

MEETING:	PLANNING COMMITTEE
DATE:	14 APRIL 2010
TITLE OF REPORT:	<p>DMNW/092650/F - PROPOSED EXTENSION TO EXISTING BUILDING AND CHANGE OF USE FROM B1 (BUSINESS USE) TO LIVE/WORK UNIT AT THE HIGHLANDS WORKS, STANSBATCH, LEOMINSTER, HEREFORDSHIRE, HR6 9LL</p> <p>For: Mr Lloyd per Mr C Campbell, 141 Bargates, Leominster, Herefordshire HR6 8QS</p>

Date Received: 18 October 2009 **Ward: Pembridge and Lyonshall with Titley** **Grid Ref: 333860,261411**

Expiry Date: 15 December 2009

Local Members: Councillor RJ Phillips

1. Site Description and Proposal

- 1.1 The application site is located in open countryside to the south east of Presteigne and West of Staunton-on-Arrow. The site currently comprises an existing workshop, used by the applicant for the purposes of agricultural engineering and manufacture of prototype machinery. A new building is currently being erected (DCNW20011472/F amended by DM092002F) which would continue this use. The existing building would revert to an agricultural use only. Access to the site is from the unclassified road (91607) approximately 600m from the junction with the B4356 that connects Kington to Presteigne via Titley.
- 1.2 The application site occupies a low lying position which benefits from mature landscaping between the site and the Unclassified 91607, along its southern and western boundaries.
- 1.3 The building that is currently being erected (in its amended form) is proposed to be used for the purposes of agricultural engineering and manufacture of prototype machinery. This application seeks permission to extend this building to include living accommodation in connection with the adjoining business in the form of a 'live/work' unit.
- 1.4 The building currently under construction would be 16m by 25m with an eaves height of 7m and ridge height of 8.6m and is sited to the west of the site. Amended plans have recently been received and the proposed extension would be sited to the south of the building, projecting southwards by 7m (including roof overhang) with a width of 15m at ground floor level, reducing to 10.9m at first and second floor levels. This element would therefore be three storey, making use of the change in ground levels across the site. The south elevation would have an eaves level of 8.2m and ridge height of 9.6m. The building would be a steel frame, clad in green profiled metal sheeting, utilising a facing brick plinth to the ground floor area of the proposed extension, to match that of the brick plinth to the already approved building. The proposed extension would introduce windows into each of the three storeys.

- 1.5 The ground floor accommodation would provide for a design office and meeting room, reception area and display space, mess room, utility, shower and wc with access and stairs to the first and second floor residential accommodation. This residential accommodation would consist of a kitchen/diner living room, WC and stairs to the second floor that would accommodate three bedrooms, two bathrooms a linen cupboard. This would total 149.6 square metres (11m x 6.8m x 2) of residential accommodation (measured externally).
- 1.6 Access and turning areas have been provided as you enter the site to the south. Access to the reception area would be to the south or east elevations. Access to the residential accommodation would be from the south or west elevations. The area to the South and west of the building would provide an enclosed garden area to serve the residential element of the proposal.
- 1.7 The application includes details of the justification for the applicant to be 'on site' and expands on the justification for a live work unit. This background and need is summarised in Section 5.

2. Policies

2.1 National Planning Policy

- PPS1 - Delivering Sustainable Development
- PPS4 - Planning for Sustainable Economic Growth
- PPS7 - Sustainable Development in Rural Area

2.2 Herefordshire Unitary Development Plan (2007)

- S1 - Sustainable Development
- S2 - Development Requirements
- S3 - Housing
- S6 - Transport
- DR1 - Design
- DR2 - Land Use and Activity
- DR3 - Movement
- DR4 - Environment
- H7 - Housing in the Countryside Outside Settlements
- H8 - Agricultural and Forestry Dwellings and Dwellings Associated with Rural Businesses
- H13 - Sustainable Residential Design
- LA2 - Landscape Character and Areas Least Resilient to Change

3. Planning History

- 3.1 NW09262002 – Variation of condition 3 of NW2001/1472/F – Approved 2 March 2010.
- 3.2 DCNW0009/1130/F – change of use from B1 (Business) to live/work unit – Withdrawn 3 July 2009.
- 3.3 NW2001/1472/F – Change of use from agricultural to B1 use (offices) with ancillary open storage, erection of (B2) workshop – Approved 29 August 2001.

4. Consultation Summary

4.1 Statutory Consultations

No Statutory or Non-Statutory Consultations required.

Internal Council Advice

- 4.2 The Head of Environmental Health makes the following comments and recommends conditions:

According to our records the site had a former railway running through the southerly part of the site. The site is currently used for engineering purposes and the proposal is for the site to become a live/work unit. Residential land use is more sensitive land use in terms of contaminated land assessment.

Engineering works are included in the list of uses in Planning Policy Statement 23 which may historically have contaminated, or have the potential to contaminate the land they are sited upon. Therefore a contaminated land investigation should be required to assess the nature and extent of any contamination and propose any remedial works to ensure that the site will be made suitable for use.

I would therefore recommend that should planning permission be granted a contaminated land condition should be applied to the permission to require a phased contaminated land assessment should be undertaken in accordance with good practice guidance.

- 4.3 The Transportation Manager raises no objection to the grant of permission.

5. Representations

- 5.1 A Design and Access Statement accompanied the application that can be summarised as follows:

The application included details on the 'need / justification' for the proposal as follows:

- The lack of a design office available out of hours is holding back progression and development of the business. It would make it more efficient which is the key to success.
- The growth and success of the business is dependent upon new and innovative designs, often responding quickly, overnight, to customer demand or issue.
- Ideas do not always come between the hours of 6am and 6pm. As an inventor and entrepreneur, Mr Lloyd has a multitude of ideas that he is developing and design issues that he is trying to resolve. Conceptual design work is best done uninterrupted and during the working day this is not always possible due to customer meetings, calls, and business demands. Having living accommodation attached to the design office will allow him to work uninterrupted in the right environment and with the right resources and equipment.
- Living off-site and trying to split home and work sites is not efficient. Mr Lloyd has to constantly transfer equipment and data between work and home which is impractical and not always possible. It leads to a duplication of office equipment, stationery and software and it is not possible to have all the same resources and information available at home to support the design work.
- Time spent travelling, unlocking and locking security gates and not having the correct resources is restricting the growth of the business. Being on site would give the applicant more time to spend on the business.
- Equipment reliability and performance testing also needs to be carried out and by its nature this needs to continue for long continuous periods (eg 24 hours).

- Work is commissioned and executed at short notice. Owing to the creative nature of the work, issues arising during the day must be resolved overnight in order not to encroach on production time the next day.
- Marketing and enquiry follow-up occupies evenings and weekends. Mrs Lloyd is involved in this work in producing marketing materials, operator manuals and certification and also as a French translator, dealing with European Union enquiries. Sales are being made in and commissions received from the UK, USA the Czech Republic and Ireland: enquiries are regularly received from other countries, including Canada, France, Spain and Portugal. Telephone conversations and email exchange with differing time-zones are facilitated by the live/work concept.
- A brief overview the accounts have been provided.
- The existing use generates 4 to 6 visits per fortnight from clients for the purpose of commissioning engineering work, viewing progress and discussing design ideas
- This firm (since 1998) specialises in profiling, welding, fabrication and agricultural engineering. It served a number of regular local customers and has recently developed new products for use in the recycling and geothermal heat source industries.
- The firm has devised a rotary screening-bucket/riddle-bucket primarily for recycling construction waste materials and is developing a range of “star” screening buckets that are commonly used for compost and topsoil. These share technology with agricultural de-stoning equipment, and build upon his agricultural engineering background in developing these new applications.
- This proposal reads as a rural building in terms of scale, mass, height and design and materials. The building under construction remains the dominant feature. The proposals provides a garden that is well screened from distant neighbouring properties.

5.2 Titley and District Group Parish Council make the following comments:

- The proposals to do not appear to make any significant visual or environmental impact above and beyond the existing structures which have already been supported by the PC and previously approved.
- If anything the proposals are both a tidying up exercise and will provide better working conditions for all concerned.
- As with the original application, the Parish Council wishes to endorse the County Council’s principles of promoting local people trying to make their businesses sustainable provided that there are no adverse attributes affecting the community.
- It is understood that there may be one or two objections, although the substance of these is not known – all residents within the area have been contacted (although only two properties can be seen from the site) as is usual.

5.3 Letters of objection have been received from Mr Douglas Crowley whose comments can be summarised as follows:

- Buildings and businesses of his nature should be situated on one of the nearby industrial estates which are expressly for the purpose with relevant transport and security facilities.
- Works have been undertaken already not in accordance with the permission and retrospective planning sought (building in different place and higher)

- A building of this nature is out of place in the open countryside
- The family currently live in Tenbury wells. This is their choice. They do not have to live there and could live closer in Shobdon, Kington, Presteigne, Pembridge? These would reduce travelling and opening up time.
- We all live in an international environment and have to deal with different time zones. We all take work home with us and wake in the night with inspiration and need to jot things down. There is nothing unique to Mr Lloyd in this. There is no need to live on site to do this. It is the 21st century and have access to laptops, internet and networking in the home/office or other.
- The business is already viable and successful without being on site.
- If 24 hour testing is required (as suggested) then the operation should be moved. The hours of use under the current planning application restrict such activity.
- The nature of Mr Lloyd's business does not justify that there is a need to be on site.

5.4 Letters of support have been received from:

- WB and AD Morgan (Water Resource Development)
- Mr John Weaver, Bramley, Staunton-on-Arrow
- Mr Andrew Burton, Old Court Farms, Staunton-on-Arrow
- Mr AJ Norman, The Leen, Pembridge
- P R Sankey, Oatcroft, Titley

These letters can be summarised as follows:

- Clients of Mr Lloyd providing examples of the work he undertakes for them e.g. – Designing and developing new and innovative drilling techniques and equipment; fabrication of bespoke rescue tools to recover lost machinery from bore holes; design and manufacture plant or machinery needed ensuring critical planting and harvesting operation; has great skill at problem solving.
- We expect short lead times and immediate service. With Matt living on site he will be more able to design and produce such items at very short notice, whilst still being able to maintain a good work / life balance.
- This will give the business greater capacity to fulfil the orders he receives and do smaller jobs on the side.
- Give him greater flexibility to run the business and have time outside of his work commitments.
- The building is appropriate in design and size for the setting and cannot envisage any impacts on the local area. The building would be small in comparison to many agricultural storage buildings seen across Herefordshire.
- Mr Lloyd and his family would be valuable members of the community. Young people are needed to live and work in the area.

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 is for the erection of an extension to a business premises that is currently under construction to provide living accommodation in conjunction with the business use. The application site lies outside of any defined settlement boundary and as such lies within the open countryside in planning policy terms.

Principle of development

- 6.2 The introduction of a residential use in this location raises matters of principle.
- 6.3 Policy H7 of the Herefordshire Unitary Development Plan requires that new residential development in open countryside locations meet one of the specified exceptions. This proposal falls to be considered having regard to whether the accommodation is a necessary accompaniment to the established or growth of a rural enterprise, and is compliant with Policy H8. Policy H8 relates to agricultural and forestry dwellings and dwellings associated with rural businesses.
- 6.4 Policy H8 requires that it be demonstrated that a long term genuine need exists for the dwelling and as an essential part of a financially viable business. PPS7 requires that dwellings associated with rural enterprises are assessed in the same rigorous way as proposals for agricultural workers dwellings.
- 6.5 The applicant has expressed his 'need' for this residential unit that would be associated with his business that is located in a rural area. The new business premises, will be used for agricultural engineering (profiling welding and fabrication) and manufacture of prototype machinery for local, national and international customers. The justification is set out in Section 5 of this report.
- 6.6 On the basis of this information, there appears to be no demonstrated need to be on site. The applicant's justification relates predominantly to the need to be near to his design office at all times of day to allow for the growth of the business. It also focuses on the convenience of working next to his place of residence to allow a reduction in the time he spends travelling to and from his home which is in Tenbury Wells. This additional time could be spent working.
- 6.7 It is not demonstrated that much of his work is local or agriculturally based or that there is any call for the applicant to be 'on call' or to have to be in his office or visit local sites as a matter of course. The application makes no reference to his need to access the associated building out of 'office hours' and in any case there is condition that states that 'No machinery shall be operated, no process shall be carried out and no deliveries taken or dispatched from the site outside the following times 8.00am – 6.00pm Mondays to Fridays and 8.00a.m and – 1.00p.m. on bank holidays more at any time on Sundays, Bank or Public Holidays'.
- 6.8 It is not explained why a design office cannot be accommodated into the applicant's home except for the inconvenience of the transfer of equipment and data between two sites and the need for the duplication of office equipment, stationery and software. This would seem to be an inadequate reason to allow a new residential property in this open countryside location.
- 6.9 On the basis of the above the application fails to demonstrate a clearly existing functional need for the proper functioning of the enterprise for one of more worker to be readily available at most times. It is therefore considered contrary to policies H7 and H8 of the Unitary Development Plan and guidance contained within PPS7.
- 6.10 The application has also failed to demonstrate that the applicant has looked for properties closer to the business. At present he travels from Tenbury Wells, approximately 20 miles from the site (approximately 45-50 minute drive). The site is just 3 1/2 – 4 miles from the town of Presteigne, 4 miles from Shobdon and 5 miles from Kington. These are all areas with a range of dwellings in differing price ranges that would provide more convenient access to the site and a significant reduction in travelling time and potential to provide a design / home office.

Further information on the subject of this report is available from Ms K Gibbons on 01432 261781

- 6.11 The application provides a brief overview of the business accounts since 2004. The information provided does not adequately demonstrate that the business is financially sound and has a clear prospect of remaining so. Nor do the accounts demonstrate that the business could maintain a dwelling of this size (approximately 150 sq m) As such the proposal for a permanent unit of residential accommodation fails to comply with policies H7, H8 and guidance contained within PPS7.
- 6.12 The provision of a design office and associated display space in relation to the building does not in principle raise any concerns.

Landscape Impact and Design

- 6.13 The premises currently under construction (approved in 2001) are already of a significant size and scale. Its slight enlargement (footprint), and reposition has recently been given planning permission. The proposed extension would appear, in character, as an extension to this building. The additional bulk and scale of the building would be unlikely to have any further impact on the landscape character of the area than the building that is under construction. The design of the building however, with the use of significant amount of windows, would alter the appearance of the building from one that could be considered agricultural to one more attributed to offices or industrial buildings within an industrial estate or built up area. As such the proposed extension, by virtue of its design would fail to enforce the distinctive character and appearance of the locality contrary to policy DR1 of the Unitary Development Plan.

Conclusion

- 6.14 The introduction of a residential use in this location, in association with the existing business, fails to demonstrate a satisfactory functional need for the residential use. In addition to this the application does not satisfactorily demonstrate that it can meet the financial test. As such the proposal fails to comply with policies H7 and H8 of the UDP and the guidance contained within PPS7 – Sustainable Development in Rural Areas. The proposed building, by reason of its design and appearance be an uncharacteristic addition, failing to respect the rural character of the area contrary to policies DR1 and LA2 of the UDP. On this basis the application is recommended for refusal.

RECOMMENDATION

That planning permission be refused for the following reasons:

- 1 The proposal is contrary to policies H7 and H8 if the Herefordshire Unitary Development Plan and the guidance contained in PPS7: Sustainable Development in Rural Areas. It is not considered that a justification for a permanent new dwelling has been made in either terms of a functional need to serve the rural enterprise or on the basis of its long term financial viability.**
- 2 The proposed extension, by virtue of its design and appearance would be uncharacteristic in its localilty and would fail to respect the rural character of the area contrary to policies DR1 and LA2 of the UDP.**

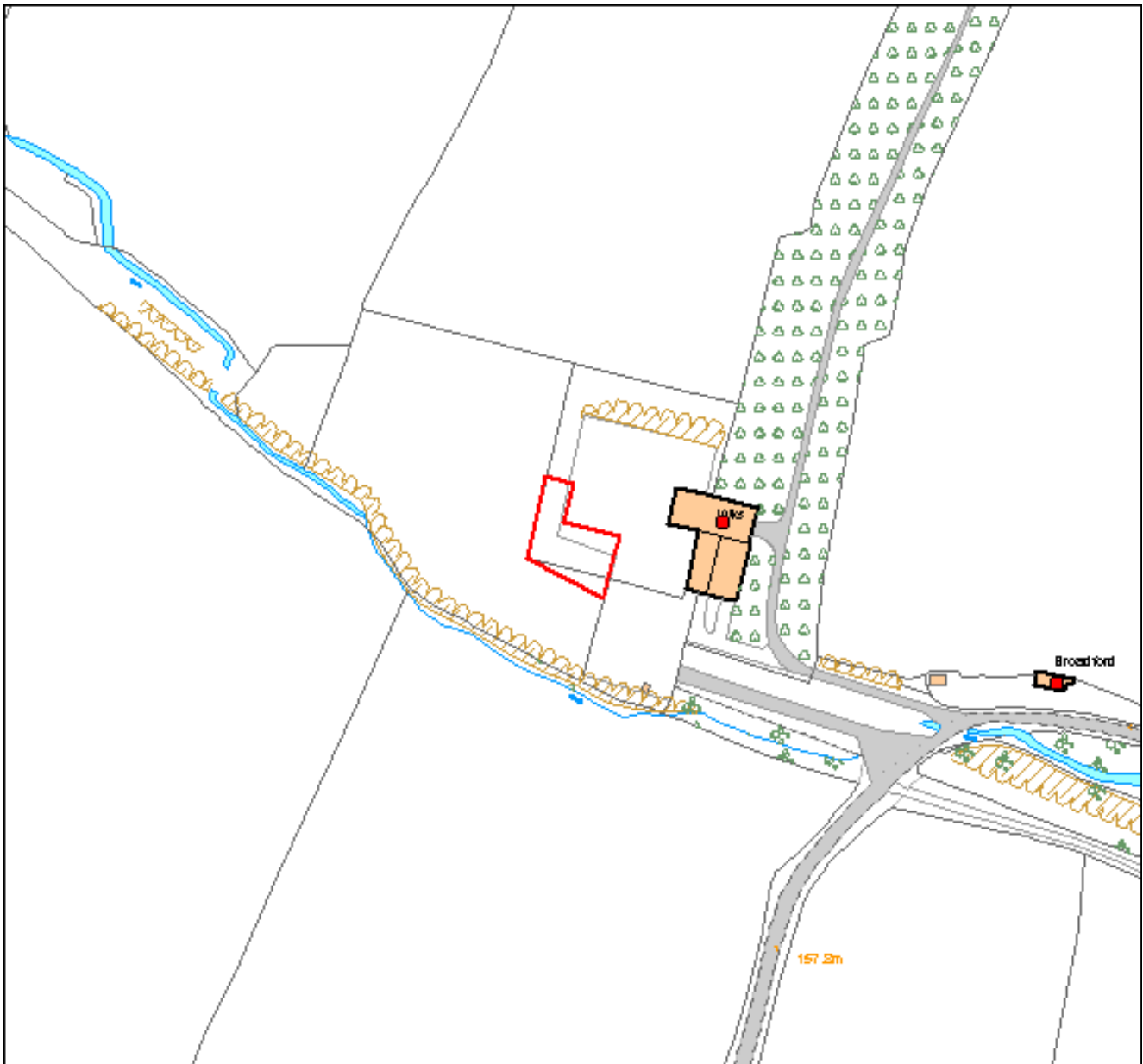
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DMNW/092650/F

SITE ADDRESS : THE HIGHLAND WORKS, STANSBATCH, LEOMINSTER, HEREFORDSHIRE, HR6 9LL

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