

**9 DCSE2003/2628/F - CHANGE OF USE FROM BUTCHERS SHOP AND CAR PARKING TO OFFICE AND MACHINE REPAIR WORKSHOP, PHOCLE FARM, PHOCLE GREEN, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7TW**

**For: D.J. Jones per Mr C Goldsworthy, 85 St Owen Street, Hereford, HR1 2JW**

**Date Received: 28th August 2003**

**Ward: Old Gore**

**Grid Ref: 62594, 26578**

**Expiry Date: 23rd October 2003**

Local Member: Councillor J. W. Edwards

## **1. Site Description and Proposal**

- 1.1 This site, located just to the north of Phocle Green, flanks the eastern side of the unclassified road No. 70005 which extends northwards from Phocle Green to the A449. The site forms part of Phocle farm complex, i.e. agricultural buildings and farm house which is situated immediately to the south. The application site itself consists of the front part of a metal clad building and a yard area to the front. There is an existing vehicular access onto the unclassified road from the yard. There is another vehicular access to the south which serves the existing farm.
- 1.2 Planning permission was previously granted in 2000 to convert part of an agricultural building to form a butchers shop and car parking area, Ref. No. SE2000/1115/F. A Section 106 Agreement accompanied the planning permission. This current application is to change the use of this site to a machine repair workshop, i.e. to maintain and service agricultural and commercial machinery and vehicles. There are no alterations to the building or to the access and parking area.

## **2. Policies**

### **2.1 Planning Policy Guidance**

PPG.7 - The Countryside - Environmental Quality and Economic and Social Development

### **2.2 Hereford and Worcester County Structure Plan**

Policy E.1 - Economic Growth  
 Policy E.6 - Industrial Development in Rural Areas  
 Policy E.8 - Industrial Development in Rural Areas  
 Policy CTC.9 - Development Requirements

### **2.3 South Herefordshire District Local Plan**

Policy GD.1 - General Development Criteria  
 Policy C.1 - Development within Open Countryside  
 Policy ED.4 - Safeguarding Existing Employment Premises

- Policy ED.6 - Employment in the Countryside
- Policy ED.7 - Re-use and Adaptation of Rural Buildings for Employment/Tourism Use
- Policy ED.8 - Farm Diversification
- Policy T.1A - Environmental Sustainability and Transport
- Policy T.3 - Highway Safety Requirements

#### 2.4 Unitary Development Plan – Deposit Draft

- Policy S.2 - Development Requirements
- Policy DR.5 - Planning Obligations
- Policy T.9 - Road Freight
- Policy E.5 - Safeguarding Employment Land and Buildings
- Policy E.8 - Design Standards for Employment Sites

### 3. Planning History

- |     |               |  |   |  |
|-----|---------------|--|---|--|
| 3.1 | SS980907PF    | Erection of a steel framed agricultural building   | - | Approved 09.12.98                            |
|     | SE1999/3333/F | Change of use to part of building and adjacent land to form butchers shop and car parking      | - | Refused 15.03.00                             |
|     | SE2000/1115/F | Change of use to part of building and adjacent land to form butchers shop and car parking area | - | Approved 06.12.00<br>(Section 106 Agreement) |

### 4. Consultation Summary

#### Statutory Consultations

- 4.1 None.

#### Internal Council Advice

- 4.2 Head of Engineering and Transportation has no objection, following the receipt of the additional information.
- 4.3 Head of Environmental Health and Trading Standards has no objection but suggests that hours of operation could be restricted in the interest of amenity.

### 5. Representations

- 5.1 The applicant's agent has submitted two letters of support. The main points being:
- the building/site was previously used by Meadowland Meat Co. who because of protracted planning problems and also foot and mouth crisis could not survive and the premises are now vacant
  - the applicant has now found another tenant
  - a lot of trade involves repairs to agricultural machines and also vehicle repairs, most of which take place off site
  - traffic movements will be greatly reduced
  - the proposed tenants are vehicle engineers who maintain and service agricultural and commercial machinery and vehicles
  - they employ 8 people

- storage of vehicles will be kept to a minimum. They will be located inside the workshops because security is of paramount importance
- parking is only required for the employees
- hours of business will be 8.00 am to 6.00 pm
- members of the public will not need to visit the site apart from delivery or collection of machinery
- traffic movements to and from the site will be considerably less than the previous use. Some HGV vehicles may require repair at the premises but this will be very occasionally
- there will be no alterations to the building
- all of the provisions detailed under the Section 106 Agreement have been implemented
- the tenants are predominantly an on-site service, which means that 80% of their work is carried out on customers premises. The change of use is mainly for offices and repair of equipment that cannot otherwise be accommodated off site. The noise levels will be less than that which the refrigeration motors created. There are no painting services being provided by this engineering company.

#### 5.2 The Parish Council observe:

"Change of use from butchers and car parking to office and machine repair workshop. Councillors had received copies of submissions made by two residents: Mr. R. Moses and Ms. T. McLean. It was agreed that Mr. Moses had succinctly put the feelings of residents, and Council members supported all of his points.

Comment: It was resolved to support Mr. Moses petition, to object to the application, to make the following observations and to request that the Planning Committee check the compliance records for the applicant:

- access onto the main road at Phocle Green is dangerous
- access road surface is so poor as to be dangerous in parts
- Highways Authority to be consulted as priority and to survey road access as above
- insufficient detail on the application means that the level of noise and increase in vehicular traffic cannot be assessed
- existing condition routing traffic from A449 is consistently ignored and impossible to enforce."

#### 5.3 Two letters of representation/objection have been received from:

R. W. Moses, Eastleigh, Phocle Green, Ross-on-Wye, Herefordshire

The main points being:

- no objection in principle to the change of use but following points should be considered:
- description vague, inconvenience to residents may be experienced depending on exact use
- narrow road unsuitable for any more commercial traffic. Damage done to verges
- junction at Phocle Green is inadequate
- noise from the site travels over the village
- if approved, all access to be from A449 and not through Phocle Green, work to be confined to normal working hours, and all work to be carried out inside the building

- planning conditions need to be enforced as they have been ignored in the past
- this could lead to a second industrial estate being created
- the road serves the farm and other private businesses and as such time has come to limit any further development accessed by this road
- all workshops of this type generate waste, e.g. oil, scrap parts, etc.
- Technicrop and other premises along the unclassified road route HGVs to approach site from A449. Signs have been erected to that effect at crossroads at Phocle Green. However 'white vans' still travel at speed visiting these premises via Phocle Green. No proper passing places on this road. Some places were provided by previous application but are now overgrown and too short for commercial vehicles
- Verges get chewed up and writer's entrance is regularly used and damaged. Used as a 'rat run'
- This application will generate more traffic. Already several accidents a year at Phocle Green crossroads
- During short period 'Meadowland' occupied the premises there was considerable noise and unacceptable increase in traffic causing inconvenience to local residents
- the site entrance is unsuitable and the road is too narrow for any further commercial traffic.

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 main issues relate to the use of this building as a machinery/vehicle repair shop in this rural location, its effect on the residential amenities of the area, noise, disturbance, traffic generated by the proposal and the suitability of the road to cater for it.
- 6.2 The use of this site as a base for the proposed repair and servicing of agricultural/commercial machinery and vehicles is considered to be acceptable. The site is fairly secluded and with the exception of the farm house there are no dwellings in the immediate vicinity of the site. The majority of the operations will be off-site with only a small part of any repair work undertaken at the premises.
- 6.3 The main concerns of the Parish Council and the letter of representation relate to the use of the unclassified road serving the site, in particular the narrowness of the road especially to the south of the site and the dangerous narrow junction with the B4221 at Phocle Green. The previous planning permission for the butchers shop was accompanied by a Section 106 Legal Agreement which essentially required various traffic measures to be put into operation, e.g. six passing bays to be inserted in the highway verge of the unclassified road to the north of the site (which have been provided) and measures to encourage vehicular traffic to proceed to and from the shop along the wider northern section of the unclassified road to the A449 and not towards Phocle Green.
- 6.4 After receiving further information relating to the use of the premises the Council's Head of Engineering and Transportation has no objections to the proposed use. Also he does not consider it necessary that the provisions of the 106 Agreement need to be implemented in this case. In any event the passing places had been provided and also it is difficult to enforce the use of the A449 approach to the site by visiting traffic.

In addition, it is considered that the proposed use will be likely to result in less traffic using the unclassified road than when the shop was in operation.

- 6.5 The proposed use is considered to be acceptable and in accordance with planning policies, in particular Policies ED.6 and ED.8 of the Local Plan which relate to employment in the countryside and farm diversification. The residential amenities of residential dwellings in the area should not be adversely affected by the proposal.

## **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. A07 (Development in accordance with approved plans )**  
**Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development.**
- 3. E06 (Restriction on Use )**  
**Reason: The local planning authority wish to control the specific use of the land/premises, in the interest of local amenity.**
- 4. E05 (Restriction on hours of use (industrial) )**  
**Reason: In order to protect the amenity of occupiers of nearby properties.**
- 5. F32 (Details of floodlighting/external lighting )**  
**Reason: To safeguard local amenities.**
- 6. F35 (Details of shields to prevent light pollution )**  
**Reason: To minimise light overspill and to protect the amenity of neighbouring properties.**
- 7. No operations associated to the use hereby approved nor the storage of any plant, material, machinery or vehicles shall be carried out or stored outside of the existing building on the site unless otherwise first agreed in writing by the local planning authority.**  
**Reason: To protect the visual appearance, rural character and residential amenity of the surrounding countryside.**
- 8. G04 (Landscaping scheme (general) )**  
**Reason: In order to protect the visual amenities of the area.**
- 9. G05 (Implementation of landscaping scheme (general) )**  
**Reason: In order to protect the visual amenities of the area.**

Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.