

SITE VISIT

A SW2002/3814/F - VARIATION OF CONDITIONS 3 & 5 OF PLANNING PERMISSION SH93/0872PF AND CONDITIONS 4 & 9 OF PLANNING PERMISSION SH97/0565PF, ALSO TO RETAIN ADDITIONAL VAN BODY AND TO SITE TEMPORARY PORTACABIN AT SPRINGVALE, LONGTOWN, HEREFORD, HR2 0PB

**For: Black Mountain Mineral Water Co. Ltd.,
Springvale, Longtown, Hereford, HR2 0PB**

Date Received: 19th December 2002 Ward: Golden Valley South Grid Ref: 3250 2651
Local Member: Councillor J B Williams

1. Site Description and Proposal

1.1 Determination of this application was deferred by the Southern Area Planning Sub-Committee on 23rd April 2003 so that a site visit could be undertaken which subsequently occurred on 16th June 2003. The previous report to Committee is included as an Appendix.

2. Representations

2.1 Since the original report was written the applicants have submitted an additional letter of support/explanation, which essentially expands on the case originally submitted and set out in the previous report to Committee. The main additional points being:

- Rapid growth of company due to demand for water. The extension of hours is to accommodate deliveries out by haulage companies.
- Main core of business is refilling bottles for water cooler companies throughout the UK. The water must be delivered before these companies commence their daily deliveries.
- Most of these companies do not own an abundance of bottles and therefore applicants have to wait for the empty bottles to be returned to be refilled which can cause problems.
- The lorries must depart the bottling plant at least 4 hours before 7.00am to reach destination at that time.
- Increase of staff requiring the provision of the rest room facilities under regulations. The temporary portacabin will provide this facility.
- Have to bottle at source.
- Before company was started the Directors were involved locally in agriculture.
- Intend to blend building naturally with surrounding countryside.

2.2 Since the original report was written two further letters of objection have been received, one from Mr J White, Glan Monnow, Clodock, Longtown and one from RPS (Planning Consultants) on behalf of Mr and Mrs White. The main additional points being:

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- The plant was open from 10.00 am to 5.00 pm on Sunday 11th May 2003 when lorries were being loaded. Work on Sundays has occurred before.
- The overnight movements of vehicles cannot be controlled by a condition or sound attenuation. The 24-hour operation will adversely affect the neighbours and as such would be contrary to Policy ED.5. Nothing to suggest in Development Plan that this policy should be overridden.
- Having stated that the van/lorry bodies are unacceptable it is inconceivable that a temporary permission should be recommended. Proposed clearly contrary to Policy ED.5.
- Recommended conditions are inadequate and make no attempt to restrict or control operations or noise.

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.

3. Officer's Appraisal

- 3.1 The contents of the representations set out in section 2 have been fully considered and taken into account. However it is considered that these representations do not introduce any significantly new information/details which would result in the previous recommendation to Committee being altered or amended in any way.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

1. **The portacabin hereby permitted shall be permanently removed from the site on or before 30th April, 2006.**

Reason: The local planning authority would not be prepared to permit the siting of such a structure in this rural location other than on a temporary basis in the interests of the visual amenity of the area.

2. **The hours during which working may take place on Saturdays shall be restricted to 8.00 am to 4.00 pm. There shall be no such working on Sundays, Bank or Public Holidays.**

Reason: To safeguard the amenities of the locality.

3. **The two existing van bodies/lorry trailers sited within the curtilage of the premises shall be permanently removed from the site on or before 30th April, 2006.**

Reason: The local planning authority would not be prepared to permit the continued siting of these structures in this rural location other than on a temporary basis in the interests of the visual amenity of the area.

4. **No amplified or other music shall be played in the premises which is audible outside of the original building and any permitted extension.**

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

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Decision:

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**For: Black Mountain Mineral Water Co. Ltd.,
Springvale, Longtown, Hereford, HR2 0PB**

Date Received: 19th December 2002 Ward: Merbach Grid Ref: 3250 2651
Local Member: Councillor N. J. J. Davies

1. Site Description and Proposal

- 1.1 This site is located approximately half a mile to the south of Clodock and flanks the western side of the C1205 Class III road which runs southwards out of Clodock.
- 1.2 The site itself constitutes a small triangular area of land with an existing water bottling business on it. There is a wooden building on site with a larger metal clad extension at the rear. There is an existing vehicular access onto the Class III road. There are also two van/lorry trailers at the rear of the building.
- 1.3 The site also includes part of an adjoining field which has recently been surfaced with stone and used as a car park. A second vehicular access to the site at its south eastern end onto the Class III road was recently formed. This is the subject of application SW2003/0113/F.
- 1.4 This application is for the variation of conditions on the two previous planning permissions which permitted the two buildings on the triangular site, i.e. SH930872PF and SH970565PF, to increase the hours of operation from 8.00 a.m. to 6.00 p.m. Mondays to Fridays and 8.00 a.m. to 1.00 p.m. Saturdays :(no work Sundays and Public Holidays) to 24 hours Monday to Friday and 8.00 a.m. to 4.00 p.m. Saturdays and to retain existing van/lorry body on site. The application also involves the retention of an additional van body/lorry trailer used for storage and the proposed siting of a temporary portacabin for staff refreshments/mess facilities.

2. Policies

2.1 Hereford and Worcester County Structure Plan

Policy CTC.2	-	Areas of Great Landscape Value
Policy CTC.9	-	Development Requirements
Policy E.6	-	Industrial Development in Rural Areas
Policy E.8	-	Industrial Development in Rural Areas
Policy E.9	-	Industrial Development in Rural Areas

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2.2 South Herefordshire District Local Plan

Policy GD.1	-	General Development Criteria
Policy C.1	-	Development within the Open Countryside
Policy C.8	-	Development within Area of Great Landscape Value
Policy ED.3	-	Employment Proposals within/adjacent to Settlements
Policy ED.5	-	Expansion of Existing Businesses
Policy ED.6	-	Employment in the Countryside
Policy T.3	-	Highway Safety Requirements
Policy T.4	-	Highway and Car Parking Standards

2.3 Herefordshire Unitary Development Plan

Policy DR.1	-	Design
Policy DR.3	-	Movement
Policy DR.4	-	Environment
Policy E.6	-	Expansion of Existing Businesses
Policy E.11	-	Employment in the Countryside
Policy T.11	-	Parking Provision
Policy LA.6	-	Landscaping Schemes
Policy T.9	-	Road Freight

3. Planning History

3.1	SH930872PF	Erection of building for bottling natural mineral water	-	Approved 06.12.93
	SH970565PF	Steel portal framed building for the storage of empty water bottles, etc.	-	Approved 09.07.97
	SW2003/01113/F	Change of use of land and new vehicular access onto Class III road	-	Not yet determined

4. Consultation Summary

4.1 The Parish Council observe:

"Condition 3 - hours of work

Can a trial period of 6 months be imposed. With the restriction for consideration of neighbours and environment that noise levels in factory be restricted as far as possible between the hours of 12 midnight and 6 a.m., e.g. radio. Suitable native trees, shrubs could be used as screening on southern boundary.

Condition 5 - use of van bodies

Review in 6 months.

Application for temporary portacabin - no objection."

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4.2 Head of Engineering and Transportation, response from Transportation Manager: no objection to the grant of permission.

4.3 The Environmental Health Officer observes:

- no objections to the temporary portacabin nor the retention of the two van bodies
- relating to the proposed hours of work, a noise attenuation report should be submitted prior to approval to ensure that noise levels fall within limitations of BS4142: 1997.
- details of any floodlighting/external lighting should be to approval.
- details of external cowls, louvres or other shields to be fitted to lighting should be to approval.

5. Representations

5.1 The applicants have submitted a letter of support. The main points being:

- vary hours of work to 24 hours Monday to Friday and 8.00 a.m. to 4.00 p.m. Saturdays. These hours are not solely for production but to accommodate deliveries out by haulage companies to places such as London, Cambridge and Jersey
- need to retain the two van bodies due to rapid business expansion, storage space is at a premium and these van bodies are essential on a temporary basis
- the temporary portacabin is for refreshments/relaxation area for staff in accordance with Health and Safety, Food Hygiene and the Bottled Water Cooler Association.

5.2 Four letters of objection have been received.

Three from Mr. J. & Mrs. D. White, Glan Monnow, Clodock, Longtown and one from RPS (Planning Consultants) on behalf of Mr. & Mrs. White

The main points being:

- unacceptable for hours of work to be extended to 24 hours Monday to Friday and all day Saturday. The existing hours should be sufficient
- last summer the plant was open most weekday evenings and Sunday afternoons which causes disturbance. A number of occasions been woken up by lorries in early hours of morning
- continual breach of planning conditions
- the imposition of conditions followed Government guidance set out in Circular 11/95 to ensure operations respected the quiet rural character of the area. Consent would not have been given without these conditions
- there is a need for these conditions to be imposed at the time and more so at the present by the increased operations at the site
- Council policies have remained strong to protect amenity and those contained in the South Herefordshire District Local Plan and emerging Herefordshire District Plan reflect this
- site within designated Area of Great Landscape Value
- any relaxation of these conditions will have negative impact on the residential amenities of the neighbours

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- conditions were attached to the permissions for the removal of the van body. The new buildings were intended to replace the unsightly van body and the retention of the two van bodies would represent a wholly inappropriate form of development in a protected area and would conflict with planning policies
- the two van bodies were moved from the front to the rear of the buildings last summer after the new shed was erected in April. New shed was to accommodate all pallets and containers. Storage outside has increased since shed was erected
- the temporary portacabin judging from previous experience seems unlikely to be temporary
- no indication given to why a temporary period is sought or for what time period. No permanent solution put forward
- necessary to assess merits of a portacabin on the site permanently. A portacabin would be an inappropriate form of development in this sensitive area
- if business needs to expand then it should relocate elsewhere
- the proposals are contrary to planning policies
- the directors of the company do not live on site so their residential amenities are unaffected
- lorries loading/unloading at the site have recently occurred on several occasions on a Sunday
- open doors in fine weather and play radio very loudly which can be heard in objector's garden
- employees use back field to play sports during work breaks.

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. Officers Appraisal

- 6.1 This site is situated in the countryside with fields around it. There is an existing dwelling immediately to the south of the site.
- 6.2 Policy ED.5 of the Local Plan encourages expansion of existing businesses provided it satisfies the criteria of Policy ED.3, i.e. has no adverse effects on amenity value of the surrounding area and has a suitable access. This local business for the bottling of natural spring water is a small enterprise which provides employment in the area. The business cannot move elsewhere as it is restricted to being near to the source of the water.
- 6.3 The applicants state that they require the 24 hour working period during the week to enable them to transport water across country to their regular customers by morning, i.e. 7.00 a.m. The day to day bottling operations etc, at the site would not carry on during the night. However it is the loading of the lorries and their departure from the site which is required during the night. Whilst it is appreciated that this could cause a disturbance to the adjacent dwelling, it is nevertheless a requirement for the successful operation of the business.
- 6.4 The positioning of the van/lorry bodies is not acceptable from a visual amenity point of view and should be removed. However the applicants need the van bodies for storage of water bottles. They would prefer to have an extension to the building to replace the van bodies and would hope to undertake this in a few years time subject to permission.

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Provided the building is extended at that time then it is considered that allowing the van bodies to remain in the meantime, although not desirable, would not be unacceptable.

- 6.5 The siting of the proposed portacabin for staff refreshments at the north eastern corner of the building is considered to be acceptable as a temporary measure.
- 6.6 The acceptance of these proposals is not an ideal solution to the situation due to the problems encountered by the neighbours. However the rejection of the application could result in the existing expanding local enterprise being unable to develop to its potential. In view of this the Committee may wish to formally inspect the application site before making a decision.

RECOMMENDATION

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- 5. **No amplified or other music shall be played in the premises which is audible outside of the building, i.e. the original building and its extension.**

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

Decision:

Notes:

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