

**18 DMNE/092736/F - PROPOSED CONVERSION OF REDUNDANT MILL TO FORM LIVE/WORK UNIT AT HAZLE MILL, HAZLE FARM, DYMOCK ROAD, LEDBURY, HEREFORD, HR8 2HT**

**For: Mr Lewis per Nigel Teale, Bramble Farm, Naunton, Nr. Upton-Upon-Severn, Worcestershire, WR8 0PZ**

**Date Received: 23 October 2009 Ward: Ledbury Grid Ref: 370362,235959**

**Expiry Date: 12 January 2010**

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

**1. Site Description and Proposal**

- 1.1 The application site lies outside of the defined built up confines of Ledbury, west of the Ledbury to Dymock Road (i.e. the classified B4216). This hedge lined road does not have a footway hereabouts. Immediately to the west of the application site is the River Leaddon. Clearly there was a time that a Mill stood upon the site and that building would have been of both architectural and historic interest. However, the building upon the site which may have remnants of the original building primarily dates from the mid to late twentieth century. The existing building is a single storey building composed of brickwork and stonework walls with an asymmetrical corrugated asbestos cement sheeted roof. In the 1970's the site was used as a scrap yard.
- 1.2 The proposal is to convert the existing building into a "live/work" unit. The residential element would comprise a one-bedroomed unit of 58 square metres, whilst the workshop element would have an area of some 50 square metres. There would also be a timber store. It is intended that the son of the applicant would live in the unit and start a business selling products manufactured from timber sourced locally, such as barbeque charcoal, besom brooms, trellis, hurdles, fence posts, firewood, garden mulch, garden ornaments, yurts, tipis, artisan crayons and mushroom logs. Away from the site he would also be working in woodland management of local woodlands and undertaking hedge laying. No business plan accompanies the planning application. No other persons would be employed. The manufactured products would be sold from the site and on occasions educational workshops would be held.

**2. Policies**

**2.1 Central Government Advice**

Planning Policy Statement 1	- Delivering Sustainable Development
Planning Policy Statement 4	- Planning for Sustainable Economic Growth
Planning Policy Statement 7	- Sustainable Development in Rural Areas
Planning Policy Statement 9	- Bio-Diversity and Geological Conservation
Planning Policy Guidance Note 15	- Planning and the Historic Environment
Planning Policy Statement 23	- Planning and Pollution Control
Planning Policy Statement 25	- Development and Flood Risk

## 2.2 Herefordshire Unitary Development Plan 2007

S1	-	Sustainable Development
S2	-	Development Requirements
S7	-	Natural and Historic Heritage
DR2	-	Land Use and Activity
DR3	-	Movement
DR10	-	Contaminated Land
DR7	-	Flood Risk
LA2	-	Landscape Character and Areas Least Resilient to Change
NC1	-	Biodiversity and Development
NC2	-	Sites of International Importance
NC3	-	Sites of National Importance
NC4	-	Sites of Local Importance
NC5	-	European and Nationally Protected Species
NC6	-	Biodiversity Action Plan Priority Habitats and Species
NC7	-	Compensation for Loss of Biodiversity
NC8	-	Habitat Creation, Restoration and Enhancement
NC9	-	Management of Features of the Landscape Important for Fauna and Flora
HBA12	-	Re-use of Rural Buildings
HBA13	-	Re-use of Rural Buildings for Residential Purposes

### 3. **Planning History**

None relevant

### 4. **Consultation Summary**

#### Statutory Consultations

- 4.1 The Environment Agency do not make formal comment on this scale of application but draw this Authority's attention to the requisite Central Government advice with regard to developments in Flood Zone 2, namely PPS 25.

#### Internal Council Advice

- 4.2 Environmental Health and Trading Standards have no objections to the proposal subject to a condition being attached to address the contaminated land issue.
- 4.3 The Traffic Manager objects to the proposal on the basis of the sub-standard southerly, nearside, visibility splay.
- 4.4 The Conservation Manager objects to the proposal on the basis that the building is not capable of conversion without substantial rebuilding and the building is not of architectural or historic quality.

### 5. **Representations**

- 5.1 Ledbury Town Council wish to see the application approved.

The full text of this letter can be inspected at Planning Services, Garrick House, Widemarsh Street, Hereford and prior to the Committee meeting.

## 6. Officer's Appraisal

- 6.1 The site lies outside the built-up confines of Ledbury and any of the defined rural settlements. As such it lies within the open countryside in planning policy terms.
- 6.2 This application raises a number of matters of principle.

### Flood Risk

- 6.3 Part of the site including part of the building lies within Flood Risk Zone 2. Members will be aware that there are in essence three categories of Flood Risk Zones, Flood Zone 3 where there is a high probability of flooding, Flood Risk Zone 2 where there is a medium risk of flooding and Flood Risk Zone 1 where there is a low probability of flooding.
- 6.4 The Central Government advice contained within Planning Policy Statement 25 (para. 14) states that "a sequential risk-based approach to determining the suitability of land for development in flood risk areas is central to the policy statement and should be applied to all levels of the planning process". Paragraph 17 of Planning Policy Statement 25 makes it clear that the main aim of the Sequential Test is to steer new development to areas at the lowest possibility of flooding (i.e. Zone 1).
- 6.5 Only where there are no reasonably available sites in Flood Zone 1 should one consider locating development in Flood Zone 2. The agent for the applicant has not submitted any such sequential testing evidence and it is considered that there are clearly many redundant agricultural buildings in Flood Zone 1 that could accommodate the proposed use. Presumably the site in question has been chosen as it is owned by the applicant. However, whilst this may be convenient for the applicant, the ownership of the land is not a material planning consideration.
- 6.6 Therefore the proposal is clearly contrary to the Central Government advice contained within Planning Policy Statement 25 and policy DR7 of the Herefordshire Unitary Development Plan 2007.
- 6.7 Notwithstanding this matter even if the sequential testing had been undertaken and it was proven that no sites were available in Flood Risk Zone 1, the submitted flood risk assessment is not considered to be satisfactory. It does not address the following issues:-
- a full topographical/levels survey of the site detailing the known or modelled 1% (1 in 100 chance each year) river flood level, including climate change and the existing floor level of the building. The agent for the applicant does not specify the one in a hundred year plus climate change level above ordnance datum (AOD) level;
  - an assessment of the risks posed to the site including that based on 1% modelled flooding (including climate change), on any documented historic flooding and risks associated with surface water run-off from the site (including climate change);
  - proposed mitigation measures to control these risks for the lifetime of the development, based on a 1% event, including climate change (e.g. setting an appropriate finished floor level), providing flood proofing; providing suitable means of surface water disposal, safe access & egress for occupiers (especially important where vulnerable users or overnight accommodation);
  - Furthermore one should be able to demonstrate that the development has safe pedestrian access above the 1% river flood level plus climate change.

- The agent for the applicant does not specify the existing floor level of the building above ordnance datum (AOD).

#### Employment Element of Proposal

- 6.8 Clearly both Central Government advice, including the recent Planning Policy Statement 4 – ‘Planning for Sustainable Economic Growth’ and Development Plan policies wish to encourage business development in rural areas. This includes the re-use of rural buildings. However, such developments should not be at any environmental cost. In the case of the re-use of rural buildings the Council has adopted a criteria based policy to assess such proposals in full accordance with Central Government advice (i.e. policy HBA12).
- 6.9 The first criteria of this policy requires the building to be capable of conversion without major or complete reconstruction. In this instance the structure has a series of defects but what is clear is that the entirety of the roof structure would require replacement. Therefore it is considered that the building is not capable of conversion without substantial reconstruction and as such the proposal is contrary to policy HBA12 (1) of the Herefordshire Unitary Development Plan 2007.

#### Residential Element of Conversion

- 6.10 The Council’s policy in this respect is set out in policy HBA13 of the Herefordshire Unitary Development Plan 2007.
- 6.11 Firstly, no evidence has been submitted to demonstrate that every reasonable attempt has been made to secure a solely employment re-use of the building without introducing a residential element.
- 6.12 Secondly, the original mill was basically lost in the 1950’s. The existing structure is of no architectural or historic merit. Its loss would not be of detriment to the built heritage of the County.
- 6.13 Thirdly, no evidence has been submitted to demonstrate that the applicant’s son is in housing need and importantly no legal mechanism has been submitted that would secure the affordability of any dwelling in the long-term. This would normally be secured by way of legal agreement transferring the ownership of the land to a Registered Social Landlord and controlling the tenure (e.g. shared ownership or social rent) in perpetuity.
- 6.14 Fourthly, whilst the policies would encourage the business element of the proposal in a suitable redundant agricultural building, which this is not; it is not essential to the business that the operator lives on-site. With regard the proposed charcoal burning activity it is normal practice to locate such an activity at the source of the material (i.e. the woodland(s)), not to transport the wood to a location divorced from the woodland. Indeed in the case of the “artisan charcoal” one usually uses small lengths of timber with small diameters. Of course transporting the timber from the woodland rather than the finished product is not logical, as the raw material weighs more. Furthermore it is an unsustainable form of development placing unnecessary vehicle movements on the highway network. Traditionally charcoal burning has been a transient seasonal activity with the worker often camping and moving between and within woodlands. No other part of the proposed business requires the operator to live on-site.
- 6.15 Fifthly, the proposed residential element of the proposal takes up the majority of the floorspace of the building (54%) and cannot be described as subordinate. Additionally, no part of the proposed business, other than the woodland management and hedge laying that would take

place away from the site, appears to be more than a hobby. Certainly no business plan has been submitted to demonstrate the likely financial viability and sustainability of the business.

#### Highway Safety

- 6.16 The vehicular means of access is onto the classified B4216 that has a 60 mph speed limit. In a 60 mph speed limit one should normally have visibility splays of 2.4 metres x 215 metres. In this case the Traffic Manager believes that average speeds are in the region of 44mph. Therefore they would be willing to relax the normal standard to 2.4 metres x 160 metres. However, in this case the achievable visibility splay in the southerly direction which is the critical nearside carriageway is only in the region of 2.4 metres x 52 metres. This is seriously sub-standard (N.B. less than 25% of the standard) and its increased use would represent a significant danger to highway safety. The splay cannot be improved as the land in question is not within the applicant's control. Furthermore even if the land was within the applicant's control it appears that a significant length of mixed native hedgerow of landscape merit and possibly of ecological value would need to be removed contrary to policies LA5 and NC6 of the Herefordshire Unitary Development Plan 2007.

#### Ecology

- 6.17 An Ecological Assessment has been submitted with the application. However, the Planning Ecologist has concern as to the adequacy of that assessment in that the bio-diversity potential of the building and the site has not been fully examined.
- 6.18 In summary, not only is the building not considered capable of conversion without requiring substantial reconstruction and it is not worthy of conversion, its location is inappropriate being on land liable to flood and having a sub-standard access. Clearly if the applicant's son wishes to pursue his proposals further it would be more appropriate to find a structurally sound redundant rural building of architectural merit in or adjacent to woodland that he is or is proposing to manage, that is not within a flood plain and has a satisfactory vehicular means of access. In essence it appears that it is only the convenience of ownership that has led to this proposal.

### RECOMMENDATION

**That planning permission be refused for the following reasons:**

- 1. The site lies within Flood Risk Zone 2 (Medium Risk). The application fails to demonstrate that a suitable site could not be found in Flood Risk Zone 1 (Low Risk). As such, the proposal fails to address the sequential test outlined in the Central Government advice contained within Planning Policy Statement 25 entitled 'Development and Flood Risk' which has the objective of steering new development to areas at the lowest possibility of flooding. Notwithstanding this fundamental objection, the submitted Flood Risk Assessment is inadequate in terms of its detail.**
- 2. The building is not capable of conversion without major reconstruction and as such the proposal is contrary to policy HBA12 (1) of the Herefordshire Unitary Development Plan 2007.**
- 3. No evidence has been submitted to demonstrate that every reasonable attempt has been made to secure a solely employment re-use of the building without introducing a residential element. Furthermore the proposal fails to meet any of the four exception criterion set in policy HBA13 of the Herefordshire Unitary Development Plan 2007. As such the proposal represents new unjustified residential development within the open countryside contrary to the Central**

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Further information on the subject of this report is available from Mr R Close on 01432 261803

Government advice contained within Planning Policy Statement 7 - 'Sustainable Development in Rural Areas' and policy H7 of the Herefordshire Unitary Development Plan 2007.

- 4. The site is physically remote from the timber source of the proposed business and from retail, leisure and community facilities. In addition, the site is not well served by modes of transport other than the private motor vehicle. As such the occupier(s) of the residential element of the proposed development would be reliant on the private motor vehicle thus creating an unsustainable pattern of development contrary to the Central Government advice contained within Planning Policy Statement 1 entitled 'Delivering Sustainable Development', Planning Policy Statement 3 entitled 'Housing', Planning Policy Statement 7 entitled 'Sustainable Development in Rural Areas', Planning Policy Guidance Note 13 entitled 'Transport' and policies S1, S2, S3, DR2 and DR3 of the Herefordshire Unitary Development Plan 2007.
- 5. The vehicular means of access onto the classified B4216 has a severely sub-standard visibility splay in a southerly direction. The intensified use of such a sub-standard vehicular access would be prejudicial to highway safety and contrary to policy DR3 of the Herefordshire Unitary Development Plan 2007.
- 6. The submitted ecological assessment is considered to be of an inadequate detail and as such is contrary to the Central Government advice contained within paragraph 99 of Circular 06/2005 and Policy NC1 of the Herefordshire Unitary Development Plan 2007.

**INFORMATIVE:**

- 1 For the avoidance of any doubt the documents to which this decision relates are:-
  - Design & Access Statement prepared by Nigel J. Teale
  - Flood Risk Assessment prepared by Nigel J. Teale
  - Condition Survey prepared by A.J. Richardson & Assoc. received 23rd October 2009;
  - Location Plan (Scale 1:2500) and Block Plan (Scale 1:1,000) – Drawing number 3231s received 23rd October 2009;
  - Proposed floor plans & elevations – Drawing number 3231b (Scale 1:100) received 23rd October 2009;
  - Baseline Protected Species Survey prepared by envirotech received 23rd October 2009; and
  - Existing Floor Plans & Elevations Elevations (Scale 1:100) – Drawing number 32312a received 23rd October 2009.

Decision: .....

Notes: .....

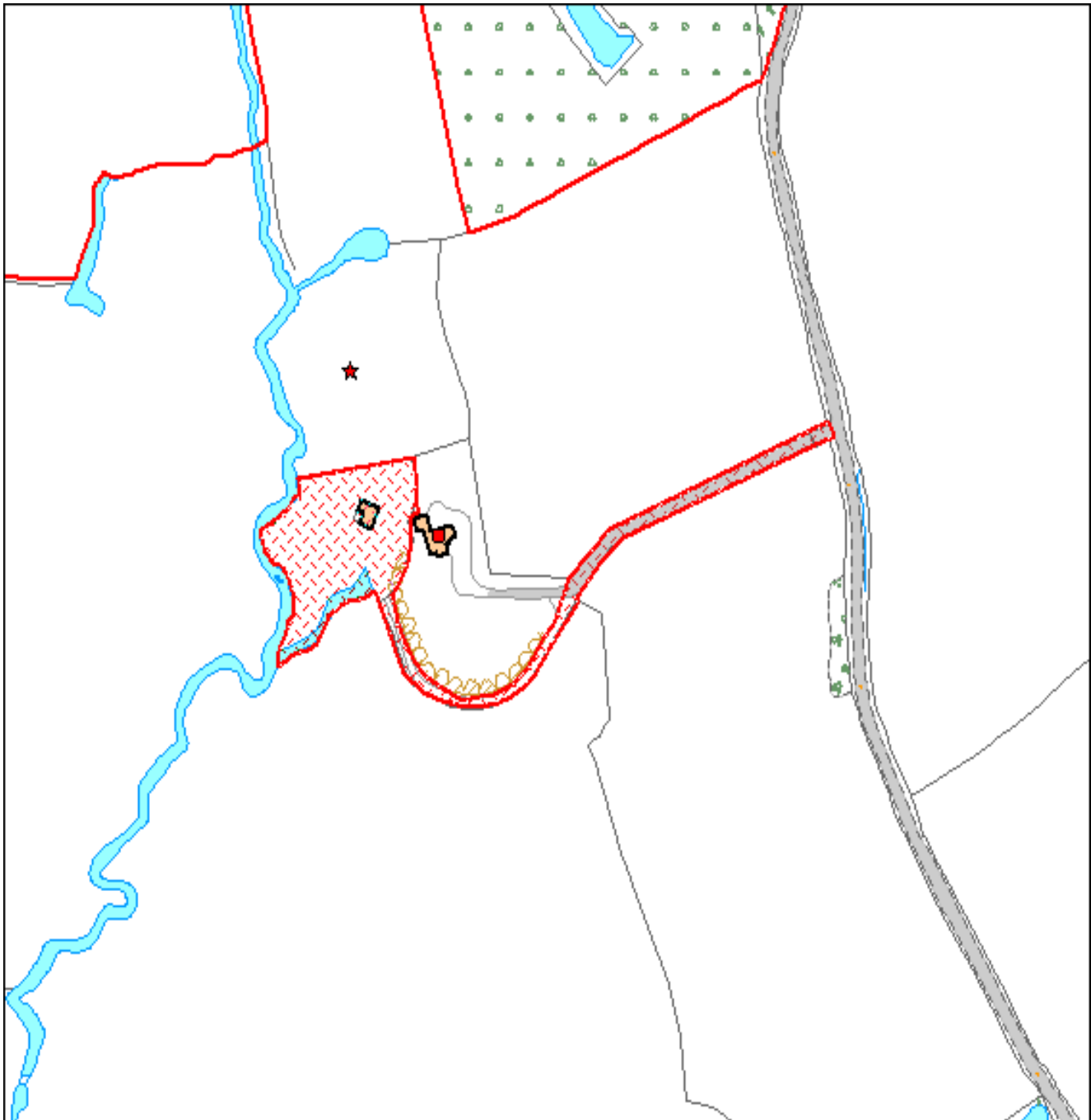
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**Background Papers**

Internal departmental consultation replies.

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Further information on the subject of this report is available from Mr R Close on 01432 261803



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**APPLICATION NO:** DMNE/092736/F

**SITE ADDRESS :** HAZLE MILL, HAZLE FARM, DYMOCK ROAD, LEDBURY, HEREFORD, HR8 2HT

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