the application due to there being no design and access statement plus no real indication as to why this building should be changed from residential to business use. It is believed that the application might be related to activities on an adjoining site, which might generate considerable vehicular activity, which would be inappropriate in this location, with its poor road access. It is suggested that the proposal should not be judged without a clear and full statement about the linkage to another site that might be the reason for this change of use application.

If the intense use of the adjoining site, as suggested by the applicant to the Chair of the Parish Council, is proposed, then there are believed to be alternative and more appropriate sites for the development of this activity. Until the missing details are provided the background agenda for this application remains unclear and consequently cannot be supported by the Parish Council.

5.2 To date a total of 17 letters of objection to the proposal. The contents of these are summarised below:

- No planning notices were visible
- Contrary to NDP in terms of traffic implications and loss of 4+ bedroom residential unit
- Contradicts with the UDP (which is now out of date having been placed with the Herefordshire Local Plan – Core Strategy in 2015).
- Approval will set a precedent which the applicant will use in the future for the development of adjacent site
- Gamber business is farm poultry solar and general cleaners, packing and processing potatoes, poultry litter buyers and sellers, stock feed buyers and sellers, maize and beet buyers and sellers. All of these activities are on a year-round basis with clearly consequent storage and movement
- They have bigger plans than stated included parking equipment on the site and 2-3 mobile homes for 18 staff
- Activities of applicant will involve considerable vehicle movements which would have an unacceptable affect upon residents of Grafton Lane and the roadway itself. Workers both working and possibly living on site
- No reference to the additional site which has been owned, used or enjoyed by the named Owner/Agricultural Tenant
- No design and access statement has been submitted
- With 5 car parking spaces proposed there would be an additional 5 journeys to and from the location at each working period by car as there is no public transportation which passes
- No measures detailed to ensure traffic is compatible with the rural area or communicated to neighbouring properties to ensure satisfactory relationship with particular regard to noise and disturbance
- Concern in relation to type and quantity of vehicles using narrow part of Grafton Lane near sharpish bend. Several HGVs have recently been completely stuck on the corner of the lane
- Lane will not support two vehicles and is used as rat run and therefore gets higher traffic than expected
- Appears that traffic is likely to increase if the Southern Link Road maintenance road is granted planning permission as it would appear this would run from the same corner
- Unsure if traffic boxes on the road are related to the applicant. If so they have been placed during school holidays and won't be an accurate reflection
- The working period is declared as unknown although it says it will accommodate existing 5 employees
- Section 18 of application form states B1(a) is proposed whereas section 20 states A1
- Plan does not indicate garage with bat loft. Integral bat mitigation which was conditioned on the conversion of the dwelling is also not detailed
- The Christmas tree business at the site is likely to be continued and there is also a clay pigeon shooting business which may or may not be continued
- Since the construction of the Sustrans Cycleway the lane has become popular with pedestrians, dog-walkers, cyclists and families
- Should be specific prohibitions to stop storage or processing of chicken manure which will cause antisocial smell pollution and put off future buyers of existing properties and any planning developments
- Site falls with the Hereford Local Enhancement Zone 6 and is not the place to site a waste management and bulk haulage company
- More suited rural industrial estates for this type of use

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5.2 The consultation responses can be viewed on the Council's website by using the following link:-

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=182130&search=182130

Internet access is available at the Council's Customer Service Centres:-

<https://www.herefordshire.gov.uk/government-citizens-and-rights/customer-services-enquiries/contact-details?q=customer&type=suggestedpage>

6. Officer's Appraisal

Policy context

6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states as follows:

"If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

6.2 In this instance the adopted development plan is the Herefordshire Local Plan – Core Strategy (CS). The National Planning Policy Framework (NPPF) is also a significant material consideration. It is also noted that the site falls within the Callow and Haywood Neighbourhood Area, which published a made Neighbourhood Development Plan (NDP) on 1 December 2016.

6.3 With the proposal seeking planning permission for the change of use of a dwelling to offices, policy E1 of the Core Strategy and policy CH5 of the NDP are relevant in the first instance.

6.4 Policy E1 states that the focus for new employment provision in Herefordshire is to provide a range of locations, types and sizes of employment buildings, land and offices to meet the needs of the local economy. Larger employment proposals will be directed to the strategic employment sites of Hereford, the market towns and rural industrial estates where appropriate. Development proposals which enhance the employment provision and help diversify the economy of Herefordshire will be encouraged where:

- The proposal is appropriate in terms of its connectivity, scale, design and size;
- The proposal makes better use of previously developed land or buildings;
- The proposal is an appropriate extension to strengthen or diversify an existing business operation;
- The proposal provides for opportunities for new office development in appropriate locations.

6.5 Policy CH5 of the NDP states that small scale and appropriate conversion of former agricultural buildings to offices, workshops and other businesses is supported as part of farm and other land-based rural businesses diversification and economic growth in the rural area. Where planning permission is required, changes of use of former agricultural buildings to business will be required to demonstrate:

- 1) Access is suitable for the proposed use and will not adversely affect the local road network;
- 2) Appropriate landscaping is provided;
- 3) Adequate noise attention measures and measures to mitigate the effects of external lighting are provided; and
- 4) Suitable measures are put in place to ensure that any traffic generated by the proposed use is compatible with the rural area and has a satisfactory relationship with the occupiers of any nearby residential property with particular regard to noise and disturbance

Development should ensure that there would be no adverse impact on the natural environment, especially on the River Wye SAC.

Principle of development

- 6.6 The proposal seeks planning permission for the change of use of New House Farm to office accommodation. The application has been submitted by Gamber Logistics in order to relocate the administration side of the business from the existing site at Pengethley on the A49. However, the application seeks planning permission for the office use and any such approval would not control who the end user was. In light of this, the impacts of the proposed office use will be assessed as opposed to the applicant.
- 6.7 The building was granted change of use from a redundant barn to dwellinghouse under planning permission granted in 2007 with a garage and bat loft subsequently approved in 2009. The building benefits from a large parking area to the front (north) and is accessed to the east of Grafton Lane.
- 6.8 It is acknowledged that the proposal does not fit neatly within the NDP policies given that it seeks planning permission for an already converted former agricultural building. However, while the proposal does not represent an extension to an existing business on this site, it does seek to provide economic growth in a rural location and diversification of a business located at Pengethley. As such, the proposal is considered to largely accord with the starting point of policy CH5. Policy E1 also specifically seeks to support opportunities for office development where they are in appropriate locations.
- 6.9 In relation to the criteria contained under policy CH5, the Council's Area Engineer initially had concerns with the proposal if the whole business were to be relocated to the site. This being on the basis of the logistical nature of it and the associated vehicular movements, in terms of both types and numbers. However, the agent for the application clarified that the building will only be used for five administration staff with lorries and deliveries remaining at the existing base at Pengethley. In assessing the use of the building for offices only (for which permission has been applied) the associated movements are not found to adversely affect the local road network. Furthermore, the vehicles could be safely accommodated within the site and off the road, given the large hardstanding to the front. Paragraph 109 of the NPPF makes it clear that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, would be severe. Given the nature of the proposal, for offices only, the proposal would not lead to severe impacts that would justify refusal of the scheme.
- 6.10 The application is for change of use of the building with no operational development proposed. As such, there would be no impacts on the external elevations. Notwithstanding this, as there are permitted development rights for offices, I find it reasonable to remove these in order to retain the agricultural character of the barn. Additional landscaping is not considered to be required in this circumstance given that the wider landscape will not be affected.
- 6.11 With the nature of the end use in mind, offices for administration work, there is not considered to be a requirement for noise attenuation measures. With regard to external lighting, the building already benefits from this to the front and rear. This is found likely to be of an adequate level for the use as offices but I find it reasonable to condition that should any additional ones be required, the approval of the local authority should be sought beforehand.
- 6.12 With regard to the compatibility of the use in this location, a B1 office use is not likely to give rise to noise or disturbance that would affect the amenity of the occupants residing in neighbouring dwellings. While there may be more cars utilising the building than as a dwelling, as stated above, this is not a reason to refuse an application in its own right. In both highways terms and amenity impacts, these are not at a level that would justify refusal.

- 6.13 The foregoing paragraphs assess the compliance of the proposal against the criteria of policy CH5 – they also largely cover the points of policy E1. However, criterion 2 of that policy does touch on whether the proposal results in a better use of previously developed land or buildings. As a consequence of the application there would clearly be a loss of a residential unit and this has been touched upon within representations received. While this is noted, as is the lack of five year housing land supply at the present time, on balance the diversification of an existing rural business, and the associated economic benefits of this, is considered to outweigh the loss of one residential unit.
- 6.14 Taking into account the above, the principle of the re-use of the building for offices is found to be compliant with policies CH5 and E1. Notwithstanding this, the technical areas of the application are assessed below.

Drainage

- 6.15 Policy SD3 of the Core Strategy states that measures for sustainable water management will be required to be an integral element of new development in order to reduce flood risk, avoid an adverse impact on water quality, protect and enhance groundwater resources and to provide opportunities to enhance biodiversity, health and recreation and will be achieved by many factors including developments incorporating appropriate sustainable drainage systems to manage surface water. For waste water, policy SD4 states that in the first instance developments should seek to connect to the existing mains wastewater infrastructure. Where evidence is provided that this option is not practical alternative arrangements should be considered in the following order; package treatment works (discharging to watercourse or soakaway) or septic tank (discharging to soakaway).
- 6.16 The application form that accompanies the proposal states that a septic tank will be utilised for foul sewage and surface water disposed of by a soakaway. While package treatment plants should be utilised in the first instance, the existing drainage methods will be used for the change of use. The Council's Ecologist has had sight of these methods and does not object to the proposal finding that there are no identified unmitigated significant likely effects on the River Wye SAC. An Appropriate Assessment under the Habitat Regulations is not found to be required given the existing use and drainage arrangements that are already in situ.

Other matters raised in representations

- 6.17 In relation to planning notices, it is understood that while two were displayed by the case officer these may have been taken down prior to the end of the public consultation period. Notwithstanding this, the period was extended by an additional 6 weeks to allow for any comments to be made and considered.
- 6.18 Each application is assessed on its merits and does not result in precedents.
- 6.19 As stated above, while the use of the applicant is noted, only what has been applied for is assessed – planning permission runs with the land not with an individual. If approved, a condition regarding the use would be attached to any decision notice. Should development take place in the future that results in a material change of use this would require its own application and assessment at that point.
- 6.20 While there may be a discrepancy on the application form, the proposed use of the building is clear from the description. It is not found that this error renders the application invalid.
- 6.21 The agent for the application has confirmed that the garage permitted in 2009, and providing ecological mitigation, will be retained. However as this benefits from planning permission in its own right and would not be deemed development if removed, its retention in perpetuity cannot be secured.

- 6.22 While neighbouring uses of land are acknowledged, they are not found to have a cumulative impact, inclusive of the proposed office use, which would cause a level of harm that justifies refusal of this application.

Planning balance and conclusion

- 6.23 Both Core Strategy policy SS1 and paragraph 11 of the National Planning Policy Framework engage the presumption in favour of sustainable development and require that development should be approved where they accord with the development plan. The NPPF encompasses the government's view of what is meant by sustainable development in practice. The three themes, economic, environmental and social should be pursued jointly and simultaneously.
- 6.24 In terms of the economic arm, there are clear benefits as a result of the diversification and retention of an existing rural business relocating its administration staff. The loss of one residential unit is noted but this is found to be outweighed by the economic benefits of the proposed use.
- 6.25 It is acknowledged that the site does not benefit from a market town or industrial location. However, at the scale proposed this is not found to be an unacceptable location. Furthermore, the re-use of an existing building has its own sustainability benefits.
- 6.26 In terms of social implications, as a work place it is unlikely that users would become involved in the community but the loss of one residential property in this respect is also found to have a neutral impact as opposed to a detrimental one.
- 6.27 In terms of the overall planning balance, in context that in the absence of demonstrable adverse impacts and the benefits arising in the economic dimension, that the scheme is representative of sustainable development.

RECOMMENDATION

That planning permission be granted subject to the following conditions and any other conditions considered necessary by officers named in the scheme of delegation to officers:

1. **C01 Time limit for commencement (full permission)**
2. **C06 Development in accordance with the approved plans**
3. **C10 Change of use only details required of any alterations**
4. **C57 Restriction on Use**
5. **C65 Removal of permitted development rights**
6. **CC2 External lighting**
7. **CAL Access, turning area and parking**

INFORMATIVES:

- 1. **The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations, including any representations that have been received. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.**

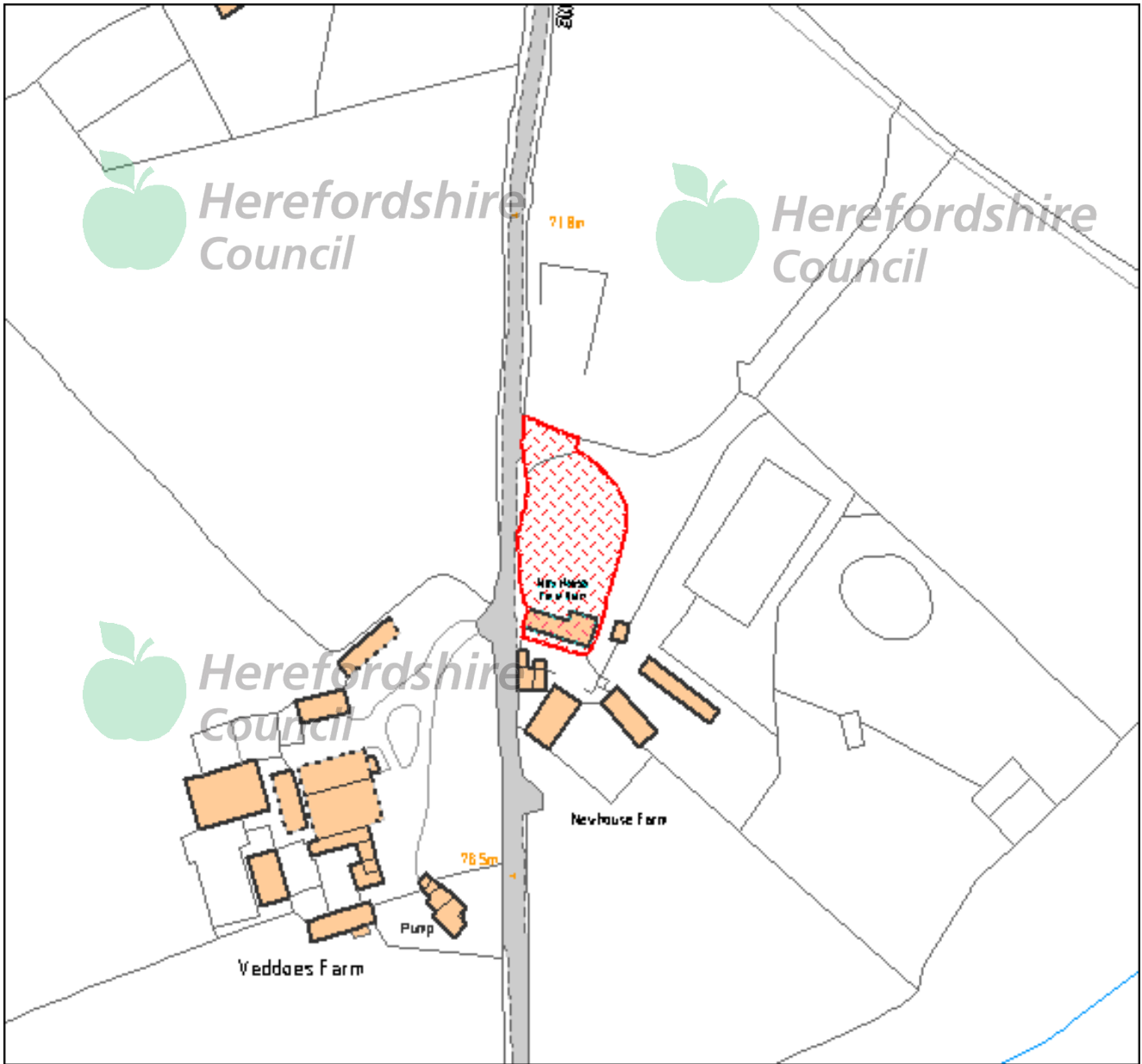
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 182130

SITE ADDRESS : NEW HOUSE FARM, NEW HOUSE FARM BARN, GRAFTON LANE, GRAFTON, HEREFORDSHIRE, HR2 8BL

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