

6 DCSE2008/2538/F - CONSTRUCTION OF APPLE PRESSING BARN WITH STORAGE FACILITIES AND RELOCATION OF SHOP, LYNE DOWN FARM, LYNE DOWN, MUCH MARCLE, LEDBURY, HEREFORDSHIRE, HR8 2NT.

For: Lyne Down Cider & Perry Limited per Gibson Associates, Bank House, Bank Crescent, Ledbury, Herefordshire, HR8 1AA.

Date Received: 13 October 2008

Ward: Old Gore

Grid Ref: 64691, 31380

Expiry Date: 8 December 2008

Local Member: Councillor BA Durkin

1. Site Description and Proposal

- 1.1 Lyne Down Cider is located on the west side of the unclassified 70006 some 110 metres north-east of its junction with unclassified 67420 that leads to the A449. To the rear of the farmhouse is an open sided Dutch barn that is used for cider pressing. Cider sales presently take place from the farmhouse. The site is located in open countryside.
- 1.2 This application proposes an "L-shaped" building, 8.5 metres to ridge and 4.3 metres to eaves that will be located in the south-east corner of a recently planted orchard that adjoins Lyne Down Cider on its north-east side. The proposal will provide an apple pressing barn, 116.25 square metres and a display and sales area, 55 square metres, office and WC. There is access into the orchard, which is to be improved by increasing its width to 5 metres and the provision of visibility splays, 2.4 metre by 60 metres in each direction.

2. Policies

2.1 Government Guidance

PPS1	-	Delivering Sustainable Development
PPS4	-	Planning for Sustainable Economic Development (Draft)
PPG4	-	Industrial and Commercial Development and Small Firms
PPS7	-	Sustainable Development in Rural Areas

2.2 Herefordshire Unitary Development Plan

Policy S2	-	Development Requirements
Policy S4	-	Employment
Policy S6	-	Transport
Policy DR1	-	Design
Policy DR3	-	Movement
Policy E11	-	Employment in the Smaller Settlements and the Open Countryside
Policy LA2	-	Landscape Character and Areas Least Resilient to Change

3. Planning History

- | | | | | |
|-----|-----------------|--|---|------------------|
| 3.1 | DCSE2006/3599/F | Apple pressing barn and storage and relocation of shop | - | Refused 10.04.06 |
| | DCSE2007/1866/F | Apple pressing and juice storage facility | - | Refused 02.08.07 |
| | DCSE2008/1625/F | Apple pressing barn with storage facility and relocation of shop | - | Refused 14.08.08 |

4. Consultation Summary

Statutory Consultations

- 4.1 No statutory or non-statutory consultations required.

Internal Council Advice

- 4.2 Traffic Manager has no objection subject to conditions.
- 4.3 Environmental Health Officer has no objection.

5. Representations

- 5.1 A Design and Access Statement has been submitted:

- Lyne Down Cider site at the southern end of Marcle Ridge and has been growing cider apples and Perry pears, pressing juice and serving tourists for nearly two centuries;
- At present the apple pressing and storage is carried out in makeshift buildings close to the farmhouse and within private grounds. The finished products are sold through a serving hatch in the house to tourists and enthusiasts through the famous Herefordshire Cider Route and tourist office;
- The demand for Herefordshire cider is increasing;
- The current apple-pressing barn is in the wrong place and is really only a tin hay storage barn. There is no capacity for extension;
- The proposal is for a simple single span barn of sufficient size to allow the process and storage of 30,000litres of apple juice;
- The building will be constructed of in traditional materials; natural forest stone plinth with stained lap boarding over and dark grey slated roof;
- The overall external appearance would be of a traditional rural barn complex and will fit naturally into the landscape;

- 5.2 Much Marcle Parish Council no objection in principle, but sited nearer to the southern hedge would aid the landscape.

- 5.3 An objection has been received from Miss FV Taylor, Upper House, Lyne Down, Much Marcle:

- There is already adequate facilities at Lyne Down Farm for the production and storage of cider and perry;

- Attached to the house is a lovely old cider house that has always been used as the shop. I am quite sure it is this old cider house which tourists would rather see than some newly built monstrosity;
- I have stated previously the field in question is for agricultural purposes and no buildings exist there at present;
- I am most concerned that part of the hedge is to be removed and feel this will be detrimental to the landscape as will any highway works for easier access;
- The country roads around the hamlet of Lyne Down are not designed for excessive traffic which is likely were this application to proceed;
- In fact the nearest junction for the main A449 is along a one-track steep hill road (known locally as "The Pitch") where there are no pull-in points.

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

6. Officer's Appraisal

- 6.1 This application has been submitted following the refusal of applications DCSE2006/3599/F, DCSE2007/1866/F and DCSE2008/1625/F when it was considered the proposal would lead to an increase in traffic onto a network of narrow lanes, which have limited passing opportunities. Accordingly, the proposal was in conflict with policies S2, S6 and DR3 of the Herefordshire Unitary Development Plan.
- 6.2 Policy DR3 deals with movement and requires development to provide a safe, convenient and attractive pattern of movement into, out of and across the site and incorporate adequate provision for vehicular access from the highway network without detriment to highway safety. This application proposes the improvement to the entrance off the unclassified 70006 with the widening of the field entrance to 5metres and the provision of a 2.4metre by 60metre visibility splay, in real terms this will require 40metre of hedgerow either side of the entrance to be grubbed out and replanted on the line of the visibility splay, the remaining 20metres can be achieved within the limits of the highway. Given the proposal could lead to an increase in traffic on the adjoining road network the applicant has agreed to the provision of passing bays that will allow the free flow of traffic on these roads. The position of the passing bays will need to be agreed. Accordingly, the Traffic Manager considers these improvements acceptable. Also, the applicant has agreed a Draft Heads of Terms to secure the construction of the passing bays.
- 6.3 The improvement of visibility onto the 70006 will require the grubbing out of 40metres of hedgerow either side of the entrance. The application shows the hedgerow will be re-planted on the line of the visibility splay. Part of the character of the area derives from hedge-lined lanes. While this application will remove some of the hedgerow, it is considered its re-planting will maintain the character of the local environment.
- 6.4 The scale and bulk of the apple pressing building is similar to the size of the open sided Dutch barn that is presently being used for this purpose, and although, the building is to be located away from the group of buildings at Lyne Down Cider, it is considered the existing landform and tree planting and use of materials and proposed landscaping will assimilate the building into the landscape so as not to appear a dominant or obtrusive structure.
- 6.5 On balance, the modest expansion of this established business use is considered acceptable with the associated visual and highways impact capable of being mitigated. Accordingly, this revised application is recommended for approval.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

1. **A01 (Time limit for commencement (full permission))**

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

2. **C01 (Samples of external materials)**

Reason: To ensure that the materials harmonise with the surroundings so as to ensure that the development complies with the requirements of Policy DR1 of Herefordshire Unitary Development Plan

3. **H03 (Visibility splays)**

Reason: In the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan

4. **H05 (Access gates)**

Reason: In the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan

5. **H06 (Vehicular access construction)**

Reason: In the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan

6. **H13 (Access, turning area and parking)**

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway and to conform with the requirements of Policy T11 of Herefordshire Unitary Development Plan

7. **H27 (Parking for site operatives)**

Reason: To prevent indiscriminate parking in the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan

8. **G13 (Tree planting)**

Reason: In order to maintain the visual amenity of the area and to comply with Policy LA6 of Herefordshire Unitary Development Plan.

9. **B07 (Section 106 Agreement)**

Reason: In order to provide [enhanced sustainable transport infrastructure, educational facilities, improved play space, public art, waste recycling and affordable housing] in accordance with Policy DR5 of the Herefordshire Unitary Development Plan 2007.

10. F06 (Restriction on Use)

Reason: The local planning authority wish to control the specific use of the land/premises, in the interest of local amenity and to comply with Policy DR2 of Herefordshire Unitary Development Plan.

Informatives:

- 1. N02 - Section 106 Obligation**
- 2. HN01 - Mud on highway**
- 3. HN04 - Private apparatus within highway**
- 4. HN05 - Works within the highway**
- 5. HN10 - No drainage to discharge to highway**
- 6. HN24 - Drainage other than via highway system**
- 7. HN28 – Highways Design Guide and Specification**
- 8. N19 - Avoidance of doubt - Approved Plans**
- 9. N15 - Reason(s) for the Grant of Planning Permission**

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

DRAFT HEADS OF TERMS

Proposed Planning Obligation Agreement

Section 106 Town and Country Planning Act 1990

Planning Application – DCSE2008/2538/F

Construction of apple pressing barn with storage facilities and relocation of shop

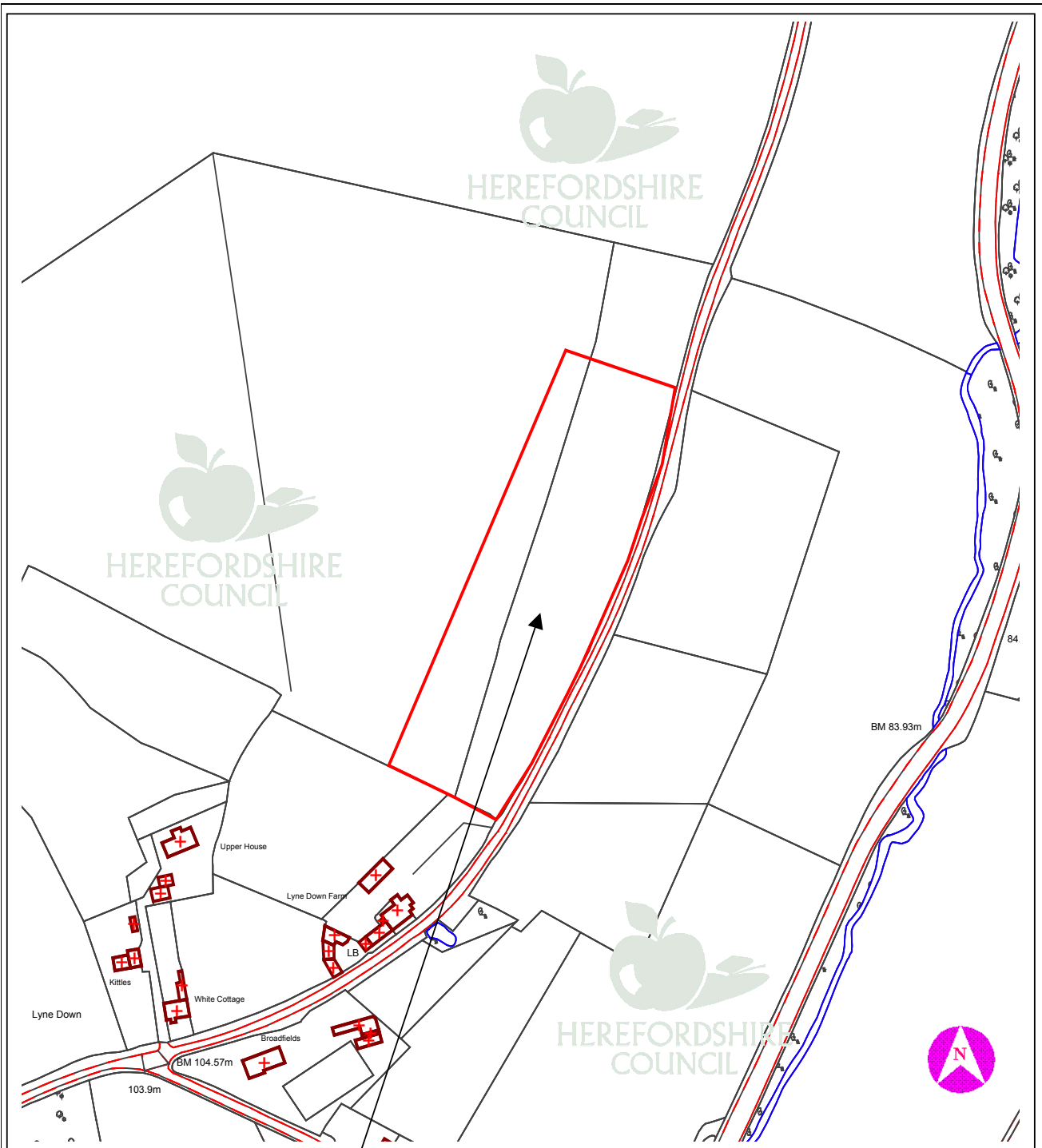
at

Lyne Down Farm, Lyne Down, Much Marcle, Herefordshire

1. The developer covenants with Herefordshire Council, to pay Herefordshire Council the sum of £6,740 for off site highway works. The monies shall be used by Herefordshire Council at its option for any or all of the following purposes:
 - a) Construction of passing bays
2. In the event that Herefordshire Council does not for any reason use the said contributions [in paragraphs referenced above] for the purposes specified in the agreement within 10 years of the date of each payment, the Council shall repay to the developer the said sum or such part thereof, which has not been used by Herefordshire Council.
3. All of the financial contributions shall be Index linked and paid on or before commencement of the development unless otherwise agreed with Herefordshire Council.
4. The developer shall pay to the Council on or before the completion of the Agreement, the reasonable legal costs incurred by Herefordshire Council in connection with the preparation and completion of the Agreement.

D Thomas
Senior Planning Officer

November 2008



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APPLICATION NO: DCSE2008/2538/F

SCALE : 1 : 2500

SITE ADDRESS : Lyne Down Farm, Lyne Down, Much Marcle, Ledbury, Herefordshire, HR8 2NT

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