

**6 DCNE2009/0662/F - PROPOSED USE OF YARD AT KNAPP FARM FOR THE STORAGE AND DISTRIBUTION OF POLYTUNNEL COMPONENTS AND OTHER AGRICULTURAL ITEMS ANCILLARY TO THE PERMITTED MANUFACTURING PROCESS AT KNAPP FARM, PIXLEY, LEDBURY, HEREFORDSHIRE, HR8 2QB.**

**For: Mr A Davison C/o Haygrove Ltd. Redbank, Little Marcle Road, Ledbury, Herefordshire, HR8 2JL.**

**Date Received: 16 April 2009**

**Ward: Frome**

**Grid Ref: 66565, 38671**

**Expiry Date: 11 June 2009**

Local Member: Councillor PM Morgan

**Introduction**

This application was originally reported to the North Area Planning Sub Committee on 1 July 2009. Members resolved to visit the site prior to making a determination. The site visit took place on Tuesday 14 July 2009. The application is now being re-reported to Members for determination.

**1. Site Description and Proposal**

1.1 The application site relates to a site known as Knapp Farm within the Parish of Pixley and Aylton. The site was formerly a farm yard. It is located some 400 metres east of the A4172. To the south of the site is a residential property known as Pixley House and to the south-west are three residential properties known as 'Knapp Farmhouse', 'Knapp Cottage' and 'Knappaway'. 'Knapp Farmhouse' is a Grade 2 listed building. To the north-east of the site, within the applicant's control, is a residential property known as 'Hedgehog Cottage'. A public footpath runs through the site in a north-east to south-west direction.

1.2 Upon the site is a range of buildings. One building is used for the manufacture of polytunnel components. The use of this building was granted by Herefordshire Council on 23 July 1999. A copy of that planning permission is attached as Annex 1. Member's attention is drawn to condition 7 which stated:-

"No goods, plant, material or machinery shall be deposited or stored outside the building hereby permitted unless otherwise agreed in writing with the Local Planning Authority;"

1.3 It is understood that since March 2001 Haygrove Tunnels have used the yard area outside the building for the open storage of polytunnel components. This application has been submitted to regularise the matter. The application arose after the Local Planning Authority received a formal complaint on 19 February 2009.

1.4 The proposal involves the open storage of polytunnel components to a maximum height of 3.5 metres.

1.5 Whilst there are two existing vehicular means of access off the A4172, it is the northernmost access that is used by heavy goods vehicles.

- 1.6 The public footpath through the site would not be diverted. Originally it was proposed to do so via this planning application. However, legally that is not feasible where the development has already taken place (i.e. the application is retrospective). If the applicant wished to divert the footpath at a future date that could still be applied for via the Highways Act 1980.
- 1.7 To alleviate the noise impact of the proposed use upon the occupiers of 'Knapp Farmhouse', 'Knapp Cottage' and 'Knappaway' to the south-west, the applicant is proposing to erect a 2.4 metre acoustic barrier comprising straw bales. The barrier would have a length of some 45 metres.

## 2. Policies

### 2.1 National Planning Guidance

West Midlands Regional Strategy

Policy Statement 1	–	Delivering Sustainable Development
Policy Guidance Note 4	–	Industrial and Commercial Development & Small Firms
Policy Guidance Note 7	–	Sustainable Development in Rural Areas
Policy Guidance Note 13	–	Transport
Policy Guidance Note 15	–	Planning and the Historic Environment
Policy Guidance Note 24	–	Planning and Noise

### 2.2 Herefordshire Unitary Development Plan 2007

E6	–	Expansion of existing businesses
E8	–	Design standards for employment sites
E11	–	Employment in smaller settlements and open countryside
E12	–	Farm diversification
DR13	–	Noise
LA2	–	Landscape character and areas least resilient to change

## 3. Planning History

- 3.1 The history relevant to consideration of this planning application is full planning permission number NE1999/1653/F that allowed the "Change of use of redundant farm building to make agricultural items and construction of new access road from A4172"

## 4. Consultation Summary

### Statutory Consultations

- 4.1 None

### Internal Council Advice

- 4.2 The Senior Landscape Officer states:-

"The open storage of polytunnel components has a very limited impact on the landscape and visibility is restricted to relatively close views. The operations and storage of materials appears compatible with the wider agricultural operations in the vicinity and does not represent a major departure from the general character of the area.

The open storage of polytunnel components does not represent a cumulative negative impact on the quality and character of the landscape, being closely associated with the principal and existing agricultural buildings.

The opportunities for incorporating additional soft landscaping in the vicinity of the application site is limited and considering the limited visual impact, probably not justifiable. Wider landscape enhancement measures are proposed to be introduced in relation to the whole farm polytunnel application and will serve to make some positive contributions to character of the area.

Views from the public footpath crossing the site are limited and brief, and the appearance of the activity and storage of materials, again, concomitant with the types of buildings and general activity in the vicinity.

In summary, I would describe the proposal, in terms of impact on the landscape, as benign. No significant negative visual impact will accrue and mitigation is neither necessary nor available."

- 4.3 The Area Engineer (Development Control) has no objections to the development. He considers the visibility splays at the existing HGV entrance to be acceptable.
- 4.4 The Public Rights of Way Section have no objection to the proposed development subject to a condition requiring public footpath PX1 being kept free of obstruction and that a 3 metre width be kept clear. The southern end of the acoustic barrier would be approximately 5 metres from the public footpath.
- 4.5 The Conservation Section has no objection to the proposed development with regard the setting of Knapp Farmhouse as a Grade 2 listed building.
- 4.6 The Council's Environmental Health Section has no objection to the proposed development subject to a condition securing the provision of the acoustic barrier.

## **5. Representations**

- 5.1 Aylton Parish Council supports the application but make the following comment:-

- An improvement to the access off the A4172 should be secured to allow two HGVs to pull off the road in front of the barrier;
- Attention should be made to the surface of the existing access road in terms of both noise and dust and its impact upon the occupiers of dwellings in the immediate vicinity; and
- Noise arising from reversing vehicles.

- 5.2 The British Horse Society has no objection to the proposal

- 5.3 The Ramblers Association object to the proposal. They are considered that activities within the open storage area would render the footpath unsafe. They also are concerned that the straw bale acoustic barrier would appear to obstruct the public footpath.

- 5.4 The occupiers of four dwellings in the vicinity object to the development on the following summarised grounds:-

- The impact of noise upon the amenities of the occupiers of surrounding dwellings;
- The impact of dust arising from use of the HGV access upon the occupiers of surrounding dwellings;
- Noise impact from reversing vehicles fitted with beepers;
- Impact upon the footpath;
- Adverse visual impact; and
- The process should be located on an industrial estate.

- 5.5 The Open Spaces Society and the Malvern Hills District Footpath Society has no objection to the proposed development subject to the public footpath being kept free of obstruction.
- 5.6 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 history of this site is such that the re-use of a rural building for employment related purposes was secured. As Members will be aware for some considerable period of time both Central Government advice and Development Plan policies have allowed for such developments. They make a positive contribution to the rural economy and provide employment opportunities. In this particular case the use could legitimately be considered as a form of farm diversification, producing and distributing products to the agricultural sector. Clearly such developments must also be acceptable in terms of their environmental impact.
- 6.2 In this particular case a number of conditions were attached, one of which effectively prevented open storage of materials. The reason given for this condition was to "protect the appearance of the locality". However, since March 2001 open storage has taken place.
- 6.3 It is understood that the business has grown substantially since 1991. It is understood that whilst in the early years manufacturing of the polytunnel components took place upon this site, the majority of the components are now produced in Poland. It is understood that the steel and the polythene is delivered from within the United Kingdom whilst the majority of the components are manufactured in Poland and delivered to the site. The only remaining components manufactured within the building upon the site are the steel struts. When sufficient orders are received delivery lorries are loaded with the requisite components and distributed accordingly to fulfil customer orders.
- 6.4 In terms of assessing the open storage, it is best dealt with under a series of sub-headings.

### Visual Landscape Impact

- 6.5 Members will note from the internal advice outlined above that the Landscape Officer has no objection to the development. The site is not readily visible from public vantage points outside the confines of the site. Certainly from the Marcle Ridge this area, unlike the surrounding polytunnels, is not readily apparent. By storing the items close to the building it concentrates the development locationally to the principal buildings at Knapp Farm. Whilst one clearly views the open storage when walking through Knapp Farm itself, the time period during which one experiences this storage is relatively limited in terms of ones experience of the entire length of the path.
- 6.6 It is considered, however, that a height limit of 3.5 metres should be imposed via an appropriate planning condition.

### Public Footpath

- 6.7 The public footpath needs to be unobstructed with a width of 3 metres. An appropriate planning condition is recommended.

### Impact upon Setting of the Grade 2 listed 'Knapp Farmhouse'

- 6.8 The open storage use is not considered to directly impinge upon the setting of Knapp Farmhouse. There is intervening landscaping between the open storage use and 'Knapp Farmhouse'.

### Noise Impact

- 6.9 The activities within the open storage area certainly create a degree of noise. It is for this reason that the applicant engaged the services of an appropriately qualified acoustic / noise consultant to undertake a noise assessment in accordance with BS4142:1997. This assessment revealed that the occupiers of Pixley House to the south are not suffering an undue impact from noise arising from the yard activities due to the presence of the intervening brick built building. It is therefore suggested that a condition be attached to any planning permission ensuring the retention of that building.
- 6.10 With regard Knapp Farmhouse, Knapp Cottage and Knappaway to the south-west it is considered that the occupiers of those properties do suffer an undue loss of amenity by way of noise from the yard activities. It is for this reason that the construction of a 2.4 metre high acoustic barrier is proposed. This acoustic barrier is proposed to be of a straw bale construction. Visually, it is considered that this would be acceptable. However, the maintenance of this structure would be critical as over time straw rots with water penetration. Periodically the bales will require replacement.
- 6.11 Therefore it is considered that the occupiers of the neighbouring properties would not suffer an undue loss of amenity by way of noise impact from the open storage activity.
- 6.12 It is understood that vehicular movements associated with the polytunnel manufacture and distribution business alone, is limited in extent. The applicant informs me that the combined (in-bound and out-bound) average weekly number of HGV / lorries is 11 vehicles per week. With a minimum of 2 and a maximum of 20 HGV / lorries in any one week. Based on a 5-day week this equates to an average of 2.3 HGV / lorries per day. The access road is well in excess of 100 metres from the nearest residential properties and it is not considered that the occupiers of those properties suffer an undue level of noise and dust from the use of that roadway. The problem with re-surfacing that driveway with say tarmac is that vehicles then tend to travel at higher speeds with resultant higher noise levels.

Other noise related matters not directly related to this open storage proposal

- 6.13 Occupiers of neighbouring properties have raised the issue of noise break-out from the existing industrial building. The building appears to be very poorly insulated and provides little acoustic protection. However, this is not the matter before this Authority at this time and no planning condition was attached to planning permission NE1999/1653/F requiring the building to be acoustically insulated.
- 6.14 Complaint may still be received by the Environmental Health Section (Environmental Protection Team) claiming that local residents are suffering an undue level of noise that amounts to a statutory noise nuisance by way of noise break-out from the industrial building. If the Environmental Health Section were to establish through monitoring a noise nuisance, they would attempt to agree a mitigation strategy with Haygrove. If that failed, as a last resort, a noise abatement notice under the Environmental Protection Act 1990 (as amended) could be served.
- 6.15 However, one would hope that Haygrove are proactive and engage the services of their Acoustic Consultant to advise them as to the extent of noise break-out from this building and if his Professional opinion is that it creates harm advises them as to possible attenuation measures.
- 6.16 The intermittent noise of reversing beepers is not considered by the Council's Environmental Health section to justify refusal nor is there sufficient evidence of a problem to justifying imposing a planning condition. However, these reversing beepers certainly appear to be of genuine concern to local residents and again local residents could make a complaint to the Environmental Health Section claiming a statutory noise nuisance.
- 6.17 Again one would hope that Haygrove are proactive and investigate the possibility of fitting more appropriate reversing beepers to their own fleet of vehicles.

- 6.18 It is understood that a new broad band reversing alarm is now available which emits a more tolerable 'white noise'. This technology allows a reversing alarm to be as loud in decibel terms as the conventional one, but not as shrill in tone, and therefore much more acceptable to the ear.
- 6.19 The narrow band alarms currently used in reversing alarms and on emergency vehicles cause confusion because the sound reverberates all around and the listener do not know where to look.
- 6.20 It is also understood that broadband sound is also localised so that when the vehicle has passed by, the sound of the alarm is diminished, reducing the noise disturbance.

#### Vehicular Means of Access

- 6.21 The existing vehicular means of access to the site is considered to have satisfactory visibility splays. A barrier is set back from the A4172 such a lorry can park in front of it or two could park side-by-side. This is considered to be satisfactory.
- 6.22 I therefore recommend that full conditional planning permission be granted.

### **RECOMMENDATION**

**That planning permission be granted subject to the following conditions:**

- 1 The existing building highlighted in pink on the plan attached to this decision notice shall not be demolished without the prior written consent of the Local Planning Authority.**

**Reason: To safeguard the occupiers of 'Pixley House' both within their house and garden from an undue level of noise.**

- 2 Within three months from the date of this permission a straw bale acoustic barrier of 2.4 metres in height shall be erected in the position marked upon the plan received 11th May 2009. Thereafter that acoustic barrier shall remain in-situ and shall be maintained to the satisfaction of the Local Planning Authority.**

**Reason: To ensure that the occupiers of the houses known as 'Knapp Farmhouse', 'Knapp Cottage' and 'Knappaway' enjoy a satisfactory level of quietude both within their houses and within their garden areas.**

- 3 No machinery associated with the industrial process shall be operated outside the confines of the buildings highlighted in green on the plan attached to this decision notice.**

**Reason: To ensure that the occupiers of the houses known as 'Pixley House', 'Knapp Farmhouse', 'Knapp Cottage' and 'Knappaway' enjoy a satisfactory level of quietude both within their houses and within their gardens.**

- 4 The open storage hereby permitted shall not exceed a height of 3.5 metres from existing ground level.**

**Reason: To safeguard the countryside from visually intrusive development.**

- 5 The definitive route of public footpath PX1 shall be kept free of obstruction. A width of 3 metres, being 1.5 metres either side of the centre line of the public footpath, shall be kept clear of obstruction.**

**Reason:** To ensure that the public footpath route remains unobstructed and to ensure the proper enjoyment of that footpath.

**6. No deliveries shall be taken at or despatched from the site outside of the following times:-**

- 08.00 to 18.00 Mondays to Fridays
- 08.00 to 13.00 Saturdays
- nor at any time on Sundays, Bank or Public Holidays.

**Reason:** To safeguard the amenities of the occupiers of the dwellings know as “Pixley House”, “Knapp Farmhouse”, Knapp Cottage” and “Knappaway”.

**INFORMATIVES:**

**1 N15 - Reason(s) for the Grant of PP/LBC/CAC**

**2 N19 - Avoidance of doubt - Approved Plans**

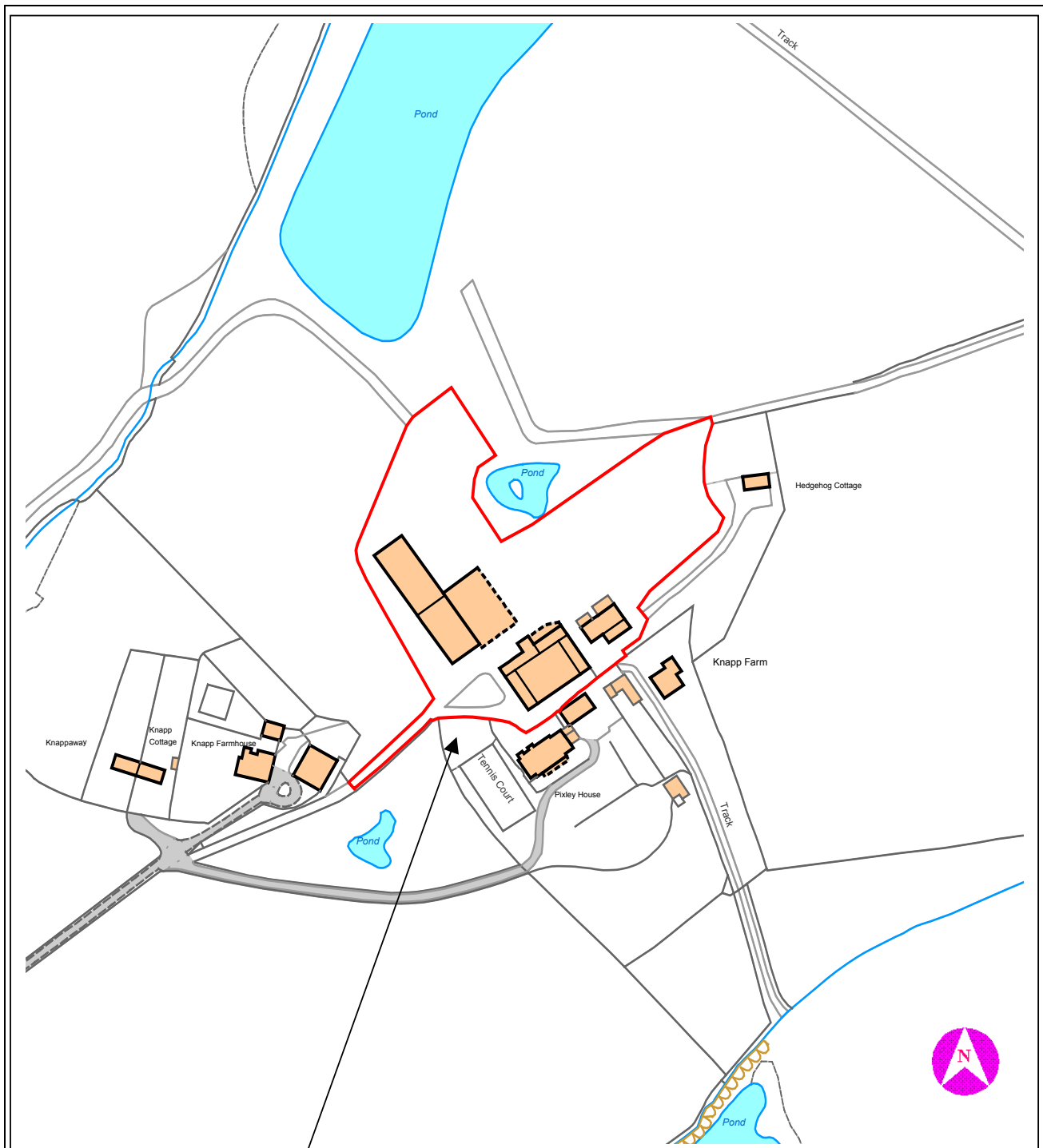
Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCNE2009/0662/F

**SCALE :** 1 : 2500

**SITE ADDRESS :** Knapp Farm, Pixley, Ledbury, Herefordshire, HR8 2QB

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