

9 DCSW2006/3100/F - VARIATION OF CONDITION 7 OF APPROVAL DCSW2006/0255/F TO ALLOW THE USE OF ANY MACHINERY AND EQUIPMENT WITHIN THE BUILDINGS THAT WILL MEET THE ENVIRONMENTAL REQUIREMENTS OF A B1 USE, THE OLD ESTATE YARD, KINGSTHORNE, HEREFORDSHIRE, HR2 8AN.

For: The Duchy of Cornwall per Mr. R.L. Gell, Penderw, Old Radnor, Presteigne, LD8 2RP.

Date Received: 26th September, 2006

Ward: Pontrilas

Grid Ref: 50002, 32147

Expiry Date: 21st November, 2006

Local Member: Councillor G.W. Davis

1. Site Description and Proposal

1.1 The proposal site is reached off the northern side of The Thorn, an unclassified road that leads eastward off the north-south aligned Class III road (C1263), the main thoroughfare at Kingsthorne that in turn joins the A49(T) to the north at the Callow and the same trunk road further south at Much Birch.

1.2 The existing site is served by a loose gravel track that is also a registered public footpath (MB27) and a bridleway. A bungalow (Gilston) is on the western side of the existing access point. This bungalow is in the ownership of the applicant. This ownership has enabled the applicants to widen the access onto The Thorn to enable two vehicles to pass at the access point. The two buildings the subject of the application are 61 metres to the north of the junction. One building is 6.2 metres wide and 18.2 metres long and adjoins the public footpath/bridleway. It has a double Roman clay tiled roof over a horizontally clad single-storey building. Just to the west is the second unit, it is larger in footprint (12.2 x 14.1 metres), it will be re-clad in vertical cladding, red oxide in colour or as agreed. Each unit will be for Class B1 use and has a kitchen, and male/female/disabled wc's and offices of over 4 metres by 3 metres in area. The rest of the space being given over for workshop use. The larger unit, Unit 2, will have its own parking area to the south with its own access onto the unsurfaced track. Unit 1 has an access serving it immediately to the north of it. The northern and western boundaries are proposed to have pig netting fencing together with mixed hedging. A right of way is proposed in the south-western corner of the site to serve the rear of Thorn Cottage.

1.3 The proposal relates to condition no. 7 attached to a planning permission granted by the Southern Area Planning Sub-Committee on 15th March, 2006 which was:

“No machinery shall be used in either industrial unit, only portable hand tools shall be used.

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

2. Policies**2.1 Planning Policy Guidance**

PPS.7 - Sustainable Development in Rural Areas

2.2 Hereford and Worcester County Structure Plan

Policy CTC.2 - Areas of Great Landscape Value
 Policy E.6 - Industrial Development in Rural Areas

2.3 South Herefordshire District Local Plan

Policy GD.1 - General Development Criteria
 Policy C.1 - Development within Open Countryside
 Policy C.8 - Areas of Great Landscape Value
 Policy C.36 - Re-use and Adaptation of Rural Buildings
 Policy ED.3 - Employment Proposals within/adjacent to Settlements
 Policy ED.6 - Employment in the Countryside

2.4 Herefordshire Unitary Development Plan (Revised Deposit Draft)

Policy HBA.12 - Re-use of Rural Buildings
 Policy E.11 - Employment in Smaller Settlements and Open Countryside

3. Planning History

- | | | | | |
|-----|-----------------|--|---|--------------------|
| 3.1 | DCSW2005/2868/F | Conversion of redundant agricultural saw-mill buildings to two B1 workshop units, including junction works | - | Withdrawn 28.10.05 |
| | DCSW2006/0255/F | Conversion of redundant agricultural saw-mill buildings to two B1 workshop units, including junction works | - | Approved 15.03.06 |
| | DCSW2006/2337/F | Variation of condition 7 (DCSW2006/0255/F) to allow use of any machinery and equipment | - | Withdrawn 19.09.06 |

4. Consultation SummaryStatutory Consultations

- 4.1 No statutory or non-statutory consultations required.

Internal Council Advice

- 4.2 The Traffic Manager has no objections.
- 4.3 The Environmental Health and Trading Standards Manager requests a full noise survey, details of machinery and insulation before replying.

4.4 The Public Rights of Way Manager raises no objections.

5. Representations

5.1 The Parish Council supports the application.

5.2 Three letters of representation have been received from:

Mr. G.P. Hotchen, Thorn Villa, Kingsthorpe, HR2 8AN.
Mr. G.B. Philpott, Waterloo House, Kingsthorpe, HR2 8AJ.
Mr. J.M. Lee, Swiss Cottage, Kingsthorpe, HR2 8AW.

in which the following main points are raised:

- concerned about noise and environmental factors
- need noise survey, type of noise and frequency
- very quiet background noise level
- needs sound-proofing
- area was subject to high pitched sound of sawmill, see no reason for concern with B1 use if it eliminates shrill screech of the saw
- traffic issue with widening of access onto The Thorn.

The full text of these letters can be inspected at Southern Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

6. Officer's Appraisal

6.1 The main issue relates to noise pollution, and the impact on the amenity of residential properties in the vicinity of the site.

6.2 The proposed use of these two buildings is a Class B1 use, which is a light industrial use. The definition of this use in the Use Classes Order 1987 is a use that can be carried out in a residential area without giving rise to noise, smells, soot, ash and dust. It is a use usually associated with high technology uses, not machinery workshops or mini factories.

6.3 The case advanced by the applicants is that condition 7, attached to planning permission granted on 15th March, 2006 allows for the use of portable hand tools only, but not machinery. It is argued that portable hand tools could be just as noisy as machinery. This is a matter that cannot be resolved as the applicants do not know whom the future tenants will be. The two units will need to be insulated in any case for the benefit of future users and this will provide a means of sound insulation. The background noise level is very low and therefore the onus will be on the applicants to carry out activities that would not give rise to noise pollution and other pollutants such that could be carried out in a residential area. Non-compliant light industrial workshops, i.e. generating excessive noise, have been successfully contested on appeal. It is considered that condition 7 should be removed, given the conditions already in place by the use of the buildings for B1 use only. It is considered that condition 7 is too restrictive, it would not allow, for example, the use of lathes or potter's wheels. The background noise level is very low, noise from traffic is negligible; it will be for the applicants to provide well insulated buildings and operations that do not disturb the amenity of adjoining residents.

6.4 It is considered that given the original condition allows for powered machinery in the form of hand tools, the use of machinery, which together with the use of hand tools, falls into the category of a B1 use can be supported.

RECOMMENDATION

That planning permission be granted subject to the following condition:

- 1. A10 (Amendment to existing permission)**

Reason: For the avoidance of doubt.

Informative(s):

- 1. N19 - Avoidance of Doubt**
- 2. N15 - Reason(s) for the Grant of Planning Permission**

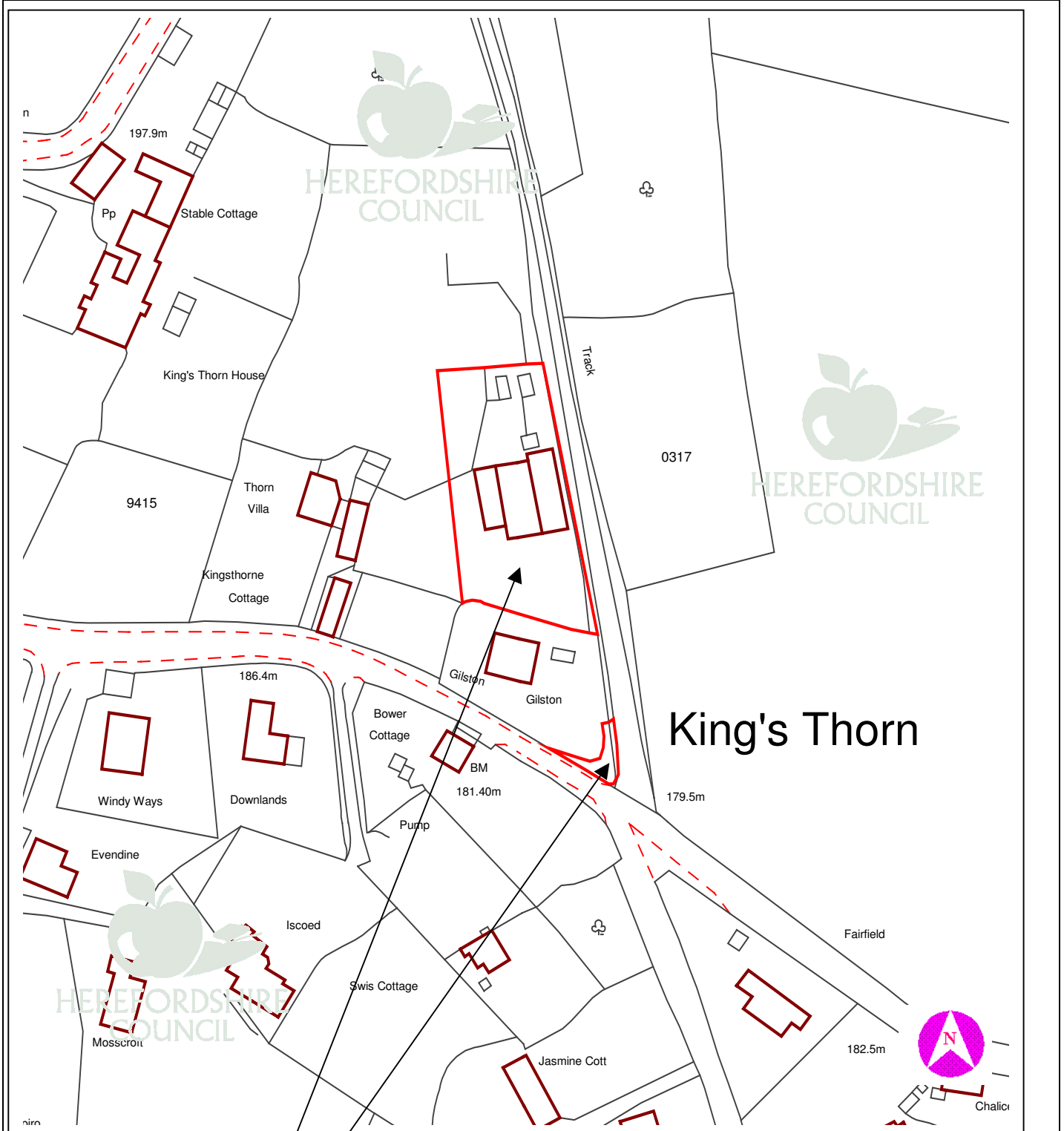
Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.



This copy has been produced specifically for Planning purposes. No further copies may be made.

APPLICATION NO: DCSW2006/3100/F

SCALE : 1 : 1250

SITE ADDRESS : The Old Estate Yard, Kingsthorne, Herefordshire, HR2 8AN

Based upon the Ordnance Survey mapping with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Herefordshire Council. Licence No: 100024168/2005