

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	1 SEPTEMBER 2021
TITLE OF REPORT:	<p>203268 - CHANGE OF USE OF BUILDING TO COMMERCIAL STORAGE AND MOTORCYCLE TYRE FITTING UNIT TOGETHER WITH ASSOCIATED OPERATIONAL DEVELOPMENT TO INCLUDE EXTENSION TO WESTERN ELEVATION TO ACCOMMODATE TOILET AND AIR COMPRESSOR (AMENDED DESCRIPTION) AT ROBINS NEST AT THE YARD, WOOFFERTON GRANGE, WYSON LANE, BRIMFIELD, HEREFORDSHIRE, SY8 4NP</p> <p>For: Mr Parry per Mr Thomas Parry, The Wain House, Dumblehole Lane, Ashford Carbonel, Ludlow, SY8 4DE</p>
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=203268&search-term=203268
Reason Application submitted to Committee – Re-direction	

Date Received: 24 September 2020 Ward: Leominster Grid Ref: 351334,267598
North & Rural

Expiry Date: 7 December 2020
 Local Members: Cllr Stone

UPDATE

Members will recall that this application was deferred at the Planning and Regulatory Committee on 9 June 2021 in order for a formal request for details of the air compressor to be supplied by the applicant, along with details of the insulation proposed for the lean-to extension proposed to house the compressor. The applicant supplied these details on 15 June 2021 and the Environmental Health Officer has provided updated comments at Paragraph 4.4.

1. Site Description and Proposal

- 1.1 The application site is found within the parish of Brimfield, located to the west of Woofferton Grange and west of the village of Wyson; 4.5 miles to the south of Ludlow. It forms part of a wider cluster of buildings including converted agricultural buildings that now form dwellings, once associated with the Grade II listed Woofferton Grange. Access to the site is taken directly off Wyson Lane and serves the former agricultural building subject to this application; together with other associated buildings to the immediate east; now purposed for car restoration (ref: 194049/F). The yard area is laid to hardstanding and is currently in an unkempt appearance. The boundary with Wyson lane is bounded by mature species hedgerow and a wide gateway and to the west; the site is bound to the west by a mature hedgerow, screening it from Robin's Nest. Lydiatt Place adjoins the site to the north-east

Further information on the subject of this report is available from Mr Ollie Jones on 01432 260504

1.2 This application is made in full and seeks planning permission for the continued use of the building on the site for commercial storage (B8) and the additional motorcycle tyre fitting unit use (B2). 289m² of the building would be purposed for commercial storage; that being for the housing of scaffolding used by local companies and demarked on the submitted plan as the area in yellow. The motor-cycle tyre fitting unit would be housed in a self-contained portion of the building, amounting to 34m² and blocked in red on the submitted plan. The remainder of the building would continue to be used as general storage. It is understood that this is serving as long-term storage of household wares. The application also seeks permission for operational development which includes the provision of a small toilet block to the western elevation which would also house an air-compressor. The addition would extend 4.5 metres in depth and would benefit from a pitched roof. Roller-shutter doors would serve the southern elevation providing access to the building.

2. Policies

2.1 The Herefordshire Local Plan - Core Strategy (CS)

SS1 - Presumption in Favour of Sustainable Development
SS4 - Movement and Transportation
SS6 - Environmental Quality and Local Distinctiveness
RA6 - Rural Economy
E1 - Employment Provision
E4 - Homeworking
MT1 - Traffic Management, Highway Safety and Promoting Active Travel
LD1 - Landscape and Townscape
LD2 - Biodiversity and Geodiversity
LD3 - Green Infrastructure
LD4 - Historic Environment and Heritage Assets
SD1 - Sustainable Design and Energy Efficiency
SD3 - Sustainable Water Management and Water Resources
SD4 - Wastewater Treatment and River Water Quality

The Herefordshire Local Plan Core Strategy policies together with any relevant supplementary planning documentation can be viewed on the Herefordshire Council website by using the following link:-

https://www.herefordshire.gov.uk/info/200185/local_plan/137/adopted_core_strategy

2.2 Brimfield and Little Hereford Neighbourhood Development Plan (BLHNDP)

BLH7 - Local Heritage List
BLH8 - Building Design Principles
BLH9 - Landscape Design Principles
BLH18 - Developments Supporting Rural Enterprise

The Brimfield and Little Hereford Neighbourhood Development Plan policies together with any relevant supporting documentation can be viewed on the Herefordshire Council website by using the following link; -

https://www.herefordshire.gov.uk/downloads/file/8681/neighbourhood_development_plan

2.3 National Planning Policy Framework (NPPF)

1. Introduction
2. Achieving sustainable development
3. Plan Making
4. Decision-making
6. Building a strong, competitive economy
8. Promoting healthy and safe communities
9. Promoting sustainable transport
12. Achieving well designed places
15. Conserving and enhancing the natural environment
16. Conserving and enhancing the historic environment

The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) (the 2012 Regulations) and paragraph 33 of the National Planning Policy Framework requires a review of local plans be undertaken at least every five years in order to determine whether the plan policies and spatial development strategy are in need of updating, and should then be updated as necessary. The Herefordshire Local Plan Core Strategy was adopted on 15 October 2015 and a review was required to be completed before 15 October 2020. The decision to review the Core Strategy was made on 9th November 2020. The level of consistency of the policies in the local plan with the NPPF will be taken into account by the Council in deciding any application.

3. **Planning History**

3.1 **194049/F** - Change of use from storage to car restoration – **Approved 10 March 2020**

This permission relates to the building which immediately adjoins the site to the east.

3.2 **013497/F** - Retrospective change of use of existing barn and yard for storage of industrial packaging and process machinery – **Approved 25 May 2002**

This permission relates to the northern portion of the building which immediately adjoins the site to the east, together with the forecourt area which forms part of this application.

3.3 **930023/F** – Use of disused agricultural buildings as furniture workshops – **Approved 3 August 1993**

This permission relates to the building which is subject to this application.

4. **Consultation Summary**

Internal Council Consultations

4.1 **Transportation Manager (23 February 2021)**

The previous highways response for the application requested further information about vehicle parking and manoeuvring space, the provided drawing, viewed in conjunction with the location plan shows sufficient space for the scale of the development.

There are no highways objections to the proposal.

Transportation Manager (15 October 2020)

The proposal is likely to result in an intensification of both the access to the workshop and Wyson Lane over the permitted use of the site. Whilst this single point is unlikely to result in cumulative impacts that could be classed as severe in the NPPF, further information is required prior to the LHA returning a response of no objection to this proposal.

The site plan has some basic outlines of areas for use, however it is not clear how vehicle parking for both drop off and pick up of the commercial storage or customers to the tyre fitting centre are to use the site. In addition it is not clear where staff might park. This is important at sites such as this as displacing parking into the surround network is considered unacceptable.

Linked to the above, the demonstration that vehicles accessing the site to turn is also required to support this application to ensure that unsafe manoeuvres are kept to a minimum.

Following submission of this clarification the LHA will finalise a response for this application.

- 4.2 Located within the IRZ of the River Teme Site of Special Scientific Interest (SSSI), the reasons for designation include multiple aquatic species, including various fish and Crayfish and associated species, including Otter. IRZ for Downton Gorge SSSI, SAC. Within a historic rural setting, an area of deciduous woodland is also recorded to the north of the building; this habitat is designated nationally as a Habitat of Principal Importance (Priority Habitat Inventory or HPI). A recorded Damson Hedgerow is recorded immediately opposite the entrance of the site. Herefordshire's 'Damson Hedgerows' are part of a network of fruit hedges characteristic of the northeastern part of Herefordshire into Worcestershire. They are a locally important series of hedgerows which fall under the protection of planning policy relating to landscape and biodiversity.

The effects on the SSSI and associated designated species, Protected Species in general, the local Priority Habitat must all be fully considered by the LPA as part of the planning process, and relevant consultation with Natural England satisfactory outcome before any grant of planning consent.

From the information currently available, the following areas of the proposed development cannot demonstrate that there will be no effects on the conservation status of designated sites or species

The proposed foul water treatment system (existing septic tank) is located within the River Teme SSSI Impact Risk Zone for all discharges. The existing septic tank appears to be located to the north of the building, borders an area designated as a Priority Habitat. The proposed foul water management scheme should be reviewed and any system's location, including the proposed surface water discharge to an existing watercourse. This is contrary to Core Strategy policies SD3 and LD2 and the principles of nature conservation sites in General Binding Rules. No direct outfall into the Brimfield Brook (River Teme SSSI catchment) or any local watercourse will be acceptable.

A full detailed drainage plan for surface water and foul water is requested, including information to demonstrate that the existing septic tank has the capacity and is compliant with the Core Strategy policies SD4 and General Binding Rules. There remain pathways for pollutants to enter the hydrological network and impact the River Teme SSSI and the associated species and wider protected species such as fish species and Crayfish that are also part of the regular diet for Otters.

If a new private treatment system is proposed, any final outfall from a septic tank or PTP must be through a soakaway drainage field on land under the applicant's control. No soakaway field should be closer than 50m to any watercourse or identified Priority Habitat. All appropriate plans percolation and groundwater tests and reports should be supplied. (Core Strategy SD4 and LD2, Habitat Regulations, NPPF, NERC Act, General Binding Rules).

A fully detailed surface water management scheme must be supplied, demonstrating compliance with CS policies SD3 and LD2. Any discharge of surface water to local culverts or any watercourse must demonstrate no pathways for any pollutants or contaminants (e.g. car washing, lubricants and discharges by users of the property to surface water). If any surface water discharge to any foul water or storm drain system is proposed, confirmation that this is acceptable to the relevant operator must be supplied.

In respects of matters of ecology, CS policy LD1, LD2 and LD3 applies. A detailed BS5837:2012 tree/hedgerow survey is requested to clearly show any impacts on the designated Priority Habitat and any other trees or hedgerows on or adjacent to the site. No loss or impact on any trees within the Priority Habitat or other 'important' trees or protected hedgerows is likely to be acceptable. Any loss or works to hedgerows, e.g., creating any required access OR drainage Strategy, should be detailed. Any trees or hedgerows impacted by the development should be subject to additional ecological assessment.

No additional illumination of the surrounding habitats, Priority Habitat, would be permitted. These features are highly likely to be used by foraging and commuting nocturnal species, due to the historic hedgerow corridors, Priority Habitats and Listed Building within 50m of the proposals wider connecting habitats.

The development must be supplied to demonstrate compliance with the Environmental Legislation and Planning Policy. As identified in the NPPF, NERC Act, Draft Environment Bill and Core Strategy SS6 and LD2, all developments should demonstrate how they will enhance practically ("Net Gain") the Biodiversity potential of the area. If planning permission is approved, a detailed Biodiversity Enhancement Plan would be requested: consideration of existing environmental features on and around the site or within land owned by the applicant, which can be retained or enhanced or what new features could be incorporated into the development proposal. All tree and shrub planting on development should only consist of locally characteristic native species. Opportunities for enhancement could consider a wide range of species including as a minimum for bats, birds, hedgehogs, pollinating insects and invertebrates built in to or attached to the buildings and any other relevant species enhancement within boundary features and soft landscaping as appropriate.

No external lighting should illuminate any adjacent habitats, boundary, or enhancement features, and all development lighting should support the Dark Skies initiative (DEFRA/NPPF Guidance 2018/2013). Once this additional detailed information, plans, and reports have been submitted, the LPA can undertake the required detailed consideration and final comments can then be made. Reasons to demonstrate compliance with: Conservation of Habitats and Species Regulations, Wildlife & Countryside Act, NPPF, Core Strategy policies SS6, SD3, SD4 and LD2 and the council's duties under the NERC Act.

4.3 **Environmental Health – Housing**

No objection.

4.4 **Environmental Health – Noise**

Our comments are with regard to potential noise and nuisance issues that might arise from development. There is currently insufficient information contained with this proposal. Our department requests further information. In relation to the scaffold store - how many HGV or similar vehicle movements are likely to be involved? With regard to the motorcycle tyre fitting unit. - how many persons are to be employed, how many visits from customers per day, where the tyres are to be stored and full details of any noise generating powered machinery. This is to assess the impacts on the amenity of residents in the vicinity.

Environmental Health – Noise (10 February 2021)

My comments are from a noise and nuisance perspective. My initial comments made on 25th October requested further information. This was supplied on 11th and 14th November and a site visit undertaken on 25th November.

The proposal is for the use of a barn building – to store a caravan, commercial scaffolding storage and a unit for a motorcycle tyre fitting unit. From a noise perspective, the two areas of the barn that could have the potential to have amenity impacts on neighbours are the siting of the compressor in the toilet block to the western side of the barn and the tyre fitting unit 34m². (Total barn floor area 392m²)

The tyre fitting unit is very small and the size of this unit to a degree makes the intensity of its use self-limiting. The scale of this proposal is in itself therefore unlikely to cause significant impacts.

Our department has no objections to this proposal subject to the following conditions:

The use of all noise generating equipment within the proposal shall not take place outside the hours of 08:30 and 18:30 Mondays to Fridays and 08:30 to 13:00 Saturdays. No noise generating equipment shall be used on Sundays and Bank Holidays.

The number of persons working in the proposed motor tyre fitting until shall be restricted to no more than 2 at all times.

No noise generating external plant and equipment shall be installed externally without prior written approval from the authority.

The door to the room housing the compressor shall be kept closed when the compressor is in operation.

Reason: In order to protect the amenity of occupiers of nearby properties so as to comply with Policies SS6 and SD1 of the Herefordshire Local Plan Core Strategy 2011-31

Environmental Health – Noise (7 July 2021)

Our department has been reconsulted following additional information supplied by the applicant dated 15th June 2021. The applicant outlines that the compressor which is the only piece of noise generating plant to be used will be housed in a purpose built room screened from the closest residential properties behind the main barn area with acoustic reduction properties. It will be used for a very short period to inflate tyres and for no other purpose. No other use of noise generating plant is anticipated. The applicant has supplied further clarification as to the increase in road traffic. We are of the opinion that any increase in road traffic noise will be marginal, will not cause nuisance and not cause significant adverse impacts.

We have reviewed our earlier consultation response of 10th February 2021 and reiterate our request for the following conditions:

The use of all noise generating equipment within the proposal shall not take place outside the hours of 08:30 and 18:30 Mondays to Fridays and 08:30 to 13:00 Saturdays. No noise generating equipment shall be used on Sundays and Bank Holidays.

The number of persons working in the proposed motor tyre fitting until shall be restricted to no more than 2 at all times.

The door to the room housing the compressor shall be kept closed when the compressor is in operation.

In addition I would add the following condition:

No external noise generating plant nor machinery shall be used outside or fitted to the exterior of the property without written permission from the local authority.

Reason: In order to protect the amenity of occupiers of nearby properties so as to comply with Policies SS6 and SD1 of the Herefordshire Local Plan Core Strategy 2011-31.

5. Representations

5.1 Brimfield and Little Hereford Parish Council (11 November 2020)

We have no objections to the commercial storage of materials. However, we feel that concerns from neighbouring residents are valid regarding the potential for increased amounts of traffic and noise a motorcycle tyre fitting unit may generate and as such it could be contrary to policy BLH18 of our neighbourhood plan, having a detrimental impact on the character of the rural landscape and its properties, adversely affecting the surrounding infrastructure and impacting local residents amenity. The Parish Council is supportive of small rural businesses, if permission is granted we would like to be reassured that conditions regarding noise, additional traffic and opening hours are adhered to.

Brimfield and Little Hereford Parish Council (18 March 2021)

In addition to our previous comments, we still do not have any objections to the commercial storage of materials. However, having reconsidered the amended plans and taking into account the concerns raised locally, the Parish Council support residents in their objections to the motorcycle tyre fitting unit. There would be an increase in traffic through the village, the access to which would be off an already dangerous junction from the A49 Salwey Arms. As there seems to be no provision for local employment opportunities, we feel this business is not suited to this location and therefore is contrary to policy BLH18 of the Neighbourhood Development Plan.

Brimfield and Little Hereford Parish Council (8 July 2021)

In addition to our previous comments, we still do not have any objections to the commercial storage of materials. Again, having reconsidered the amended plans and taking into account the concerns raised locally, the Parish Council support residents in their objections to the motorcycle tyre fitting unit. Although the applicant is taking into account the potential noise levels generated by the air compressor unit and moving this to the western elevation to reduce the impact on neighbours, there would still be an increase in traffic through the village, the access to which would be off an already dangerous junction from the A49 Salwey Arms. As there seems to be no provision for local employment opportunities, we feel this business is not suited to this location and therefore is contrary to policy BLH18 of the Neighbourhood Development Plan.

5.2 To date, 21 households have submitted letters of objection to the application. Some have submitted multiple representations. The comments can be summarised as follows; -

- Inaccuracies contained within the application form and lack of detail submitted with
- application
- Use of building as storage has existed before August 2020
- Intensification of traffic along Wyson Lane which is already dangerous and is used by
- school children and dog-walkers
- No suitable parking could lead to inappropriate parking on the lane
- Noise, dust, smell from traffic and proposed use would cause harm to the amenity of
- residents and is inappropriate in this rural location
- Appropriate industrial space available in Brimfield, Ludlow and Leominster.
- Proposal would include retail use which is incompatible

- Proposal is not self-limiting as it use would largely take place outside
- Number of vehicular visits has not been addressed
- Disposal of industrial waste
- Access should be taken via private road off B4362 (Station Road)
- Site plan boundary includes land not in control of applicant

The consultation responses can be viewed in full on the Herefordshire Council website by using the following link:-

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=203268

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

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

6. Officer's Appraisal

Principle of development

- 6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states as follows:
"If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

In this instance the adopted development plan is the Herefordshire Local Plan – Core Strategy (CS) and the adopted Brimfield and Little Hereford Neighbourhood Development Plan (BLHNDP). The National Planning Policy Framework (NPPF) is also a significant material consideration. The application site is located outside of Brimfield/Wyson and therefore, whilst found within a small cluster of buildings and not isolated in the truest sense; is within open-countryside and therefore broadly unsustainable. The site is located between Leominster and Ludlow and is only 1 mile off the A49(T); a trunk road forming part of the Strategic Road Network (SRN) and connecting the aforementioned market towns with the key centres of Hereford and Shrewsbury.

- 6.2 With the above in mind, policy BLH18 states small scale local rural enterprise will be supported, providing it does not have a detrimental effect on the character of the rural landscape and settlements, as well as benefitting the local community. Most importantly, where feasible, development that supports small scale rural enterprise will be supported where it involves the reuse of existing buildings; or is part of a farm diversification. This echoes the tenets of the CS whereby policy RA6 states that employment generating uses which help to diversify the rural economy; such as creative industries, environmental technologies, business diversification and home-working will be supported. It proceeds to state that applications will be permitted in cases where they; -
- ensure that the development is of a scale which would be commensurate with its location and setting;
 - do not cause unacceptable adverse impacts to the amenity of nearby residents by virtue of design and mass, noise, dust, lighting and smell;
 - do not generate traffic movements that cannot safely be accommodated within the local road network; and finally;

- do not undermine the achievement of water quality targets in accordance with policies SD3 and SD4

- 6.3 At paragraph 85, the NPPF directs that planning policies and decisions should enable the sustainable growth of all types of business in rural areas. This is reflected at a local level of Objective 8 of the CS, which states that the plan will strengthen the economic viability of rural settlements and their surrounding areas by facilitating employment generation and business diversification. These aims are broadly reflected by strategic policy SS5.
- 6.4 It is recognised that sites to meet local business and community needs in rural areas may have to be found adjacent to, or beyond existing settlements, and in locations that are not well served by public transport, as set out within the NPPF. It emphasises, similarly to the aforementioned policies of the development plan, that proposals should not have an unacceptable impact on local roads, should be sensitive to their surroundings and where possible, make use of previously developed land and be well-related to existing settlements. The NPPF at paragraph 141 also sets out that planning decisions should promote and support the development of underutilised land and buildings.
- 6.5 In this case, the cessation of an agricultural use of the site evidently occurred a significant time ago and noting changes in farming practices, a future agricultural use here appears unlikely. The land and buildings appear to have been used for a variety of storage purposes over recent years, and the buildings to the east of the site, but forming the same group, are now being used for car restoration purposes following the grant of planning permission in 2020 (194049/F refers). The proposal looks to continue using part of the of the former agricultural building for commercial storage (scaffolding) and to introduce a small enterprise undertaking motorcycle tyre-fitting in a smaller portion of the building. As set out, the remainder of the building would continue to be used for stroage (B8), as per its existing use. Although the site is outside of Brimfield/Wyson, it would use an existing building to accommodate a small start-up enterprise. It is accepted that there may be other 'built-for-purpose' business units locally in Leominster, Brimfield or Ludlow; however there is no requirement for the applicant to demonstrate why such options have been discounted. Whilst it is acknowledged that B2 uses are those which should generally be avoided in residential areas, the site lies in open-countryside and it is for the LPA to consider any potential impacts on neighbouring properties. Further, subject to a consideration of the proposals impact on the local highway network, the setting of the site – including impacts upon the amenity of adjoining properties; it is considered that in principle, the use of the existing building for small-scale enterprise is accepted.

Impact on local highway network

- 6.6 In addition to the policy requirements of policies RA6 and BLH18 of the development plan and as set out above, policy MT1 of the CS together with the NPPF require development proposals to give genuine choice as regards movement. Development should only be prevented or refused on transport grounds where 'the residual cumulative impacts of development are severe.'(NPPF paragraph 111).
- 6.7 The application has raised concerns in respect of the proposals impact on the local highway network; specifically relating to an anticipated uplift in vehicular movements along Wyson Lane associated with both the motorcycle tyre fitting unit and the commercial storage elements. The initial comments from the Transportation Manager set out that whilst the proposal would result in the intensification of the site; it would not result in cumulative impacts that could be considered severe given the small scale nature of the propsoed use. In respect of the use of the site for storage of scaffolding; vehicular movements to and from the site are on an ad-hoc basis, as and when the company requires but by it's very nature, does not present as an intensive use where multiple trips a day would be expected.

- 6.8 The motorcycle tyre-fitting unit is restricted to 34m² and would be operated by the applicant's tenant, with no regular employees. The supporting information supplied by the applicant states that the nature of the business would be largely internet based, whereby wheels would be collected from the clients address and brought back to the workshop for new tyres to be fitted. Whilst the enterprise would allow for motorcycles to drive directly to the site to allow work to be undertaken; the scale of the enterprise and the time taken to change two tyres (around an hour) would mean that the number of motorcycles that would visit on any given day; within the stipulated operating hours; would be self-restricted. Conditions are recommended which would control the scale and intensity of the use and therefore would have a direct relationship on vehicular movements to and from the site.
- 6.9 The applicant has clarified parking arrangements and it is noted that the hardstanding yard provides ample accommodation for the parking and turning of vehicles. This would prevent any inappropriate parking off-site although, it is anticipated by the nature of the uses; any vehicles would need to be parked close to the building in order to load/unload goods (i.e scaffolding and wheels).
- 6.10 It is understood that Wyson Lane is used by residents, as the only road out of the hamlet, and for children walking on their way to and from school. Further representations stress the narrow nature of the lane and the danger of the Salwey Arms junction at Woofferton, from which Wyson Lane is taken. However, on the basis of the above assessment and noting the scale and intensity of the proposed use; it is not considered that the cumulative impacts of the proposal would be severe. As such, officers take the view that the proposal, in highways terms, accords with policy RA6, MT1 and BLH18 of the development plan and refusal on this basis would not be warranted in context of paragraph 111 of the NPPF, as explained above.

Impact on neighbouring properties

- 6.11 Whilst located outwith the main part of Brimfield, Wyson and Woofferton; the site is found within a small cluster of buildings, several of which are residential properties. Namely, Lydiatt Place adjoins the site to the northeast and is served by the private access running to the east of the building used for car-restoration; the access also serving 'The Coach House' and 'The Oast House'. Accordingly, it is a requirement that any application for rural enterprise does not cause harm to the amenity of neighbours; and is commensurate to its setting, in accordance with policy RA6, SD1 and BLH18 of the development plan.
- 6.12 Many concerns have been raised in respect of noise emanating from the proposed use of the building; mostly the motorcycle tyre-fitting unit. Following concerns raised by the Council in respect of noise generating equipment, the applicant has supplied details of the proposed air compressor which would be housed in the small lean-to on the western elevation of the building. The details confirm the proposed unit as having a noise power is 97dB and noise pressure of 72.1dB. Given that this would be contained within a small and well insulated lean-to extension to the west of the building, it is not considered that its occasional use (within the controlled working hour limits) would result in any harm to the amenity of neighbours. Further, the unit is small, and operations would not take place outside of this unit or within the forecourt, as secured through condition. In addition, the use of noise generating equipment would be restricted to the hours as set out in the relevant condition below. A condition is also recommended to ensure that the door to the air-compressor remains closed, whilst it is in operation. Any deviation from the approved use and requirements of the safeguarding conditions would require further consideration and permission from the LPA.
- 6.13 With the above safeguarding measures controlling the use of the building; it is not considered that the proposal would result in any demonstrable harm to the amenity of neighbouring properties. Indeed, it must be remembered that the pre-existing use of the building for agricultural and storage purposes has been unencumbered; allowing for potentially greater impact on the amenity of neighbouring properties. Officers therefore consider that the proposal of this scale and nature

would not be inappropriate in this location and that no conflict with policy SD1, RA6 and BLH18 of the BNDP.

Impact on visual amenity and the historic environment

- 6.14 The application seeks planning permission for some minor operational development through the insertion of the roller shutter doors to the southern elevation, together with the small lean-to to the western elevation which would house the toilet and air compressor.
- 6.15 Policy BLH8 of the BLHNDP generally reflects the requirements of policy SD1 of the CS and states that proposals should be of a scale, mass and built form which responds to the characteristics of the site and its surroundings. It should not disrupt the amenities of the streetscene and impact on wider landscape views; with extensions being small in scale and subordinate to the original building.
- 6.16 The proposed extension would be small in scale and subordinate to the main building. Whilst the addition of the roller-shutter doors would add a degree of industrialisation to the site; such features are found on the building to the immediate west; that used for car restoration and therefore, would not be wholly out of keeping.
- 6.17 The site is located a significant distance to the west of the Grade II listed Woofferton Grange and noting the intervening development; inter and co-visibility between the site and the asset is extremely limited. As such, it is not considered that the minor operational development proposed would lead to any harm to the setting of the building. Consequently, officers identify no conflict with policy SS6, LD4 or BLH7 and the LPA can discharge the duty imposed by Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Drainage and ecology

- 6.18 The site is not located within a flood zone and no Flood Risk Assessment is required and it is not considered that the small lean-to addition would result in an increase in surface water run-off which would give rise to an increased risk of flooding elsewhere.
- 6.19 Whilst noting the priority habitat which lies to the north of the site; the existing foul drainage infrastructure existed to serve the residential use of the caravan housed within the building which has now ceased. As such, notwithstanding the comments of the Planning Ecologist, the septic tank which has outfall to a drainage field on the land within the control of the applicant, would not experience an uplift in use given that it would solely be used during the day as a facility for those working on site, often limited to one person.
- 6.20 Therefore, neither surface water nor foul water arrangements would be altered by the proposal and with the proposal limited to the use of the building and minor operational development, the proposal would not lead to any adverse impacts on the River Teme SSSI or the priority habitat and/or protected species found close to the site. However, a condition is recommended which secures compliance in this regard. A condition is also recommended ensuring that there is no external illumination of the site without the express agreement of the LPA; ensuring the proposal would not lead to any prejudicial impact on the priority habitat to the north of the site. With the forgone considerations in mind, the proposal is considered to accord with the requirements of policy BLH9, BLH12, LD2, SD3 and SD4 of the development plan.

Conclusion

- 6.21 In weighing the above considerations; the proposal represents a scheme for the re-use of a rural building in the open-countryside; supported in principle by the prevailing policies of the development plan and, the objectives of the NPPF. The proposal would provide employment in a

rural setting. The concerns raised in respect of the proposals impact on the amenity of neighbouring properties (in respect of noise) and on the local highway network are acknowledged. However, it is considered that the scale and nature is such that subject to conditions, would be controlled and self-limiting, safeguarding against any adverse impacts in this regard. As such, it is considered the proposal accords with the principal and relevant policies of the development plan and the overarching aims and objectives of the NPPF. Therefore, it can be considered a sustainable form of development as is recommended for approval, subject to the conditions as set out below.

RECOMMENDATION

That planning permission be granted subject to the following conditions and any other further conditions considered necessary by officers named in the scheme of delegation to officers:

- 1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

- 2. The development shall be carried out strictly in accordance with the approved plans, except where otherwise stipulated by conditions attached to this permission.**

Reason. To ensure adherence to the approved plans in the interests of a satisfactory form of development and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and Policy BLH8 of the Brimfield and Little Hereford Neighbourhood Development Plan and the National Planning Policy Framework.

- 3. The site shall be used only for commercial storage (B8) and for motor-cycle tyre fitting (B2) as per and within the area marked on the approved plan and for no other purpose (including any other purpose in the B Classes of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.**

Reason: In order to protect the amenity of occupiers of nearby properties and in the interest of highway safety so as to comply with Policy SD1, MT1 and RA6 of the Herefordshire Local Plan - Core Strategy and Policy BLH18 of the Brimfield and Little Hereford Neighbourhood Development Plan, together with the National Planning Policy Framework.

- 4. The use of all noise generating equipment within the proposal shall not take place outside the hours of 08:30 and 18:30 Mondays to Fridays and 08:30 to 13:00 Saturdays. No noise generating equipment shall be used on Sundays and Bank Holidays.**

Reason: In order to protect the amenity of occupiers of nearby properties so as to comply with Policy SD1 and RA6 of the Herefordshire Local Plan - Core Strategy and Policy BLH18 of the Brimfield and Little Hereford Neighbourhood Development Plan, together with the National Planning Policy Framework.

- 5. The number of persons working in the proposed motor tyre fitting unit shall be restricted to no more than 2 at all times.**

Reason: In order to protect the amenity of occupiers of nearby properties so as to comply with Policy SD1 and RA6 of the Herefordshire Local Plan - Core Strategy and Policy BLH18 of the Brimfield and Little Hereford Neighbourhood Development Plan, together with the National Planning Policy Framework.

6. **The door to the room housing the compressor shall be kept closed when the compressor is in operation.**

Reason: In order to protect the amenity of occupiers of nearby properties so as to comply with Policy SD1 and RA6 of the Herefordshire Local Plan - Core Strategy and Policy BLH18 of the Brimfield and Little Hereford Neighbourhood Development Plan, together with the National Planning Policy Framework.

7. **All activities and operations associated with the motor cycle tyre fitting unit including all external noise generating plant and machinery shall take place within the area marked red on the proposed plans and no such activity shall take place in the outside yard area.**

Reason: In order to protect the amenity of occupiers of nearby properties so as to comply with Policy SD1 and RA6 of the Herefordshire Local Plan - Core Strategy and Policy BLH18 of the Brimfield and Little Hereford Neighbourhood Development Plan, together with the National Planning Policy Framework.

8. **The building proposed to house the air-compressor unit would be constructed and insulated in accordance with the details set out in the applicant's email dated 15 June 2021.**

Reason: In order to protect the amenity of occupiers of nearby properties so as to comply with Policy SD1 and RA6 of the Herefordshire Local Plan - Core Strategy and Policy BLH18 of the Brimfield and Little Hereford Neighbourhood Development Plan, together with the National Planning Policy Framework.

9. **All foul water shall discharge through connection to the existing private foul water treatment system with final outfall to the existing soakaway drainage field on land under the applicant's control; and all surface water shall discharge to appropriate SuDS or soakaway system; unless otherwise agreed in writing by the Local Planning Authority.**

Reason: In order to comply with Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework, NERC Act (2006), Herefordshire Local Plan - Core Strategy policies LD2, SD3 and SD4 and the Brimfield and Little Hereford Neighbourhood Development Plan.

10. **At no time shall any external lighting be installed on any part of the application site without the written approval of this local planning authority.**

Reason: To ensure that all species and Dark Skies are protected having regard to the Wildlife and Countryside Act 1981, Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework, NERC Act (2006), Herefordshire Local Plan - Core Strategy policies SS6, LD1, LD2 and LD3, the Brimfield and Little Hereford Neighbourhood Development Plan and the Dark Skies initiative (DEFRA-NPPF 2013/18).

INFORMATIVES:

- 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.**

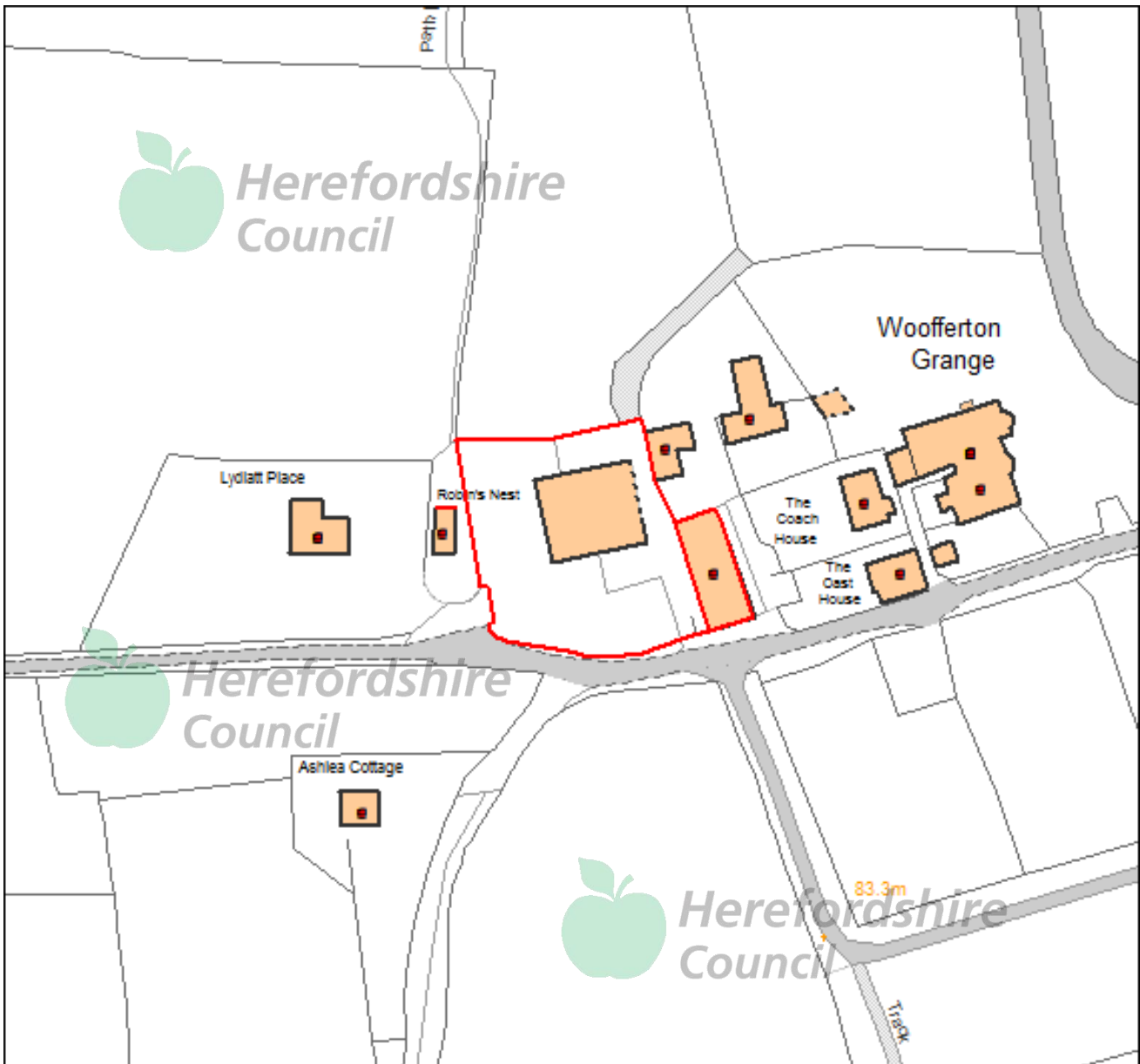
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 203268

SITE ADDRESS : ROBINS NEST AT THE YARD, WOOFFERTON GRANGE, WYSON LANE, BRIMFIELD, HEREFORDSHIRE, SY8 4NP

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Further information on the subject of this report is available from Mr Ollie Jones on 01432 260504