

SITE VISIT**B SW2003/0113/F - CHANGE OF USE OF LAND AND NEW VEHICULAR ACCESS ONTO CLASS III ROAD, SPRINGVALE, LONGTOWN, HEREFORD, HR2 0PB****For: Black Mountain Mineral Water Co. Ltd.,
Springvale, Longtown, Hereford, HR2 0PB**

Date Received: 16th January 2003 Ward: Golden Valley South Grid Ref: 3251 2654
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:

- The accelerated growth of the company and demand for water contributed to the need for the additional parking area.
- Have made a conscious effort to have hub of production at furthest point away from neighbours property (100 metres).
- The new entrance has made this stretch of the class III road less dark and improved length of vision for road users and provided two "pull-ins" for passing vehicles.
- The splay of the new entrance is 19 metres. The distance from the corner of adjacent cottage to centre of new entrance is 17 metres. There is a total of 51 metres from the adjacent cottage entrance to the new vehicle entrance.

- 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:

- The plant was open from 10.00 am to 5.00 pm on Sunday 11th May 2003. During this time a bulldozer was used to clear up debris around the new parking area.
- Could Planning Sub-Committee during their site visit come and look at situation from objectors side and back garden?
- The premises has doubled in size.
- Affects amenity of neighbours property and is contrary to Policy ED.5.
- The new access has resulted in loss of hedgeline to the detriment of the locality.

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- The new access is not substandard but it is debatable if the new access would be there if the Council had not created it.
- The required visibility in each direction cannot be achieved and therefore is a hazard to highway safety.
- Access causes disturbance to neighbours.
- Everything in the report to Committee clearly points to the unacceptability of the proposal and as such should be refused.
- No adequate conditions are recommended to mitigate impact of the proposed development especially its use late at night.
- No policy reasons why the application should be approved. The success of the business is acknowledged to be important but it should not override planning policies. The application should be refused and an alternative solution found.

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. A07 (Development in accordance with approved plans)

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development.

2. The use of land hereby approved shall be used solely for purposes ancillary with the water bottling business on site and for no other purposes whatsoever.

Reason: The local planning authority wish to control the specific use of the land in the interests of local amenity.

3. There shall be no storage of pallets, bottles or other containers on the land comprising the curtilage of the premises without the prior written approval of the local planning authority.

Reason: In order to protect the visual amenities of the surrounding countryside designated as an Area of Great Landscape Value.

4. G04 (Landscaping scheme (general))

Reason: In order to protect the visual amenities of the area.

5. G05 (Implementation of landscaping scheme (general))

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Reason: In order to protect the visual amenities of the area.

6. The junction of the new access driveway with the public highway shall have a kerb radius of at least 4 metres.

Reason: In the interests of highway safety.

7. The three existing tree stumps on the south side of the new access corner shall be removed unless otherwise first agreed in writing by the local planning authority.

Reason: In the interests of highway safety.

8. H05 (Access gates)

Reason: In the interests of highway safety.

9. The new access should be used for incoming vehicles only. The existing access (northern end) should be used for exiting vehicles.

Reason: In the interests of highway safety.

10. A signage scheme relating to condition No. 9 shall be submitted for approval by the local planning authority and implemented on site within 6 months of the date of this permission.

Reason: In the interests of highway safety.

11. The visibility splay at the existing exit access (northern end) must be maintained. Any new fencing must not obstruct the existing visibility at all times hereafter.

Reason: In the interests of highway safety.

12. The new vehicular access shall have a sealed surface, and it shall remain unobstructed at all times.

Reason: In the interests of highway safety.

13. Details of any floodlighting/external lighting proposed to illuminate the development should be submitted to and approved in writing by the local planning authority prior to their erection. Development shall be carried out in accordance with the approved details and there shall be no other external illumination of the development.

Reason: To safeguard local amenities.

14. Details of external cowls, louvres or other shields to be fitted to the floodlights to reduce light pollution shall be submitted to and agreed in writing with the local planning authority prior to their erection.

Reason: To minimise light overspill and to protect the amenity of neighbouring properties.

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- 15. The whole of the works required by conditions 6 to 12 must be fully completed within 6 months of the date of this permission unless otherwise first agreed in writing by the local planning authority.

Reason: In the interests of highway safety.

Informatives

- 1. HN01 - Mud on highway
- 2. HN05 - Works within the highway
- 3. HN10 - No drainage to discharge to highway

Decision:

Notes:

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

Date Received: 16th January 2003 Ward: Merbach Grid Ref: 3251 2654

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 constitutes part of a field adjacent to a triangular area of land with an existing building on it used by the applicants for their water bottling business. A car parking area has already been formed in the field which effectively forms an extension to the parking area around the existing building. The new parking area is hard surfaced with loose stone. A new vehicular access onto the Class III road at the south eastern corner of the site has also been created.
- 1.3 This application is therefore retrospective for the retention of the vehicular access, the change of use of the land to form an extension to the water bottling business and the formation of a hard surfaced parking area on the said land.
- 1.4 There is an existing dwelling immediately to the south of the site with fields to the rear. The site is in an open countryside location in a designated Area of Great Landscape Value.

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

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

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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
- SW2002/3814/F Variation of conditions 3 & 5 on planning permission SH930872PF and conditions 4 & 9 of planning permission SH970565PF. To retain additional van body and to site a temporary portacabin - Not yet determined

4. Consultation Summary

- 4.1 The Parish Council has no objection.
- 4.2 The Head of Engineering and Transportation, response from Transportation Manager: recommends that any permission includes certain conditions, mainly relating to the access point itself and use of new access for incoming vehicles only and existing for exiting.

5. Representations

- 5.1 The applicants have submitted a letter of support. The main points being:
- change of use of land to increase curtilage outside the site originally approved under planning permission reference No. SH930872PF
 - this is needed due to increased business in the last year. Encountered serious problems in winter when applicants were unable to enter property due to wet weather conditions and lack of space
 - the hard surfaced area for staff parking and the loading/unloading of lorries. Staff and visitors were forced to park on the side of the road which resulted in complaints from Parish Council. In order to overcome this problem the applicants extended parking facilities into the adjoining land
 - the new vehicular access onto the Class III road. Existing entrance onto Class III road had restricted vision for drivers so applicants have tried to implement a goods in entrance and an out entrance

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- during May to October lorries were unable to access site through original entrance due to Council roadworks/traffic lights on Class III road.

5.2 Five letters of objection have been received. Three from

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

One letter from P. V. M. Rumsey, Ty Mawr, Clodock, Longtown

The main points being:

- the roadside hedge has been removed along with hedgeline between bottling plant and field
- a hardcore driveway and parking area put in and used by cars and lorries
- the mess that was originally at front of bottling plant is now spreading towards Glan Monnow
- unsightly van bodies are eyesore and been there long enough
- warehouse built onto without planning permission
- the second vehicular access and hard surfaced parking area are wholly inappropriate in this tranquil rural area designated as an Area of Great Landscape Value
- planning policies in place to protect rural areas and uses
- in granting permission for bottling plant conditions were imposed to protect amenities of neighbours
- the recent increased size of bottling business and its intensification of use/operations harm residential amenities of dwelling immediately adjacent to site
- the field was never part of the bottling plant
- the new parking area comes right across the field to within a few yards of objectors boundary hedge and the new access driveway comes alongside objectors sitting room and conservatory. Large lorries stop outside of windows
- the new entrance is badly sited and dangerous. Lorries of this size should not be coming down country lanes. Original access should be sufficient
- if water bottles and van bodies were removed this would leave plenty of parking within original site
- the bottling plant has become an unsightly eyesore with vehicles and containers left all over the place
- extra noise generated and privacy of objectors affected by the business premises moving closer to their property
- the bottling plant caused objectors little disturbance during the first year that objectors lived by it but it has expanded considerably over the last year with no regard to location or neighbours
- the Herefordshire Council created a temporary access into the field to carry out essential highway works and the Council intend to close access and reinstate hedge in near future
- no justification submitted as to why the second access is required by the applicants. The new access is unnecessary over-development of the site
- significant visibility splays would be required in both directions to achieve acceptable levels of safety. However the nature of the roads would not enable the required splays to be achievable. The access is therefore considered to be unnecessary and sub-standard
- the use of heavy goods vehicles on the site would conflict with Policy T.9 of the emerging Unitary Development Plan

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- lorries loading and unloading at the site have recently occurred on several occasions on a Sunday
- plastic water containers have been blown into the road during strong winds
- 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 The extended car park area provides additional parking provision within the site which the applicants claim is essential for the continued existence and viability of the water bottling business. The business has expanded and the business has come to rely on the extra space created. The same applies to the new vehicular access created which allows for ease of movement within the site.
- 6.2 The vehicular access was originally created as a temporary measure by this Council who were undertaking works to repair the adjacent river bank (i.e. on the opposite side of road) and required an area of land to store equipment, etc. The works have now been completed. The applicants retained the access and created a parking area by hard surfacing the access and parking area.
- 6.3 The development does look unsightly at present although this is partly due to the rubble/materials left on the land by the Council. If the land was tidied up with rubble/materials removed and appropriate landscaping/tree planting of the site implemented then its visual impact on the surrounding countryside and the neighbouring property could be significantly reduced.
- 6.4 The new vehicular access is not in an ideal position next to the neighbour's dwelling and would affect their residential amenities. However the effect on the neighbours would be reduced if the access was not used late at night and was only used for traffic entering the site with the original access used for traffic leaving the site. The early morning activity usually relates to lorries leaving the site to deliver water bottles to the various outlets.
- 6.5 The Council's Transportation Unit have no objection to the vehicular access provided it complies with certain conditions.
- 6.6 The granting of planning permission for this development is not ideal from the point of view of the neighbours situation and the effect it has on their residential amenities. However the rejection of the application could result in the existing expanding local enterprise being unable to operate properly and going out of business. In view of this the Committee may wish to formally inspect the site before making a decision.

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