

<b>MEETING:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>15 JULY 2015</b>
<b>TITLE OF REPORT:</b>	<b>150526 - PROPOSED AGRICULTURAL MACHINERY AND IMPLEMENT STORAGE BUILDING. AT BURLTON COURT FARM, BURLTON COURT ROAD, BURGHILL, HR4 7RQ</b>  <b>For: Mr Mitchell per Mr Russell Pryce, Unit 5, Westwood Industrial Estate, Pontrilas, Hereford, Herefordshire HR2 0EL</b>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=150526&amp;search=150526">https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=150526&amp;search=150526</a>
<b>Reason Application submitted to Committee – Redirection</b>	

**Date Received: 19 February 2015      Ward: Queenswood      Grid Ref: 348759,243699**

**Expiry Date: 16 April 2015**

Local Member: Councillor PE Crockett

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

- 1.1 The application site is located within the open countryside adjacent to a cluster of former agricultural buildings which have been converted to industrial use. Access to the site is gained from the east via an existing 400m driveway that links to the western side of the A4110, Canon Pyon Road. Broadly trapezium in shape, the site is bounded to the north by a narrow strip of woodland, to the west by a mature hedgerow and primarily comprises open arable land that extends beyond the site to the south and east. Topographically the site slopes gently to the south, rising to the east and north.
- 1.2 Planning permission is sought for a steel frame clad industrial storage building measuring 27.8m in length and with a depth of 6m. Featuring a simple gabled roof design the highest point of the structure would reach 6.6m high, reducing to an eaves height of 5.15m. Seven roller shutters doors and accompanying pedestrian doorways would provide the only egress to the structure and are proposed on the northern elevation orientated towards a new parking and manoeuvring area.
- 1.3 This element of the application would also serve to normalise alterations, including an additional spur and turning area, to the access track to the industrial estate which has currently not received planning permission.
- 1.4 In addition to the new structure, a planting belt comprising broadleaved native trees is proposed around the southern and western perimeter of the site. Immediately adjacent to these broadleaved trees in the south eastern corner of the site a small area of fruit trees is also proposed.

## 2. Policies

### 2.1 National Planning Policy Framework (NPPF)

The following sections are pertinent to this application:

Introduction	-	Achieving Sustainable Development
Chapter 1	-	Building a Strong, Competitive Economy
Chapter 3	-	Supporting a Prosperous Rural Economy
Chapter 7	-	Requiring Good Design
Chapter 10	-	Meeting the Challenge of Climate Change, Flooding and Coastal Change
Chapter 11	-	Conserving and Enhancing the Natural Environment

### 2.2 Herefordshire Unitary Development Plan

S1	-	Sustainable development
S2	-	Development requirements
S4	-	Employment
S6	-	Transport
DR1	-	Design
DR2	-	Land use and activity
DR3	-	Movement
DR7	-	Flood risk
DR13	-	Noise
DR14	-	Lighting
E8	-	Design standards for employment sites
E11	-	Employment in the smaller settlements and open countryside
E15	-	Protection of greenfield land
LA5	-	Protection of trees, woodlands and hedgerows
T9	-	Road freight
LA6	-	Landscaping schemes
NC1	-	Biodiversity and development

### 2.3 Herefordshire Local Plan – Core Strategy

E1	-	Employment provision
HD5	-	Western Urban Expansion
RA6	-	Rural economy
LD1	-	Landscape and townscape
SD1	-	Sustainable design and energy efficiency

### 2.4 Neighbourhood Plan

Burghill designated a Neighbourhood Area on the 10<sup>th</sup> September 2013. This process has not yet reached Regulation 14 stage and as such contains no material weight in the determination of this application.

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

<https://www.herefordshire.gov.uk/planning-and-building-control/planning-policy/unitary-development-plan>

## 3. Planning History

3.1 The neighbouring industrial estate has been converted from agricultural use in a piecemeal and often retrospective process. The relevant applications are detailed below.

**S120528/S** - Steel portal agricultural storage building. **Planning permission required** 09.03.12

**DCC010688/F** - Change of use of existing farm building to light industrial use. **Approved**  
24.10.2001

**DS000024/F** - Renewal of SH961144/PF, retention of building for industrial use. **Approved**  
14.08.2000

**DCH962154/F** - Use of existing agricultural building as implement store for general agricultural use. **Approved** 15.01.1997

**DCH962116/F** - Change of use of part of existing building to general industrial use with associated use of portaloo and portacabin. **Approved** 10.10.1997

**DCH962194/F** - Retention of use of existing building for industrial use. **Approved** 10.10.1997

**DCH972700/F** - New access road to existing buildings. **Approved** 10.10.1997

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

##### Statutory Consultees

4.1 None

##### Internal Consultees

4.2 Transportation Manager: No objection

4.3 Economic Development Manager: Supports the proposal (revised from an initial objection)

4.4 Environmental Health Manager: No objection subject to condition

4.5 Conservation Manager (Ecology): No objection subject to condition

4.6 Drainage Consultant: Requested additional information detailing the surface water drainage strategy, calculations for the required attenuation measure and confirmation that the development would not generate foul water.

#### **5. Representations**

5.1 Burghill Parish Council has received representations from several local residents affected by the proposed 'agricultural machinery and implement storage building' and would like to object to the application for the following reasons:

- This application. is for a large building to be used for the commercial warehousing of Agricultural machinery. Further to the Design and Access Statement, it would extend the existing Lower Burlton Court Industrial Park further into open countryside.
- This would cause serious harm to the character and appearance of the rural area, which would not be mitigated by the proposed planting scheme. In the National Planning Policy Framework the intrinsic character and beauty of the countryside should be recognised and this project does not achieve this aim.
- Proposal may exacerbate an existing issue of flooding; from the direction of Burlton Court Farm to properties in St Mary's Lane, the garden of one property had to be

pumped to prevent the house from flooding. Concern that additional run off could aggravate this problem.

- Proposal is for an extremely large industrial building for commercial use, which will be in close proximity to properties in St Mary's Lane.
- The building will be clearly visible from several aspects in a rural area, affecting the character and appearance of the open countryside, and have a detrimental effect on the living conditions and enjoyment of properties in St Mary's Park.
- Design statement incorrectly states building will be 200m from nearest property, it will actually be approx. 100m from property at St Mary's Park.
- Local residents are concerned regarding noise and light pollution.
- Volume and weight of traffic to and from the site is also of concern locally.

5.2 31 letters of objection have been received. The various reasons that have been offered for objecting to this proposal can be summarised as follows:

- the availability of more suitable locations for this development;
- the adjacent employment site is kept in poor condition;
- the impact on the visual appearance and character of the countryside;
- the limitations of the screening potential of the landscaping scheme;
- the impact upon residential amenity;
- highway safety issues;
- the adverse impact upon the environment;
- the proposal is an industrial development not an agricultural one;
- the inability of the council to ensure compliance with a limit on hours of operation/deliveries;
- the promotion of unsustainable car use;
- the loss of agricultural land;
- the potential for further development creep;
- the increased risk of flooding to St Mary's Park;
- the inevitable pollutants from heavy machinery working their way into the water system;
- potential for noise and light pollution;
- inaccuracies in the applicant's Design & Access Statement; and
- If Ravenhill cannot afford commercial property at market rates then their business is not viable, they should not be subsidised by destroying green field sites against planning policy.

5.3 The consultation responses can be viewed on the Council's website by using the following link:-

<http://news.herefordshire.gov.uk/housing/planning/searchplanningapplications.aspx>

Internet access is available at the Council's Customer Service Centres:-

<https://www.herefordshire.gov.uk/government-citizens-and-rights/customer-services-enquiries/contact-details?q=customer&type=suggestedpage>

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Further information on the subject of this report is available from Steffan Thomas on 01432 260627

## **6. Officer's Appraisal**

- 6.1 In accordance with the Town and Country Planning Act 1990 (as amended) the principal considerations in the determination of this application are the acceptability of development on greenfield land, the proposed location and design, the impacts upon neighbouring amenity, the road network and the landscape as well as the flooding and drainage implications and the contribution of this proposal to the local economy.

### ***Development on Greenfield Land***

- 6.2 Prior to evaluating the various other aspects of this proposal, it is worth considering whether the very principal of this development, of constructing a storage facility at this location within the open countryside, is permissible.
- 6.3 The construction of employment uses in the open countryside is restricted by HUDP policy E11 to locations within or adjoining smaller settlements and within established employment areas. Where these criteria are satisfied, new buildings are required to be sited unobtrusively and cause no adverse impact upon the local environment, the road network or amenity. This application is a slight departure from these criteria as it is located not within, but adjoining, an established employment area.
- 6.4 Policy E15 of the HUDP serves to protect greenfield land from development, unless there is a lack of development opportunities within existing urban areas or previously developed sites. The adjacent industrial estate is currently fully occupied and the applicant has indicated that this satellite site has been selected for development as a consequence of not being able to secure appropriate development opportunities at or near their headquarters within Hereford.
- 6.5 In this respect HUDP policy S4 and its supporting text, which is concerned with the provision of employment land, echoes the applicant's claims by identifying a lack of provision of employment land in both Hereford and Ross-on Wye. The subsequent allocations prescribed, however, are now considerably out of date and the emerging Core Strategy provides a more up-to-date insight into current employment land provision.
- 6.6 The emerging Core Strategy draws upon The Employment Land Study 2012 findings, which indicate a further 30ha of employment land will be required over the Core Strategy plan period. This equates to a further 1.875ha a year and is indicative of the constraints in existing employment land provision. The emerging Core Strategy policies E1 and RA6 go further, clearly supporting employment proposals such as this, which are outside of the identified strategic sites but would expand or strengthen an existing business, provided that they are appropriately located and meet various other criteria. These policies however can only be given limited weight prior to the formal adoption of the Core Strategy.
- 6.7 These constraints upon employment land provision do, however, appear to be anomalous in light of the initial comments from Economic Development and the detailed objections of neighbours who refer to sites at Three Elms Trading Estate and the new Livestock Market as possible alternative sites for this development. The Livestock Market in particular has the appearance of a more fitting location on account of its specification for agricultural related businesses, for which this proposal would qualify.
- 6.8 Both of these locations have been identified as suitable on account of the proposed B8 land use qualifying the proposal as an employment use, for which this land is allocated. This position is informed not by the specifics of the proposal but by its underlying use class. In discussion with the applicant, and the submission of additional details, a fundamental weakness in this approach has been acknowledged.

- 6.9 The applicant's requirements are for a secure storage unit with materials and construction akin to an agricultural building, with no additional services, toilets or other facilities. To build such a unit on either the Three Elms Trading Estate or on the Cattle Market sites, these basic operational requirements would be substantially exceeded by the design aspirations and standards expected by the council, the landowner of both sites. The additional costs incurred to meet such requirements would open the door to a viability challenge.
- 6.10 Whilst the applicant has not issued a full financial viability test, the £250,000-350,000 quoted in the letter dated 13 May 2015 is considered to be a fair estimation of land and build cost. In light of this additional information, the Economic Development team are now satisfied that the business's specific needs for the new unit cannot be met at either location as the viability issue is a genuine constraint.
- 6.11 This illustrates that these sites are not a suitable development opportunity for the proposed storage facility, fulfilling the requirement of part 1 of Policy E15 of the HUDP. A condition to ensure that this facility would not subsequently be converted to an alternative B8 use is, however, considered necessary.
- 6.12 Notwithstanding the above, in instances such as this whereby the underlying evidence base of the adopted development plan is severely out of date, the NPPF instructs decision takers to adopt a presumption in favour of sustainable development. This effectively serves to reframe the principle of development on greenfield land into a question of whether any policies within the NPPF indicate that the development should be restricted.
- 6.13 To this effect the NPPF does refer to safeguarding the countryside from encroachment, but only within the context of green-belt land. The application site is not within a green-belt and as there is no other specific policy within the NPPF which indicates this form of development should be restricted, the principle of development on this greenfield location is considered permissible, subject to whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits.

### ***Location and Design***

- 6.14 The proposed industrial storage facility serves as a significant extension of the existing industrial estate, increasing the industrial enclosure by approximately a third. This extension does not constitute a natural 'rounding off' of the existing industrial estate but rather an expansion of operations to the south into a wholly separate agricultural field.
- 6.15 The proposed structure is described by the applicant as having the appearance of a modern agricultural building. Such a structure could be constructed without requiring planning permission if it were to be used only for agricultural purposes, subject to various conditions detailed in Part 6, Class A of the Town & Country Planning (General Permitted Development) Order. This simple gable-ended form is comparable to the neighbouring structures within the industrial estate and whilst the proposed length of 55.8m would constitute a significantly longer facility than existing, its total floorspace is comparable. An additional structure of such a scale and massing is not considered to appear particularly out of place within this context, subject to a similar degree of landscaping as the existing employment site currently benefits from.
- 6.16 HUDP policy E8 details the design requirements specific to employment uses of which parts 1, 2, 3 and 4 are especially relevant to this proposal. The proposed design is considered to be broadly compliant with these as despite the location of the structure situated nearby to residential properties on the St Mary's housing estate, the orientation of all openings to the facility and location of the manoeuvring area is to the north. In addition, the proposed use is as a B8 storage use and the landscaping scheme which is proposed would provide a significant buffer between the proposal and the curtilage of these properties. The effectiveness of this buffer is however considered in further detail under the landscape heading.

### ***Neighbouring Amenity***

- 6.17 The greatest impact of this proposal would be on the residents of properties of the St Mary's housing estate, particularly Nos. 17, 19 and 21 who are located nearest to the development site at a distance of 108m to the residential curtilage. This, it should be noted, is less than the 200m the applicant claims in the design and access statement.
- 6.18 As identified in the section above, the design of the proposal serves to limit the disturbance of these properties, but due to the nature of the proposed use there is still potential for noise and light issues to compromise neighbouring amenity.
- 6.19 The proposed three 30 watt LED floodlights that would adorn the proposed structure are all to be located on the northern elevation and orientated downwards and away from the residents to the south. The use of these lights would constitute a marked difference from the darkness that the open countryside provides and despite the screening capacity of the landscaping scheme, would generate a noticeable glow when viewed from properties on the St Mary's housing estate. Critically, however, this form of residual, indirect light emanating from the site, whilst noticeable, is not considered to be harmful to the amenity of these dwellinghouses.
- 6.20 It should also be noted that given the location of the proposed structure and the accompanying landscaping, this would serve to effectively screen the incidences of direct light shining from the existing industrial estate which have caused disturbances to the residents of the St Mary's housing estate.
- 6.21 An additional consideration is the light disturbance that could be generated by deliveries using the turning area and the access road, which as a consequence of its location sweeping down from the brow of the hill, would project headlights across the open field and directly towards the affected properties. Whilst this is an existing arrangement, acceptable for the adjacent industrial estate, consideration as to the impact of the additional traffic generated by this proposal needs to be taken into account. In this respect, a condition limiting these activities to within business hours would suitably address the issue.
- 6.22 Concerning the potential for noise disturbance, this is limited to that which is generated by the physical delivery and collection of the agricultural machinery which is to be stored in the facility. Any other use of this facility would require an additional planning permission as the proposed 660sqm floorspace exceeds that which can be altered under permitted development. The Environmental Health Officer has not objected to this proposal on account of noise disturbance, but has recommended that these deliveries are limited to business hours on account of the proximity of neighbouring residents on St Mary's Lane. The imposition of this condition would ensure that any impact upon neighbouring amenity would be within acceptable parameters.
- 6.23 The impact of this proposal on other neighbours is relatively limited. The impact upon the industrial units immediately adjacent to the application site is considered to be minimal on account of the proposed use complementing the industrial and storage uses within the existing compound.

### ***Highways***

- 6.24 The Transportation Manager has assessed the impact of this proposal upon the road network and raised no objection to this proposal. As such, notwithstanding the concerns of local residents, the traffic implications for the local road network are considered to be compliant with HUDP Policy T9 with regard to the impact on amenity, safety and the character of the area. Notwithstanding these comments, a condition ensuring that only the Canon Pyon Road access is used is considered necessary and would be in line with existing conditions required of the adjacent industrial uses.

## ***Landscape***

- 6.25 On account of its location and scale, when considered in isolation, the proposed structure would appear obtrusive and have a mildly detrimental impact upon the visual amenities of the landscape. However, should an identical structure be proposed at this location but for agricultural purposes, it could be erected without requiring planning permission and without including any remedial works. This application does incorporate an integral landscaping scheme which seeks to mitigate its impact. Policy LA6 of the HUDP is concerned with landscaping and part 3 of this policy requires schemes to ensure development integrates appropriately into its surroundings in terms of scale, enhances existing character and features and takes the opportunity to remove eyesores and improve disfigured or despoiled land.
- 6.26 The proposed use of a broadleaved woodland belt along the western and southern perimeter of the site would enhance the existing hedgerow and provide a significant physical barrier between the new structure and the residential properties on the St Mary's housing estate. The scale, orientation and choice of trees that comprise this woodland belt is considered sufficient to effectively screen the proposed structure. The existing landscaping scheme around the adjacent industrial units provides a clear indication of how this would appear. Similar strips of woodland are a common feature within the wider landscape and as such the scale and form of this soft landscaping scheme is appropriate within this context. The varying depth in the proposed woodland belt corresponds to the proximity of residential dwellings with the greatest depth screening the existing turning area. This would serve to effectively screen the spill of light from vehicles using this access to the industrial estate.
- 6.27 To the east of the broadleaved woodland belt an orchard area is proposed comprising smaller fruit trees. These would provide additional screening such that the storage facility would not be seen directly from the principal access and public viewpoint off Canon Pyon Road. The addition of these fruit trees also serves to boost the biodiversity credentials of the proposal which would provide a broader range of habitats than that of the existing arable field.
- 6.28 When viewed from the north, the impact of the proposal is considered to be relatively limited on account of woodlands in the foreground, the existing industrial estate beyond and the nature of the topography of the site which drops away to the south.
- 6.29 In light of the above, the planting scheme is considered to accord with HUDP policies LA5 and LA6 to successfully integrate the proposal within the landscape, effectively mitigating the detriment to visual amenity that the structure itself would create.

## ***Flooding & Drainage***

- 6.30 The proposed development has the potential to have a localised impact upon the flow of surface water in the area. Given the 1 in 30 year risk of a surface water flood event that affects those properties further down the hillside on the St Mary's housing estate, this is a significant consideration in the determination of this application.
- 6.31 Policy DR7 of the HUDP specifies that in cases of flood risk, development will only be permitted where the applicant has demonstrated that the proposal would not increase flood risk elsewhere. The drainage consultant has assessed the proposal and found that there was insufficient information provided to demonstrably ensure compliance with this policy. To this effect, the applicant was requested to carry out and provide details of hydraulic investigations and a drainage scheme to demonstrate that the proposal would not exceed the 'greenfield' run-off rate. Whilst a technical solution to the flooding issue is considered to be deliverable at this site, this report has not been forthcoming.



- 6.32 To ensure compliance with HUDP policy DR7 and paragraph 99 of the NPPF it is expedient to attach a condition ensuring that no development shall occur on site until a surface water drainage strategy which addresses the concerns identified in the consultants report and ensures that the proposal would not exceed the existing 'greenfield' run-off rate has been agreed in writing with the Local Planning Authority.

### ***Local Economy***

- 6.33 The proposed development features employment generating potential, albeit only two new jobs, one of which has been specified will be an apprenticeship. Whilst the proposed new unit will not directly be the location for any new jobs, it is realised that the application will facilitate additional space at the applicant's current Beech Business Park base to increase its business operations. In light of this, the Economic Development team have revised their initial response and now support the proposal.
- 6.34 This aspect of the proposal fully accords with the guiding principles that inform HUDP Policy S4, strengthening the County's employment base through new development of economic activities appropriate to the County's character and indigenous resources.

### ***Ecology***

- 6.35 This application has been considered by the council's ecologist who raised concerns that the submission does not include an ecological appraisal of the site or of the impact on protected species. Although this site appears to have little scope for biodiversity, a survey report is normally expected where there is a large pond/lake within 250 metres, as there is in this case.
- 6.36 The imposition of a pre-commencement ecological condition which requires the assessment of the pond to the east of the site, determining the presence/absence of amphibians and great crested newts, including any subsequent mitigation measures would suitably address this issue.

### ***Conclusion***

- 6.37 The determination of this application essentially comes down to the relative weight that is attributed to HUDP policy E11 concerning the siting of this proposal within the open countryside. The proposal is not within an established employment area but adjacent to one. In all other aspects the proposal is compliant with planning policy, including E15 which relates to development upon greenfield land. Notwithstanding the opposition from local residents, the scheme would not have any substantiated detrimental impact and the benefits of the scheme in supporting a growing local business are clearly apparent.
- 6.38 In light of the clear guidance given in the NPPF with regard to the weight which should be attributed to support economic growth through the planning system, and the fact that this proposal would satisfy all the other requirements of HUDP policy E11, it is considered that this proposal should be supported.

## **RECOMMENDATION**

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

- 1. A01 Time limit for commencement (full permission)**
- 2. B01 Development in accordance with the approved plans**

3. **F05 Restriction on hours of use (industrial)**
4. **F06 Restriction on Use**
5. **M01 Surface water drainage works to be agreed**
6. **The means of vehicular access to serve the permitted building shall be from Canon Pyon Road (A4110) only.**

**Reason: In the interest of general highway safety and in the interests of the amenity of local residents.**

7. **All tree planting shall be carried out in accordance with the planting schedule (detailed on the approved plan no. PP005). These trees shall be maintained for a period of 5 years. During this time, any trees that are removed, die or are seriously retarded shall be replaced during the next planting season with others of similar sizes and species unless the Local Planning Authority gives written consent to any variation. If any trees fail more than once they shall continue to be replaced on an annual basis until the end of the 5-year maintenance period.**

**Reason: In order to maintain the visual amenity of the area and to comply with Policy LA6 of Herefordshire Unitary Development Plan.**

8. **Prior to commencement of the development, an preliminary ecological appraisal should be carried out and the results with any mitigation required should be submitted to, and be approved in writing by, the local planning authority, and the scheme shall be implemented as approved. An appropriately qualified and experienced ecological clerk of works should be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation work.**

**Reasons: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 and Policies NC1, NC6 and NC7 of Herefordshire Unitary Development Plan.**

**To comply with Herefordshire Council's Policy NC8 and NC9 in relation to Nature Conservation and Biodiversity and to meet the requirements of the NPPF and the NERC Act 2006**

9. **I16 Restriction of hours during construction**

**During the construction phase 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: Monday-Friday 7.00 am-6.00pm, Saturday 8.00 am-1.00 pm nor at any time on Sundays, Bank or Public Holidays.**

**Reason: To protect the amenity of local residents and to comply with Policy DR13 of Herefordshire Unitary Development Plan.**

## **INFORMATIVE**

- 1 **The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. Negotiations in respect of**

**matters of concern with the application (as originally submitted) have resulted in amendments to the proposal. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.**

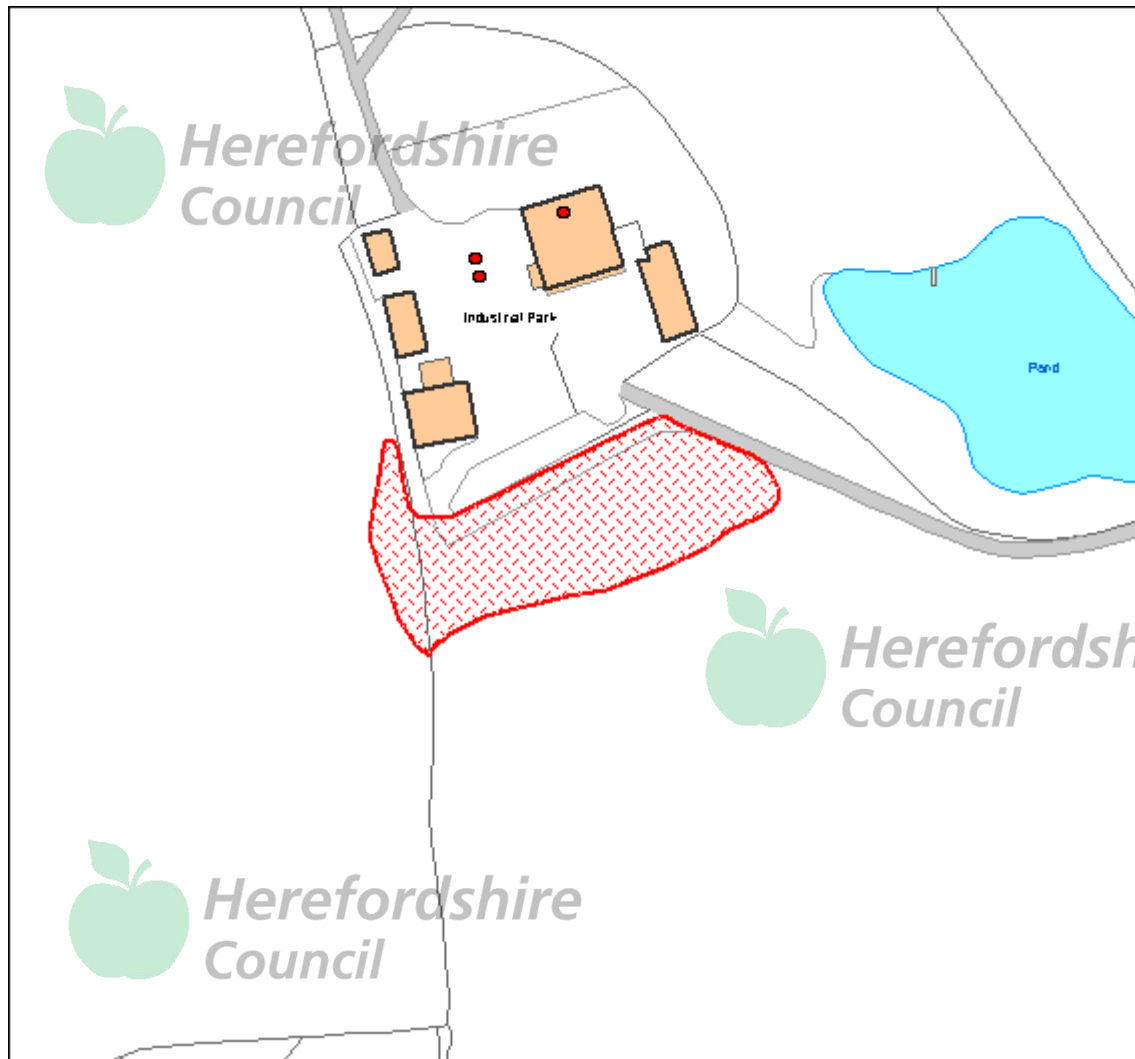
Decision: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** 150526

**SITE ADDRESS :** BURLTON COURT FARM, BURLTON COURT ROAD, BURGHILL, HEREFORDSHIRE, HR4 7RQ

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