

<b>MEETING:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>19 SEPTEMBER 2012</b>
<b>TITLE OF REPORT:</b>	<p><b>S121611/F - CHANGE OF USE FROM AGRICULTURAL TO B2 GENERAL INDUSTRIAL - RE-USE OF EXISTING BUILDING WITH EXTENSION TO FORM WORKSHOP FOR KIT CAR ASSEMBLY AT MILL FARM BUILDING, MILL LANE, CREDENHILL, HEREFORD, HR4 7EJ</b></p> <p><b>For: Mr Bulmer per Mr Alex Coppock, Studio 1, Grange, Shelwick, Hereford, HR1 3AW</b></p>
<b>WEBSITE LINK:</b>	<a href="http://www.herefordshire.gov.uk/housing/planning/58286.aspx?ID=121611&amp;NoSearch=True">http://www.herefordshire.gov.uk/housing/planning/58286.aspx?ID=121611&amp;NoSearch=True</a>

**Date Received: 7 June 2012**

**Ward: Credenhill**

**Grid Ref: 344917,242924**

**Expiry Date: 2 August 2012**

Local Member: Councillor RI Matthews

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

- 1.1 The application site lies to the north of, and immediately adjacent to the settlement of Credenhill. With the residential dwellings comprising Ecroyd Park and Mill Lane to the north and the military base and associated buildings to the east. The building that is the subject of this application is one of a cluster used for agricultural and equestrian purposes. It is a steel portal framed building that is partially open sided at present.
- 1.2 Access to this site is via Mill Lane, a road that also serves the residential dwellings of Ecroyd Park and Mill Close, along with a number other properties. A Public Right of Way runs along the west boundary of the application site.
- 1.3 The proposal is for the adaptation, extension and change of use of one existing steel framed building for use as a workshop for kit car assembly. The physical alterations to the building include an extension that would project northward to form an L shape. The footprint of the extension would be 14m by 10m (the existing building having a footprint of 10m by 33m. The extension would follow the form of the existing building with an eaves height of 4.5m and ridge height of 5.7m. The external appearance of the building would be altered using an insulated panel system to walls with the areas of glazing to the north and west elevations (showroom / meeting area) being double glazed units. One roller shutter door is proposed to the west elevation giving access to the workshop. The roof would also be an insulated roof panel system with polycarbonate roof lights.
- 1.4 Internally the accommodation would provide a workshop, GRP fabrication area, cutting out area, parts room, office, showroom, kitchen and wc at ground floor with a small first floor storage area and formal meeting room.
- 1.5 Externally the proposals detail a turning head and parking to the north and west of the building, with further parking spaces in the area to the south.

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

1.6 The application submission included detailed information in relation to the use of the building. This is discussed in more detail within the officer appraisal. In addition to this, further information has been supplied in response to consultation responses, and these are detailed later in the report.

## 2. Policies

### 2.1 National Planning Policy Framework

Chapter 1 (Building a strong, competitive economy), Chapter 3 (Supporting a prosperous rural economy) and Chapter 11 (Conserving and enhancing the natural environment) – in particular paragraph 123 requires that decisions should aim to avoid noise from giving significant adverse impacts on health and quality of life.

### 2.2 Herefordshire Unitary Development Plan

S1	-	Sustainable development
S2	-	Development requirements
S4	-	Employment
DR1	-	Design
DR2	-	Land use and activity
DR3	-	Movement
DR13	-	Noise
DR14	-	Lighting
E8	-	Design standards for employment sites
E10	-	Employment proposals within or adjacent to main villages
T11	-	Parking provision
HBA12	-	Re-use of rural buildings

2.3 The Unitary Development Plan policies together with any relevant supplementary planning documentation can be viewed on the Councils website by using the following link:-

<http://www.herefordshire.gov.uk/housing/planning/29815.aspp>

## 3. Planning History

3.1 SH920315PF Change of use of part of an existing building for use as stabling for horses and ponies. Approved 15 April 1992.

The permission contained a planning condition restricting the operation to the applicant and immediate family only.

3.2 SH970146PF Proposed portal frame barn to be used equally as an indoor riding school and storage of hay and straw for use of Mill Farm. Approved 1 May 1997.

3.3 S111576/F Change of use from formally agricultural to B2 general industrial, re-use of existing steel portal frame building with extension to form workshops for kit car assembly. – Withdrawn 15 August 2011.

3.4 Enforcement Notice:

S121685 This appeal is made under Section 174 of the Town and Country Planning Act 1990 (as amended) against the enforcement notice reference EWN/00159/ZZ. The notice alleges an unauthorised material

change of use of the land has taken place by the stationing on the land of a mobile home for residential purposes. Appeal still in progress.

#### **4. Consultation Summary**

##### Statutory Consultees

4.1 Defence Infrastructure Organisation raises no safeguarding objections to this application.

##### Internal Consultations

4.2 The Public Rights of Way Manager confirms that the proposal will not affect the Public Rights of Way.

4.3 The Transportation Manager comments that in view of the fact that the traffic generation as submitted would be less than for open B2 usage, it is suggested that a personal condition is attached to any consent granted, limiting future use to Raw Striker.

4.4 The Environmental Health Manager makes the following comments:

Some noise data has been given, but there is no information regarding noise from testing/tuning car engines and no information regarding background noise levels at the proposed location.

Whilst there is reference to odour control, this lacks technical details.

I have no objection to the application in principal; however, I think the applicant could do more in terms of insulating the building to prevent noise affecting the nearby residential premises. I am assuming that the insulated panels referred to in the application relates to thermal rather than acoustic insulation.

The application includes proposed hours of business; however, I think it would be appropriate to apply conditions in this respect in order to prevent noise from the manufacturing process and from customer's cars at antisocial hours. Although the applicant does not propose to operate the business on Saturday mornings, I do not think it would be appropriate to prevent this by conditions, I have therefore included Saturday mornings in my proposed conditions.

I would therefore recommend the following conditions relating to the following:

- Scheme of noise attenuating measures.
- External lighting.
- Scheme of odour and fume control.
- Restriction on hours of operation of machinery/equipment.

#### **5. Representations**

5.1 Credenhill Parish Council raised an objection to the proposal as follows:

"On 18 July 2012 a parish council meeting was held and many locals attended to discuss their concerns over the Raw Striker planning application.

1. Although your comments were noted, regarding the possibility of conditions for the future expansion of the area you state that the planning application could have conditions applied to restrict the use to one, as 'being for kit car assembly' and that way should the use cease a new application would be required. You also commented on considering applying

conditions for the hours of working, details of extraction fans and external lighting. Both the parish council and members of the public have concerns for the future of this area.

2. The access to the area has not changed from the original application and as such the parish council's comments regarding this still apply. 'The access route to the site is an extremely narrow residential lane that also has a right of way that is used by walkers, children and horses. The use of lorries to deliver building materials at this stage and thereafter both numerous staff and customers gaining access will increase vehicle activity on this lane. Many children currently cycle and skateboard on the road and residents feel this will no longer be an option.' Page 9 of the Design and Access Statement refers to a study of the proposed traffic movement. Many present at the meeting felt confusion over comments that there would be a noticeable reduction in the amount of vehicles gaining access. The current figure of 424 visits per month was queried by those that live in Mill Lane and felt this was exaggerated.
3. Page 13 of the Design and Access Statement refers to the noise studies. Tests were carried out at the current premises and the parish council would appreciate knowing what this building is made of and will it be a similar structure to the proposed building? As some neighbouring properties are only 25 metres away from the building this issue continues to cause great concern to those that will be affected. I also would like to refer to Mr. Bulmer's comments on 18 January 2012 at a parish meeting, that when asked if the doors would remain shut during hot weather, Mr. Bulmer replies 'not always'. So noise would obviously increase at these times.
4. The comments in the Design and Access Statement regarding providing local employment were misleading, as Mr. C. Bulmer confirmed in a meeting held on 18 January 2012 that current staff would move to the new premises and comprises of just four. So local employment is unlikely.
5. Locals are also concerned that the proposed building is extremely close to the existing equestrian centre. Their concerns are regarding fire safety and the possibility of causing stress to the horses within this building.

5.2 29 letters of objection have been received from local residents. These letters raise the following issues and concerns:

- Highway Safety
  - Use of lane in combination with equestrian use of other buildings
  - Minimal traffic / decrease seems unlikely
  - Conflict with pedestrian movements along lane
  - Conflict with school children going to and from school
  - Potential increase in traffic from 'spares and repairs'
- Noise, Disturbance and Odour
  - What assurances are there that there will be no disturbance from machinery / movements around the site. Has testing been carried out on the existing business and what were the results?
  - Potential for disturbance to nearby residents who are only 25m away, as well as impact on neighbours along Mill Lane from additional traffic.
  - Running and testing of cars and their engines? How will this be controlled and how can you be sure it will not impact?
  - Impact on horses / animals that may be frightened.
  - What benefit would this have locally as it is just transferring jobs from the existing factory? No benefit to Credenhill.

- Potential odour pollution for processes
- Potential noise from radios / music
- Other issues
  - Concern about the other buildings on the site and their future use.
  - Cumulative impact of these.
  - Have alternative sites been considered? e.g. enterprise zone / existing business buildings elsewhere.
  - What happens if the business outgrows the building?
  - Only a small workforce so no economic benefit to village.
  - Impact on wildlife in the area.

5.3 A petition (20 signatures) in support of the application has also been received.

5.4 The consultation responses can be viewed on the Council's website by using the following link:-  
[www.herefordshire.gov.uk/housing/planning/searchplanningapplications.aspx](http://www.herefordshire.gov.uk/housing/planning/searchplanningapplications.aspx)

Internet access is available at the Council's Customer Service Centres:-  
[www.herefordshire.gov.uk/community\\_and\\_living/consumer\\_advice/41840.asp](http://www.herefordshire.gov.uk/community_and_living/consumer_advice/41840.asp)

## 6. Officer's Appraisal

### 6.1 Officers Appraisal

The key issues for consideration are:

- The principle of development
- Design and appearance
- Impact upon amenities of nearby residents (noise, disturbance, odour and fume)
- Highway safety and impact
- Parking provision
- Flood risk

6.2 Policy E10 of the Herefordshire Unitary Development Plan (HUDP) states that proposals for employment generating uses within or adjacent to the main villages will be permitted providing that proposals are in keeping with the character of the settlement, and that the level of development can be clearly related to the employment needs of the local economy. It is also required that alternative sites within the settlement are explored and that where possible, proposals would make use of previously developed land and buildings in preference to greenfield sites.

6.3 The application site lies immediately adjacent to the main settlement of Credenhill, would provide a small scale employment use (Currently 4 / 5 posts) and is well related to the settlement. The works required to bring the building back into use are quite substantial as it is largely open sided at present but will provide the required insulation to modern building standards. An extension to the building is also required, albeit relatively small in scale, to facilitate the use. None the less it is using previously developed land and is immediately adjacent to the settlement.

6.4 Representations submitted in response to the application question the benefit of the development to Credenhill residents and economy as it is not envisaged to create new jobs as staff will transfer. Job creation and retention in the local economy (Hereford / Herefordshire) is also important and may offer job opportunities in the future. Whilst there may be land available in Herefordshire for this type of use the proposal would generally comply with the

requirements of policy E10 that seeks to locate developments of this nature on sites within or adjacent to the city or main settlements. The proposal also complies with the spirit of policy HBA12, in that it is the re-use of an existing building.

- 6.5 The design of the building is such that it ensures minimal alterations and achieves a simple form, restricting the numbers of openings, and keeping glazing to a minimum, apart from the entrance to the building. The building has been orientated so that the entrances are away from the neighbouring properties. The enlarged building would ensure that there is no necessity for outdoor storage.
- 6.6 The building itself would read as part of the wider complex of buildings and is relatively small in size and scale and would not be obtrusive in the landscape context nor to any of the nearby dwellings. The design is considered to be appropriate for the use and the context and as such would comply with the requirement of policy DR1 of the HUDP.
- 6.7 The design of the building has also been influenced by the concern regarding the potential impact upon the amenities enjoyed by the local residents on Mill Lane and Ecroyd Park. The key concerns have been outlined in the report above and relate to the potential for adverse impacts by way of noise, odour and fumes.
- 6.8 The processes that are involved with the manufacture of the product and have been described within the application as being divided into three areas (as per submission):

#### **Assembly of car**

*The cars are component based; all the necessary parts are assembled onto a space frame chassis which are manufactured off site. Limited air tools are used within the process. The process is all clean work, without causing any noxious materials within the process. The noise produced by the air tools would not be able to be easily heard outside the building. The waste products associated with this are limited to packaging from the components used, and small amounts of waste materials which arise from the drilling and cutting that is associated with their fitting.*

#### **Moulding of GRP body parts.**

*This involves the laying of glass fibre strands into a series of preformed moulds, and then bonding into a composite durable self coloured material through the use of a resin gel. This area will require good mechanical ventilation when in production. The ventilation will be linked with a filtration system, which will prevent any fumes that can be associated with the production escaping to the atmosphere. The inlet and outlet grills required, have been located on the South elevation of the building which is the furthest away from the residential area to the North.*

#### **Repair and Testing of finished cars.**

*Each finished car needs to be thoroughly tested onsite prior to being sold. This involves running the engines within the plant, to ensure proper mechanical operation, and to ensure that the emissions from the engines are below the level permitted by specialist regulations. This process involves running and light revving of the engine, which creates a limited amount of noise for short periods. However, like the process of assembly. It would not be able to be easily heard outside the building.*

*Similar services are offered for existing customers, as well as general servicing of existing cars. This involves the changing of oil, which produces a small amount of waste oil. The disposal of this, however, is properly undertaken by specialist waste transfer contractors.*

- 6.9 As a result of this the Environmental Health Officer considered the proposals and the potential impact, and also had sight of the objections to this proposal before making his comments. No objection was raised to this proposal, but conditions were recommended. As such, on the basis of the information submitted and as long as the appropriate conditions were imposed, the proposed development would comply with the requirements of policies DR2, DR13 and DR14 of the HUDP and the proposal would not adversely impact upon the amenities of nearby residents. In consideration of the future, it is also recommended that permitted development rights are removed to ensure that further extensions or alterations cannot be made without permission.
- 6.10 In addition to the above further details were submitted to the Local Planning Authority for consideration and to provide greater assurances in relation to the effect upon the amenities of neighbouring residents:

*Noise attenuating measures*

*In terms of mechanical equipment we would work with an acoustic specialist to measure existing background noise levels before and after completion of the works, and they would assist in designing the ventilation attenuation equipment to achieve the above proposed criteria.*

*We have also undertaken site testing of the cars, running them in a shed of the same construction in order to convince ourselves that no adjacent properties will be disturbed from noise generated by the scheme. Having conducted these tests we are happy that any noise that can be heard immediately outside the shed is very low at a distance of 2m. At a distance of 25m the noise level was back down to ambient background noise level. The residents are more likely to be disturbed by neighbouring cars pulling off a drive of adjacent residential houses. It should also be noted that the proposed building is for the assembly of cars and engine testing occurs very infrequently and is limited to simply ensuring that the engine is fully operational. (The Noise tests were carried out using a calibrated TES 13504 Sound Level Meter).*

*External lighting.*

*A lighting plan has been submitted which shows the proposed location of external luminaries. The purpose of these would be to allow emergency egress as required by the Building Act. But they would also provide a minimum level of security illumination for the site. The sensors used to operate these would be calibrated to prevent the lights being triggered by small mammals. The locations of all these fittings have been placed to cause minimum disruption to the adjacent owners.*

*Scheme of odour and fume control.*

*To ensure that any fumes and odours are properly discharged and in the interests of the amenities of residential property and to comply with Policy DR14 of Herefordshire Unitary Development Plan, the applicants have stated that they would appoint a firm that specialise in the design of Mechanical and Electrical installation and that can commit to design and oversee the correct installation of equipment that would:*

*3.1. Remove particulate matter generated from fibre glass working, prior to air being exhausted to atmosphere. This would be achieved by filtering the exhaust air prior to discharge.*

*3.2. Vehicle exhaust emissions would be diluted by mixing with clean air from within the building, and then discharged to ensure the dispersal of vehicle exhaust fumes so as not to cause nuisance to adjoining properties.*

*3.3 All ventilation systems would be equipped with atmospheric attenuation on inlet and discharge ducts, in order to limit the noise emissions such that the ambient noise level is limited to no more than NR45 at 3m from the emission sources (provided existing background noise levels at the measurement position are no higher than this limit).*

*3.4. All ventilation systems would be designed to comply with COSHH Regulations to ensure the protection of employees and visitors from exposure to substances harmful to health. In this instance, this is vehicle exhaust emissions and air borne fibre glass particulate.*

- 6.11 The Councils Environmental Health Officer has been consulted on these additional assurances and officers will provide an update for Members prior to the meeting. However, it is considered that these details can be successfully addressed through the imposition of conditions.
- 6.12 Another key issue for consideration relates to the potential impact of the development on the local highway network, namely Mill Lane. The previous use of the entire site was as an equestrian livery yard with approximately 105 car visits and 1 tractor visit per week. Before this it was used as a riding school and livery that was subject to 2 major deliveries (with 7.5 ton lorry) and around 210 livery customer visits and 35 pupil visits per week. This information is useful when compared to the proposed estimates for RAW workshops that suggest an estimated 30 car visits and 5 van visits per week. This would comprise of RAW staff who arrive by car between 8 am and 9am and depart at 5pm. Deliveries to the site would be limited to six deliveries / pickups in the form of a transit or similar and three customer visits with a single accompanied test drive. This would give a total of 140 movements per month. Even when taking into account the unauthorised livery use on the remainder of the site, the number of movements is significantly less than the original livery / riding school uses. The Transportation Manager has raised no objection subject to this being a personal permission. An unrestricted B2 use on this site undertaking a different operation could have a significantly higher number of movements or staff and as such may not be acceptable. A condition to this effect is recommended.
- 6.13 Concern has also been raised about conflict between pedestrian and vehicle movements along the relatively short stretch of single width access to the site. This is a straight section of highway, with good visibility along the highway to the PROW. The traffic movements proposed would not alter the current or previous relationships and this potential conflict is not considered to be sufficient to warrant a reason for refusal of the application.
- 6.14 The proposal also includes full details of parking and turning with the site and is considered to be sufficient for the size and scale of the development. Conditions are recommended in respect of car park surfacing, drainage and provision prior to first use. As such this would comply with the requirements of policy T11 of the UDP. The PROW would be unaffected by this proposal, with the legal line being alongside the access.
- 6.15 The site is shown to lie within a Flood Zone 2 / Flood Zone 3 area but it has been confirmed that due to the Yazor Brook Flood Alleviation scheme, that has now been completed, the site no longer falls within these flood risk zones and as such the requirements of policy DR7 would not apply.
- 6.16 Local residents have also raised concern about nature conservation / biodiversity of the area. Given the open nature of the building and the controls that would be imposed by way of conditions, the risk to biodiversity from this use is considered to be minimal. An informative in respect of matters relating to biodiversity is suggested.
- 6.17 The proposed development, by virtue of its siting, design and location adjacent to a main settlement is considered to be a sustainable form of development that is acceptable and in accordance with the principles of Policies S1, DR1, E8 and E10 of the HUDP. The key concerns relating to this proposal are the impact of the use on the amenities of neighbours and



the impact upon the immediate highway network. It is considered that the proposed development, for the use proposed, and with a personal permission and strict controls on use, emissions, noise, and working hours, would represent a form of development that would comply with the requirements of Policies DR2, DR13 and DR14 of the HUDP. Conditions would also be required in relation to the provision of parking within the site to ensure adequate provision in accordance with Policy T11. Furthermore the National Planning Policy Framework supports the delivery of employment based opportunities in sustainable locations subject to appropriate consideration being given to ensuring that the effect on living conditions are not significantly adverse. Having regard to the above, it is considered that the proposal can be recommended for approval subject to the relevant conditions suggested below.

## **RECOMMENDATION**

**That planning permission be granted subject to the following conditions and any others deemed necessary following further advice from the Environmental Health Officer:**

- 1. A01 Time limit for commencement (full permission)**
- 2. B02 Development in accordance with approved plans and materials**
- 3. F14 Removal of permitted development rights**
- 4. F26 Personal condition**
- 5. F06 Restriction on Use**
- 6. Prior to the commencement of development a scheme of noise attenuating measures shall be submitted to and be approved in writing by the local planning authority. The approved scheme shall be implemented before the first use of the development to which it relates commences and the measures shall be retained for the duration of the use. The scheme to include a suitable enclosure for the compressor and any other noise generating machinery or process that may be audible at nearby occupied dwellings.**

**Reason: To safeguard the amenity of the area in compliance with Policy DR13 of Herefordshire Unitary Development Plan.**

- 7. I33 External lighting**
- 8. I39 Scheme of odour and fume control**
- 9. No machinery, including running engines for the purpose of testing or tuning, shall be operated on the premises before 8.00 am on weekdays and 8.30 am on Saturdays nor after 5.00 pm on weekdays and 1.00 pm on Saturdays, nor at any time on Sundays, Bank or Public Holidays.**

**Reason: To safeguard the amenity of the area and to comply with Policy DR13 of Herefordshire Unitary Development Plan.**

- 10. I16 Restriction of hours during construction**
- 11. CB8 No open air operation of plant/machinery/equipment**
- 12. H15 Turning and parking: change of use – commercial**
- 13. H29 Covered and secure cycle parking provision**

**Reason for Approval:**

1. The proposed development, by virtue of its siting, design and location adjacent to a main settlement is considered to be a sustainable form of development that is acceptable and in accordance with the principles of policies DR1, E8 and E10 of the Herefordshire Unitary Development Plan. The key concerns relating to this proposal are the impact of the use on the amenities of neighbours and the impact upon the immediate highway network. It is considered that the proposed development, for the use proposed, and with a personal permission and strict controls on use, emissions, noise, and working hours, would represent a form of development that would comply with the requirements of policies DR2, DR13, DR14 and E8 of the Herefordshire Unitary Development Plan. Conditions would also be required in relation to the provision of parking within the site to ensure adequate provision in accordance with Policy T11. The proposal would as a result be consistent with the guidance provided by the National Planning Policy Framework which supports sustainable economic growth where appropriate consideration has been given to the effect of development upon the health and quality of life of neighbouring residents.

**Informative:**

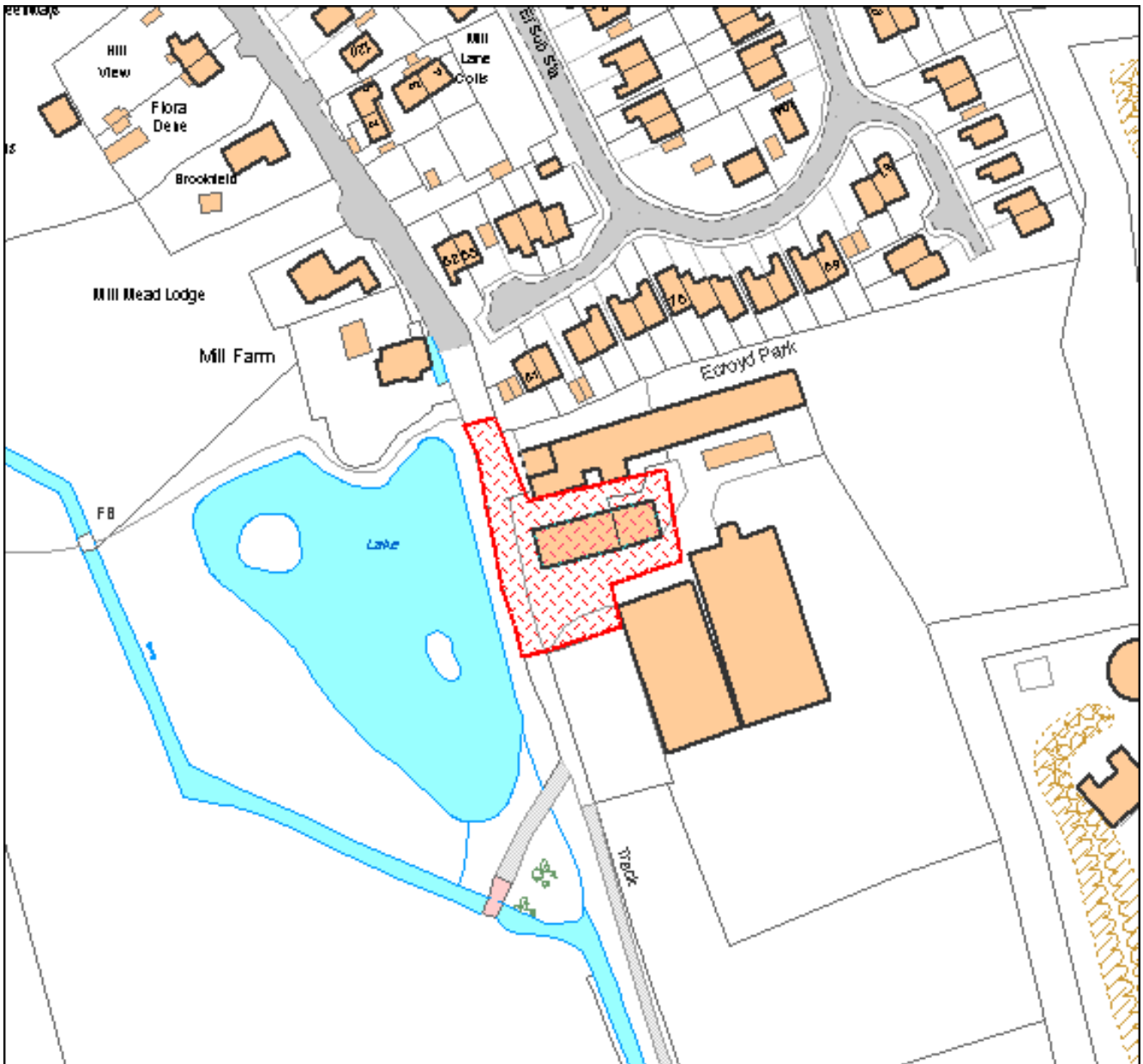
1. NC11 General

Decision: .....

Notes: .....

**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** S/121611/F

**SITE ADDRESS :** MILL FARM BUILDING, MILL LANE, CREDENHILL, HEREFORD, HR4 7EJ

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