

5 DCNW2009/0589/F - RETROSPECTIVE APPLICATION FOR CHANGE OF USE FROM AGRICULTURAL TO ENGINEERING WORKSHOP AND STORAGE, PORTACABIN AS OFFICE AT BANK FARM, KINGSLAND, LEOMINSTER, HEREFORDSHIRE, HR6 9PY.

For: Mr J Lindesay at the above address.

Date Received: 12 March 2009

Ward: Bircher

Grid Ref: 44904, 62400

Expiry Date: 7 May 2009

Local Member: Councillor WLS Bowen

1. Site Description and Proposal

- 1.1 The application site is located in open countryside adjacent to a semi-detached dwelling, also in the applicant's control.
- 1.2 The building subject to this application is a detached agricultural building of mainly corrugated tin sheeting and timber external construction.
- 1.3 Alongside the eastern boundary of the application site is a detached single-storey dwelling, this is outside the control of the applicant, as are other dwellings (approximately 7), to the south of the application site; none of these latter properties adjoin the application site being separated by fields and accessed via a different access road from the adjoining public highway.
- 1.4 The application is 'retrospective' for change of use from 'agricultural' to engineering (B2 class use), workshops, storage and use of an adjoining portacabin to the main building as an office.

2. Policies

National Planning Guidance:

- 2.1 Planning Policy Statement 7: Sustainable development in rural areas

Herefordshire Unitary Development Plan:

- 2.2

S1	-	Sustainable development
S2	-	Development requirements
DR1	-	Design
DR2	-	Land use and activity
DR3	-	Movement
DR14	-	Lighting
DR4	-	Environment
E8	-	Design standards for employment sites
E11	-	Employment in the smaller settlements and open countryside
HBA12	-	Re-use of rural buildings
LA2	-	Landscape character and areas least resilient to change

3. Planning History

3.1 97/0244/S - Farm workshop and implement shed - Approved 2nd April 1997.

4. Consultation Summary

Statutory Consultations

4.1 None required.

Internal Council Advice

4.2 The Environmental Health Manager raises no objection stating that he has visited the application site and considers noise generation from the site to be of an acceptable level in consideration of the existing engineering operation on site and in consideration of surrounding neighbouring dwellings.

5. Representations

5.1 Kingsland Parish Council raises no objection to the application subject to a number of restrictions through the imposition of conditions to any approval notice subsequently issued to include:

- Personal planning permission to the applicant in order to control the form of use and prevent further industrialisation of the site.
- Restriction to agricultural engineering.
- Sound insulation of part of the building is required.
- Outside storage needs controlling, as presently site appears unsightly and also consideration to external colour of building.
- Restrictions to hours of use on site.
- Additional landscape screening surrounding the site.

5.2 Letters of comment/objection have been received from the following members of the public:

- Terry Goodison, Hill Crest, Lothersdale, Keighley, West Yorkshire (on behalf of his mother, who until recently resided at Meadow Bank, the dwelling adjacent to the eastern boundary of the application site).
- BB Smith, Millcoft, Lugg Green, Kingsland.
- Sally Deakin, The Old Wheelhouse, Kingsland.
- Mr CS French, Millfield, Kingsland.

5.3 The key issues raised from the members of the public can be summarised as follows:

All but one do not object in principle subject to appropriate conditions being attached to any approval notice subsequently issued, covering noise, hours of working, personal to applicant only, and additional landscaping around the site.

The objection letter received can be summarised as follows:

- Industrial development in the open countryside is not compatible with adjoining land uses or in line with Local Plan policies.
- If site is sold to someone else, industrial use on site could become an even greater problem than the current unauthorised use.
- Noise generated on site is obtrusive to surrounding dwellings.
- Hours of working on site are unreasonable.

- Employment generated on site is not compatible with Local Plan policies in consideration of the site's location.

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 key issues in respect of this application are:

- Change of use of the site.
- Impact on surrounding residential amenity and privacy.
- Impact on surrounding landscape.

Change of use of the site

6.2 The site for the 'retrospective' development is currently deemed as agricultural use in planning terms.

6.3 The application requests change of use to B2 class use in order to enable agricultural engineering to take place on site. The Design and Access Statement, submitted in support of the application, states that the business consists of working on root vegetable handling equipment and that 90% of the business is carried out on customer sites, and that the change of use is required in order to enable repairs to equipment and storage of spare parts.

6.4 Policy E11 – Employment in the Smaller Settlements and Open Countryside and Policy HBA12 – Re-use of Rural Buildings are two key policies in the Herefordshire Unitary Development Plan in respect of this application.

6.5 Both the above-mentioned Local Plan Policies emphasise that proposed uses must be comparable with surrounding land uses and that the building proposed for re-use must be capable of the proposed use without the need for substantial reconstruction.

6.6 Officers consider that the proposal does comply with the above-mentioned Local Plan Policies. However generalised 'B2' class use of the site could lead to potential conflict for adjoining land use amenity. Therefore the imposition of appropriate conditions is considered necessary to cover issues such as noise, hours of operation, additional landscaping and modifications to the existing building on site.

Impact on surrounding residential amenity and privacy

6.7 A number of surrounding residents have made comment on the application as outlined in Section 5 of this report. However, it is noted of the letters received only one objects to the application outright, others raising concerns that if the development is approved, appropriate conditions be attached to any approval notice subsequently issued. These concerns are also shared by the Local Parish Council.

6.8 One issue of major concern is future development/use on site and therefore it is considered necessary for a personal condition for the applicant only, in order to prevent further potentially unacceptable, industrial uses of the site.

6.9 The applicant lives in the dwelling adjacent to the application site known as Bank Farm, and wishes to use the site for agricultural engineering; this is considered sustainable in consideration of its location.

- 6.10 However, in consideration of the location of the site, and the fact that there are several properties within close proximity to the application site, more general industrial use of the site would be considered unacceptable, and therefore restriction on use of the site to that as proposed by the applicant with further conditions, with regards to noise, hours of use, outside lighting and landscaping are recommended by your officers. It is noted that the Council's Environmental Health Manager raises no objections to the proposed development in consideration of the existing operation carried out on site.

Impact on surrounding landscape

- 6.11 The site for the development is in open countryside and the closest dwelling to the application site is located adjacent to the site's eastern boundary and as such outside storage could have a significant detrimental impact on the amenity of this dwelling, as well as the surrounding landscape. Therefore it is recommended that additional landscaping in the form of tree/hedge planting is required as well as restrictions on operations outside of the building.
7. Conclusion

The specific development subject to this application is considered acceptable, subject to the imposition of appropriate conditions.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

1. **F26 (Personal condition)**

This permission shall ensure for the benefit of Mr Julian Lindsay or the occupants of the adjacent dwelling known as Bank Farm, Lugg Green, Kingsland only and not for the benefit of the land or any other persons interested in the land.

Reason: The nature of the development is such that it is only considered acceptable in this location having regard to the applicant's special circumstances having regard to Policies S1 and E11 of Herefordshire Unitary Development Plan.

2. **F06 (Restriction on Use)**

The premises shall be used for Agricultural engineering as outlined in the Design and Access Statement submitted in support of the application ref number NW09/0589/F, date stamped Herefordshire Council 9th March 2009) and for no other purpose (including any other purpose in Classes B1 and B2) of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

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.

3. **F01 (Restriction on hours of working)**

The hours during which working may take place shall be restricted to 0800 to 1800 Mondays to Fridays and 0800 to 1300 on Saturdays. There shall be no such working on Sundays, Bank or Public Holidays.

Reason: To safeguard the amenities of the locality and to comply with Policy DR2 of Herefordshire Unitary Development Plan.

4. I36 (Restriction on level of illuminance of floodlighting (sports grounds))

No light source shall be visible from outside the extremities of the application site or produce more than 1 Lux of horizontal or vertical illuminance at any adjacent property boundary.

Reason: To minimise the impact of the floodlights and to protect the residential amenity of nearby dwellings so as to comply with Policy DR14 of Herefordshire Unitary Development Plan.

5. I15 (Scheme of noise insulation)

Within 3 months of the date of this planning approval the building shall be insulated in accordance with a scheme to be submitted to and approved in writing by the local planning authority and this will include details of the external colour of the buildings.

Reason: To safeguard the amenity of the area and to comply with Policy DR13 of Herefordshire Unitary Development Plan.

6. G10 (Landscaping scheme)

Within 3 months of the date of this planning approval a detailed landscaping scheme will be submitted to and approved in writing by the Local Planning Authority. The details submitted should include:

Soft landscaping

a) A plan(s) showing details of all existing trees and hedges on the application site. The plan should include, for each tree/hedge, the accurate position, species and canopy spread, together with an indication of which are to be retained and which are to be removed.

b) A plan(s) at a scale of 1:200 or 1:500 showing the layout of proposed tree, hedge and shrub planting and grass areas planting numbers and giving details of cultivation and other operations associated with plant and grass establishment.

Hard landscaping

a) The position, design and materials of all site enclosure (e.g. fences, walls)

b) Hard surfacing materials

c) Details of the outside yard area and what the outside area is to be used for

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

7. G11 (Landscaping scheme – implementation)

The landscaping scheme approved under condition 6 (as shown on the approved plan) shall be carried out concurrently with the development hereby permitted and shall be completed no later than the first planting season following the completion of the development. The landscaping shall be maintained for a period of 5 years. During this time, any trees, shrubs or other plants which are removed, die or are seriously retarded shall be replaced during the next planting season with others of similar sizes and

species unless the Local Planning Authority gives written consent to any variation. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 5-year maintenance period.

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

Informatives:

1. N15 – Reason(s) for the Grant of Planning Permission
2. N19 – Avoidance of doubt – Approved Plans

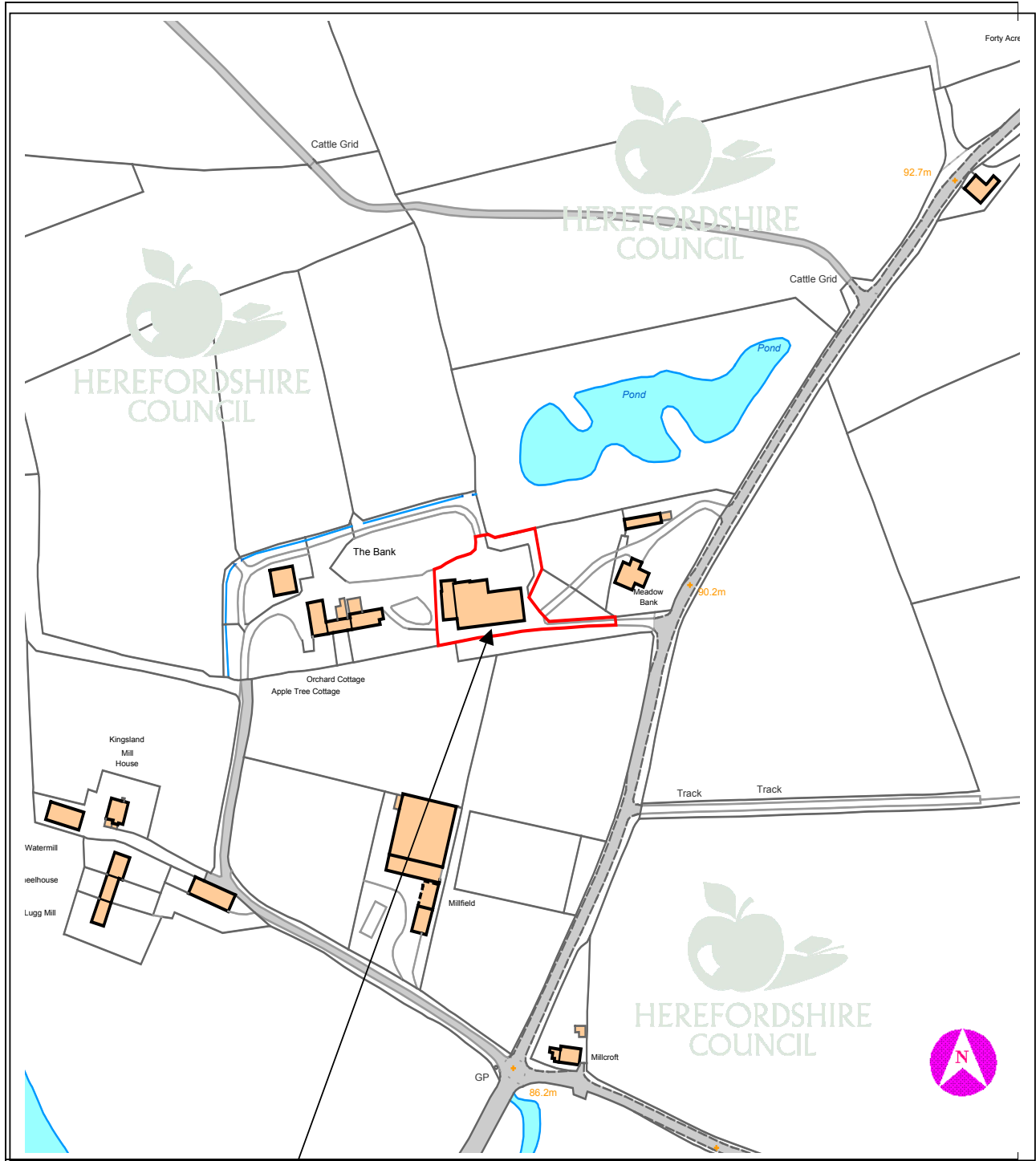
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNW2009/0589/F

SCALE : 1 : 2500

SITE ADDRESS : Bank Farm, Kingsland, Leominster, Herefordshire, HR6 9PY

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