

MEETING:	PLANNING COMMITTEE
DATE:	14 APRIL 2010
TITLE OF REPORT:	<p>DMNE/100188/F - PROPOSED ERECTION OF NEW LINKED BUILDING/EXTENSION TO JOINERY WORKSHOP AT HOE FARM, MATHON ROAD, COLWALL, MALVERN, HEREFORDSHIRE, WR13 6EP</p> <p>For: Mr Eldridge per Mr Nigel Teale, Bramble Farm, Naunton, Upton-upon-Severn, Worcestershire, WR8 0FZ</p>

Date Received: 29 January 2010 **Ward: Hope End**

Grid Ref: 375211.0,243801.0

Expiry Date: 26 March 2010

Local Members: Councillors RV Stockton

1. Site Description and Proposal

- 1.1 The application site lies on the north-western side of a private driveway accessed off the Mathon Road within the Parish of Colwall. The private driveway serves two residential properties (i.e. a chalet-bungalow known as 'Fox Grove' and a two-storey house known as Hoe Farm), the business premises the subject of this application and agricultural land. This private driveway is also a public right of way (i.e. public footpath).
- 1.2 Upon the site at present is a workshop that is used to manufacture furniture. The existing workshop measures some 30 metres in length and 13.4 metres in width with a modest open frontage projection. This workshop has two dust extraction units and an extractor to an existing spray booth on its side, south-western, elevation. It is understood that the current workshop employs some 10 full time and 1 part-time staff.
- 1.3 The proposal is to extend the existing workshop to its south-west within the existing lawful site. A new parallel building would be built with a covered way between the two buildings. The new building would measure 15.2 metres in width and 31.2 metres in length with a height to eaves of 3 metres and a height to ridge of 4.6 metres. The metal sheeting to the elevations would be a dark brown and the metal sheeting to the roof a slate grey colour. Within the area of the proposed new building two nissan huts exist that would be demolished. Whilst it is anticipated that in the medium term four further full-times jobs would be created, it is understood that the primary purpose of the extension is to engender an enhancement of working conditions facilitating enhanced finishing of the furniture.
- 1.4 In addition, it is proposed to sound proof by way of enclosure the existing dust extraction units.
- 1.5 It is proposed to provide fourteen car parking spaces, a lorry parking space and a lorry waiting space to the front of the building. In addition a mixed native hedgerow would be planted along the south-western and north-western boundaries.

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

2. Policies

2.1 National Guidance

Planning Policy Statement 1	-	'Delivering Sustainable Development'
Planning Policy Statement 4	-	'Planning for Sustainable Economic Growth'
Planning Policy Guidance Note 7	-	'Sustainable Development in Rural Areas'
Planning Policy Guidance Note 13	-	'Transport'

2.2 Herefordshire Unitary Development Plan 2007

S1	-	Sustainable Development
S2	-	Development Requirements
DR1	-	Design
DR2	-	Land use and activity
DR3	-	Movement
DR4	-	Environment
DR13	-	Noise
S4	-	Employment
E8	-	Design Standards for Employment Sites
E11	-	Employment in the Smaller Settlements and Open Countryside
LA1	-	Areas of Outstanding Natural Beauty
LA6	-	Landscaping Schemes
T6	-	Walking

3. Planning History

3.1

- DCNE2005/0084/F- Retrospective application for change of use of former agricultural buildings for furniture manufacture - Permitted 28/02/2005
- DMNE/092470/F - Proposed extension to joinery workshop - Withdrawn 8/12/2009

4. Consultation Summary

Internal Council Advice

4.1 The Environmental Protection Manager states:-

"I understand that concerns have been raised as regards noise pollution and air pollution due to smoke and dust emissions.

The applicant has submitted a noise assessment which concludes that the new building with suitable noise insulation will not produce noise levels that would be likely to give rise to complaints and will make a marginal improvement to existing noise levels. It further demonstrates that with suitable attenuation of dust extractors that there will be a significant improvement to the noise levels experienced by neighbours. I am satisfied with the methodology and conclusions of this assessment.

Dust emissions can be controlled by proper use of dust extraction and arrestment plant and by restricting all dusty work to the inside of the building. The applicant advises that a new housekeeping regime is now in place as regards the maintenance and inspection of dust extraction units. If however nuisance is caused by badly maintained equipment the Council can require that remedial action is taken by use of the powers available to it by the Environmental Protection Act 1990.

Smoke is caused by both the burning of wastes on bonfires and by the use of wood burner to provide heating. Nuisance caused by bonfires can be adequately controlled by the above mentioned legislation and controls also exists in the form of waste management regulations enforced in the main by the Environment Agency.

The applicant advises that it is proposed to install a new more efficient wood burner and to discontinue the use of green water resistant MDF which has been problematic. The Environmental Protection Act 1990 also provides the Council with controls in this situation.

In conclusion I would have no objection to an application for this extension but would recommend that conditions are attached to any permission requiring adequate insulation of the new building, restricting hours of work to daytime and to normal work days, and prior approval of a scheme of dust and fume extraction to be used in the new building with a restriction on working in the open air”.

And further states:-

“I can confirm that I have no objection to the proposal. I would add that the new wood burner is of sufficient capacity to fall within the remit of the requirements for prior authorisation under the Control of Pollution Act 1993 which will ensure that it is capable of operating in an acceptable manner”.

4.2 The Transportation Manager has no objections.

4.3 The Public Rights of Way Section has no objection.

5. Representations

5.1 Colwall Parish Council has no objections.

5.2 The Malvern Hills AONB Partnership are concerned as to the visual impact of the proposal and consider that if permitted the development should be the subject of an appropriate landscaping scheme.

5.3 Objections have been received from the occupiers of forty dwellings on the following summarised grounds:-

- The impact of odour from smoke;
- Noise impact;
- Unacceptable levels of dust;
- The proposal goes against the permission granted in 2005 which only allowed the Nissan huts to be used for storage and not used for manufacturing processes;
- Visual impact of the development from the public footpath and upon the Malvern Hills Area of Outstanding Natural Beauty generally;
- Undue levels of traffic generation and damage to verges;
- Burning of waste on the site;
- Inadequate turning/manoeuvring areas;
- Impact of parking on residential amenity;
- The proposal is contrary to policy LA1 of the Herefordshire Unitary Development Plan 2007; and
- The local highway network is not adequate to cater with the traffic generation.

5.4 Twenty-one letters of support from local residents, employees and suppliers have been received on the following summarised grounds:-

- Expression of support for a successful local business that creates employment and high quality craftsman;
- The plans would reduce noise;
- No problems have been experienced with regard deliveries;
- The business provides skilled employment opportunities within Herefordshire;
- The current business should be encouraged to expand – it exemplifies the skills we once excelled at;
- The extension will assist in facilitating more efficient productivity the current workspace is cramped and achieving high quality finishes is difficult when the cabinet makers are creating dust.

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

6. Officer's Appraisal

6.1 The application site lies outside of the defined village envelope of Colwall within the open countryside. However, the site is in relatively close proximity to the village within reasonable walking and cycling distance.

6.2 For some considerable period of time both Central Government advice and Development Plan policies have encouraged the re-use of rural buildings for employment related purposes. This not only provides employment to rural areas but assists in creating a sustainable pattern of development where employment opportunities are relatively close to a residential workforce. Rural areas not only require housing but also employment opportunities. It was under the auspices of this general policy approach that the original planning permission was granted.

6.3 The business that occupies the building has proved a success and provides valuable employment opportunities. Indeed given the scale of the existing building employment densities/ratios are high.

6.4 The operator of the business now wishes to extend the building. It is stressed that it is understood that there would not be a corresponding increase in activity (e.g. vehicular movements). The need for the extension primarily arises from a need to improve the existing working conditions (i.e. areas) and to facilitate the high quality finishing of the furniture. It is understood that at present conditions are so restricted that it can prove challenging to finish furniture to an adequate standard when furniture is being lacquered/varnished and dust created in close proximity. In the medium - term it is anticipated that a further 4 full-time members of staff may be employed. In that respect the proposal is small scale in character.

6.5 Both the proposed extension and the resultant building are not of a major scale, being less than 1,000 sq metres.

6.6 Critically the proposed extension lies within the existing lawful site boundaries and as such does not involve any extension upon the open countryside. This accords with the thrust of Planning Policy Statement 4. The siting of the building parallel to the existing building is logical with its ridge running in the same direction. Whilst the floorspace of the building may not be considered small in scale the building's height and mass is considered to be modest in scale. Its height to ridge of some 4.6 metres is less than many bungalows and akin to the eaves height of many two storey houses.

6.7 Given the limited height of the proposed extension and the intervening distance with the front elevation of the dwelling known as Hoe Farm, which is in excess of 17 metres, it is considered that there would be no undue loss of sunlight and/or daylight to habitable rooms within that property. Whilst the building would be visible, it would be single storey. The proposed colour of materials is also considered to be appropriate to the countryside setting.

- 6.8 In addition, it is proposed to plant a native hedgerow running in the gap between the boundary with the dwelling known as Hoe Farm and the proposed extension. Furthermore it is proposed to plant a hedgerow to the rear of the proposed building softening any impact visual impact from the countryside to the north-west.
- 6.9 It is my view that the visual impact upon the Area of Outstanding Natural Beauty would be limited and acceptable. Furthermore it is considered that the proposal will assist in facilitating the economic well-being of this designated area and its community.
- 6.10 The occupiers of the dwelling known as Hoe Farm have legitimate concerns with regard potential noise impact. It is for that reason that the applicant was required to submit a full noise assessment. That report, audited by the Council's Environmental Protection Manager demonstrates that the proposed extension would provide an acoustic barrier to any existing noise break-out from the existing building and that the new building will be constructed in such a manner that the occupiers of the dwellinghouse known as Hoe Farm would not suffer any undue loss of amenity by way of noise. Critically no opening is proposed in the south-western side elevation facing the dwellinghouse known as Hoe Farm. In addition, the walls will be insulated internally by 60mm Kingspan composite plus 18mm ply whilst the roof would be insulated with 80 mm Kingspan Composite plus 15 mm plasterboard. The provision and subsequent maintenance of this acoustic protection is crucial and as a consequence an appropriate condition is attached.
- 6.11 Objectors have stated that condition 6 of the original permission that stated:-
- “The use of the Nissan huts; shown as buildings C on the plans hereby approved, shall be used for storage purposes only and shall not be used for the manufacture of furniture:
- Reason: To protect the amenities of adjacent dwellings.”
- somehow precluded any form of manufacturing process being carried out in this area in perpetuity. That is not the case. A planning condition can only be used to control the development before the Local Planning Authority at that time. It cannot be used to form decisions upon any future application that an applicant may make. My interpretation of the condition was due to the light-weight construction of the Nissan huts and the fact that they probably had poor noise insulation properties, a condition was imposed to effectively prevent their use by potentially noise generating processes. Clearly what is now proposed is materially different; being the demolition of the Nissan huts and the erection of a purpose built building incorporating appropriate acoustic protection.
- 6.12 Local residents have raised concern as to odour arising from incineration of wood off-cuts and carrying forms of medium density fibreboard (mdf) within the existing building. This incinerator is used as a heat source to the existing building. Being within the existing building this is not a matter under consideration. Furthermore any suggested odour nuisance is a matter to be controlled by the Environmental Protection Act 1990 (as amended). This has been confirmed to me by the Environmental Protection Manager. The applicant has confirmed that no moisture resistant mdf will be incinerated on the premises and no waste products arising from sources other than these premises will be used. Furthermore it is the applicant's intention to install a new wood burner in the existing building in the short-term. The Environmental Protection Manager has confirmed that the new wood burner will be of sufficient capacity to fall within the remit of the requirements for prior authorisation under the Control of Pollution Act 1993, which will ensure that it is capable of operating in an acceptable manner. It is a fundamental premise of Planning Law that planning legislation should not be used to control matters controlled by other legislation.

- 6.13 It is understood that the majority of the employees arrive by car in the morning and depart by car in the evening. One employee may go out at lunchtime. The operator of the business may go out twice a day. With regard to service and delivery vehicles it is understood that there are on average 24.5 such movements a week. Of these there are only some 3 vehicle movements per week of vehicles in excess of 7.5 tonnes. References to movement numbers include in and out – therefore one delivery of timber equates to 2 movements. The local highway network is considered to be adequate to cater with the number of vehicles generated by the existing and proposed business. It should be stressed that the proposed building would allow the business to stock a greater amount and range of timber, veneers, sheet materials, abrasives, fittings and packaging materials thus leading to a reduction in the number of deliveries. However, a forecast increase in sales and staff is anticipated such that the net effect would mean no material change in the number of vehicle movements. However, there should be lesser heavy/large vehicle movements. The visibility splays are good at the vehicular means of access onto the Mathon Road. The Transportation Manager considers the vehicle parking and manouvering areas to be satisfactory.
- 6.14 The Public Rights of Way Section has not objected on the basis of the enjoyment of the public footpath being adversely affected.
- 6.15 In conclusion, the proposal represents an extension to an existing rural business that provides valuable high skilled employment opportunities. The development is confined to the existing planning unit and it is considered that the environmental impact can satisfactorily controlled by way of appropriate conditions.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1 A01 Time limit for commencement (full permission)**
- 2 Prior to commencement of the development hereby permitted the following matters shall be submitted to the Local Planning Authority for their written approval:-**
 - Written details including a colour chart and the appropriate British Standard Paint number of the paint colours to be used on the wall and roof materials**

The development shall not commence until the Local Planning Authority has given such written approval. The development shall be carried out in strict accordance with the approved details and thereafter maintained as such.

Reason: To ensure a satisfactory appearance to the development.

- 3 Prior to the first use of the extension hereby permitted, its south western elevation shall be constructed in full accordance with the recommendations as set out in the Noise Assessment dated 22 January 2010 and shall include the further specified noise insulations measures comprising 60mm Kingspan composite plus 18mm ply to the walls and 80 mm Kingspan Composite plus 15 mm plasterboard to the roof unless otherwise agreed in writing by the local planning authority. Thereafter the noise insulation measures shall remain in-situ and be maintained to the satisfaction of the Local Planning Authority;**

Reason: To safeguard the amenities of the occupiers of the dwelling currently known as Hoe Farm to the south-west.

- 4 No additional doors, windows, openings or voids of any kind shall be inserted, placed or formed in the south-western elevation of the building hereby permitted**

without the prior written consent of the Local Planning Authority;

Reason: To safeguard the amenities of the occupiers of the dwelling currently known as Hoe Farm to the south-west.

- 5** Prior to the first use of the new building hereby permitted the dust extraction units upon the existing workshop building shall be sound proofed in accordance with the scheme detailed upon the relevant drawing received on 29 January 2010 and shall thereafter be maintained to the satisfaction of the Local Planning Authority.

Reason: To safeguard the amenities of the occupiers of the dwelling currently known as Hoe Farm to the south-west.

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

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

Nor at any time on Sundays, Bank or Public Holidays.

Reason: To safeguard the amenities of the occupiers of the dwelling known as Hoe Farm and 'Fox Grove'.

- 7** The resultant building shall be used for the manufacture and finishing of furniture and as a joiners workshop only (including any other purpose in Class B2 of the Town and Country Planning (Use Classes Order) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reasons:

- a) To safeguard the occupiers of the dwelling currently known as Hoe Farm to the south-west; and
- b) To ensure that the level of parking provision is sufficient and that the local highway network is adequate to cater with the level and type of vehicular movements.

- 8** Prior to the first use of the building hereby permitted the vehicle parking, turning and manoeuvring areas for vehicles shall be laid out with appropriate markings and fully implemented. Thereafter these areas shall be kept available for such use.

Reason: In the interests of highway safety.

- 9** Prior to the first use of the building hereby permitted the new septic tank detailed in the application submission shall be installed and thereafter maintained.

Reason: To ensure adequate non-mains sewerage arrangements.

- 10** There shall no open storage outside the confines of the building:

Reasons:

- a) To safeguard the visual appearance of the area; and
- b) To ensure that the occupiers of the dwelling currently known as Hoe Farm to

the south-west do not suffer an undue loss of amenity.

- 11 The landscaping shown upon the approved plans shall be fully implemented in the first planting season following completion or first use of the building hereby permitted (whichever is the sooner). Any trees or plants which within a period of five years from completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that the development is satisfactorily integrated into the locality.

- 12 B01 - Development in accordance with approved plans

INFORMATIVES:

- 1 N19 Avoidance of doubt - Approved Plans

- 2 N15 Reason(s) for the Grant of PP

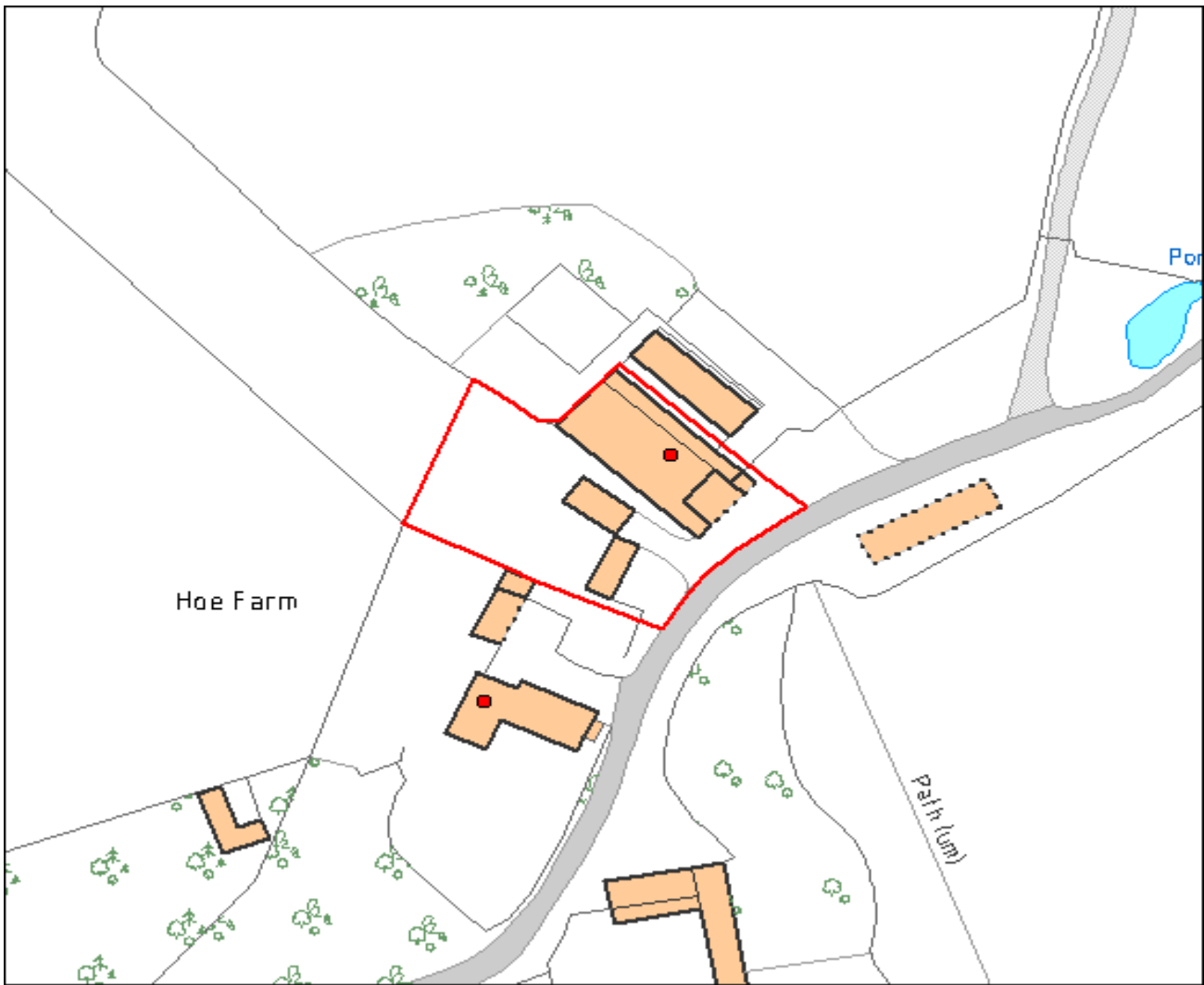
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DMNE/100188/F

SITE ADDRESS : HOE FARM, MATHON ROAD, COLWALL, MALVERN, HEREFORDSHIRE, WR13 6EP

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