

6 DCNE2009/0278/F - CHANGE OF USE FROM B1 LIGHT INDUSTRIAL TO B2 GENERAL INDUSTRIAL AT PRICES YARD, NEW STREET, LEDBURY, HEREFORDSHIRE, HR8 2EJ.

For: Mr J Dawson at the above address.

Date Received: 9 February 2009 Ward: Ledbury Grid Ref: 70605, 37207
Expiry Date: 6th April 2009

Local Members: Councillors ME Cooper, JK Swinburne and PJ Watts

1. Site Description and Proposal

- 1.1 The application site lies on the south-eastern side of New Street within Ledbury. To the rear of an existing office building known as 'Newberry House' are a pair of dated workshop buildings on a site known as 'Price's Yard'. This application only relates to the western-most of the two units. The eastern-most of the two units is used to manufacture and assemble sheds which is a B2 general industrial use.
- 1.2 It is understood that the unit the subject of this planning application was most recently used to repair and service bicycles, which is a B1 light industrial use. It is understood that there was also an ancillary retail element. That use ceased in early 2007.
- 1.3 To the rear of the premises is a dwelling known as 'Orchard End' and its rear garden.
- 1.4 The vehicular means of access is onto New Street and there is parking / manoeuvring space on-site.
- 1.5 The proposal is to use this workshop as a monumental mason's workshop. This is a general industrial use falling within class B2 of the use classes order. The applicant, Mr Dawson currently operates from rented premises off Bye Street. He has operated from these premises since January 1998. Mr Dawson has ready cut stone delivered every 12 weeks. Much of this stone is often lettered such that Mr Dawson only undertakes the gilding and painting. Mr Dawson undertakes much work; primarily restoration and repair on-site (n.b. graveyards and crematoriums in Herefordshire & Gloucestershire). He has one van. Whilst it is an extremely low-key use primarily using hand tools, Mr Dawson does use two power driven machines (i.e. stone saw and pillar drill) that do create noise. However, these are used on a very infrequent basis (no more than five times a week) and for a very short duration (no more than five minutes at any one time).
- 1.6 Mr Dawson normally works between the hours of 9am and 5pm Mondays to Fridays only. Mr Dawson's wife undertakes the administrative works one day in a week and on an infrequent basis he draws on the skill of one other person with regard specific engraving tasks.

2. Policies

- 2.1 Planning Policy Statement 1 - 'Delivering Sustainable Development'

2.2 Planning Policy Guidance Note 4 - 'Industrial and Commercial Development and Small Firms'

2.3 Herefordshire Unitary Development Plan

3. Planning History

3.1 MH77/0431 - Garage workshop Wye Autos – Permitted

3.2 MH/94/0417 - Illuminated BP sign – Withdrawn

3.3 MH/94/1467 - Self-Service Petrol Filling Station and car wash (redevelopment) - Withdrawn

4. Consultation Summary

Statutory Consultations

4.1 None required

Internal Council advice

4.2 Transportation Section - No objection

4.3 Environmental Health Section - no objections subject to conditions.

5. Representations

5.1 Ledbury Town Council: - Views awaited

5.2 The occupiers of sixteen properties in the vicinity object to the proposed development. They are concerned as to the introduction of a general industrial use into this primarily residential area and the adequacy of the vehicular means of access.

5.3 Two e-mails confirming support (or no objection) to the proposal have been received.

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

6. Officer's Appraisal

6.1 The site currently accommodates a workshop used for employment related purposes. It is essential that to create genuinely sustainable communities that those who reside in an area also have local employment opportunities. This assists in creating a sustainable pattern of development reducing reliance on the private motor vehicle.

6.2 It is the case that a light industrial use (B1) use is one that can be carried out in any residential area without causing harm by reason of noise, fumes, smoke, soot, ash, dust or grit and that most other industrial processes fall within the general industrial (Class B2) use. However, that does not mean that every type of general industrial use is unacceptable in a primarily residential area. The specifics of each proposal need to be considered and one must consider whether a proposal can be made acceptable by attaching planning conditions. Furthermore it should be noted that the area hereabouts

has been used for a mix of residential and industrial / commercial purposes for many years.

- 6.3 With regard the specific general industrial use proposed (Memorial Stone Mason) it is considered that the only amenity issue that could arise to the neighbouring local residents, particularly to the occupiers of 'Orchard End', is from noise arising from the infrequent use of the stone saw and pillar drill. This is potentially problematic due to the light-weight construction of the existing workshop. However, it is considered that this can be overcome by providing an acoustic enclosure within the existing workshop within which these power tools are used.
- 6.4 Mr Dawson does undertake a limited amount of sanding. He intends to install a dust extractor. This would not extract externally but to a bag within the building for disposal.
- 6.5 The concerns of local residents with regard the potential impacts of other general industrial uses are fully recognised and in this regard Members attention is drawn to the recommended condition restricting the use of the premises to a Monumental Stone Mason.
- 6.6 The vehicular means of access is considered to be satisfactory in terms of catering with the amount of traffic generated by the specific use.
- 6.7 I therefore recommend that full conditional planning permission be granted.

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 The premises shall only be used as a Monumental Mason's Workshop and for no other purpose (including any other purposes in Class B2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 as amended by the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005, or in any statutory instrument revoking and re-enacting that Order with or without modification);

Reason: - To safeguard the amenities of the occupiers of dwellings in the immediate vicinity;

3 Prior to commencement of the use hereby permitted a fully detailed scheme for the provision of an acoustic enclosure within the existing building shall be submitted to the Local Planning Authority for their written approval. The use hereby permitted shall not commence until the approved acoustic enclosure has been fully implemented. Thereafter the approved acoustic enclosure shall remain in-situ;

Reason: - To safeguard the amenities of the occupiers of dwellings in the vicinity from excessive noise;

- 4 Power driven tools shall only be used within the acoustic enclosure approved pursuant to condition 3 above and shall not be used elsewhere upon the site;

Reason: - To safeguard the amenities of the occupiers of dwellings in the vicinity from excessive noise;

- 5 No machinery shall be operated, no process shall be carried out and no deliveries shall be taken at or despatched from the site outside the following times:-

8am - 6pm Mondays to Fridays
8am - 1 pm Saturdays

nor at any time on Sundays, Bank or Public Holidays;

Reason: - To safeguard the amenities of the occupiers of dwellings in the vicinity;

Informatives

- 1 N15 - Reason(s) for the Grant of PP/LBC/CAC
- 2 N19 - Avoidance of doubt - Approved Plans

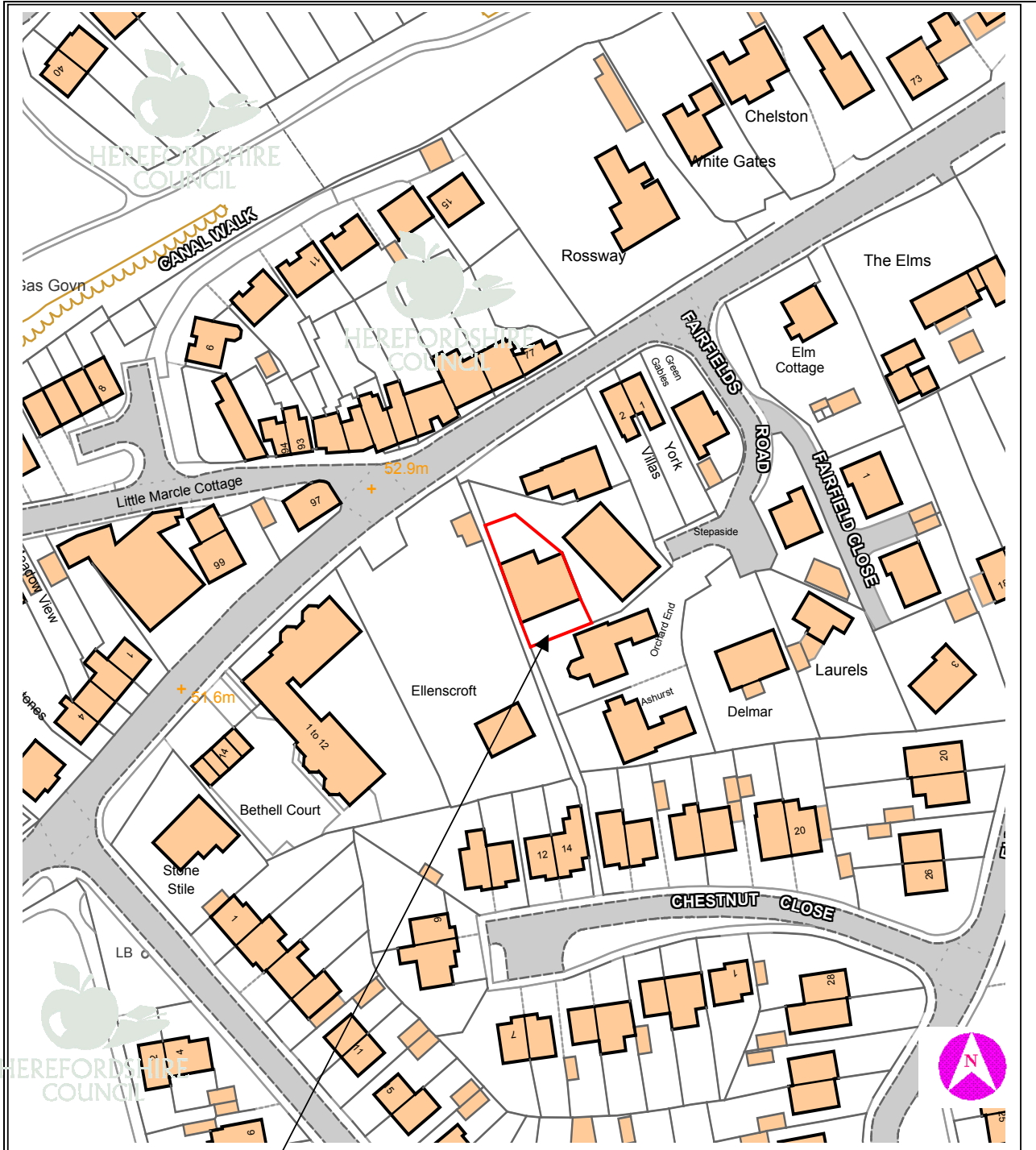
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNE2009/0278/F

SCALE : 1 : 1250

SITE ADDRESS : PRICES YARD, NEW STREET, LEDBURY, HFDS

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