

15 DCNW2004/3562/F - PROPOSED AGRICULTURAL BARN AT TUNNEL LANE NURSERY, TUNNEL LANE, ORLETON, LUDLOW, HEREFORDSHIRE, SY8 4HY**For: Tunnel Lane Nursery per Mr D Lee, Oilmill Studios, Brampton Bryan, Bucknell, SY7 0EW****Date Received:**
15th October 2004**Ward:**
Bircher**Grid Ref:**
49735, 66549**Expiry Date:**
10th December 2004

Local Member: Councillor S Bowen

1. Site Description and Proposal

- 1.1 The application site comprises 1.2 hectares of land and buildings (including a tied bungalow) used as as Plant Nursery. The site lies in open countryside approximately 0.6 km to the south east of Orleton and on the south side of Tunnel Lane (C1046).
- 1.2 In addition to the tied bungalow the nursery benefits from a number of timber framed greenhouses and sheds and associated hardstanding and storage areas. Ground levels within the site fall away towards its southern boundary.
- 1.3 The surrounding land is predominantly in use for agricultural purposes although there are properties in relatively close proximity to the west and east of the site. The western and southern boundaries are characterised by a mature mixed deciduous hedgerow offering screening from the surrounding area.
- 1.4 Planning permission is sought for the erection of a new part timber clad office and dry goods working area and part steel framed greenhouse/propogating house. An underground storage area would be created beneath which would be accessed from an open yard area on the eastern side of the building. The total floor area created by the proposed building would be 410 square metres within the underground storage area, 253 square metres with the greenhouse/propogating house and 85 square metres within the office/working area. A total of 748 square metres. In addition to the new build element, the application would involve the demolition of a significant number of the existing sheds and greenhouses. A total of 551 square metres of buildings would be removed.
- 1.5 The proposed building would have a maximum length and width of 27.6 metres and 13.8 metres respectively. The maximum ridge height of the building would be 7 metres with approximately 4 to 6 metres being above the surrounding ground level.
- 1.6 It is proposed to retain the existing boundary planting and supplement it with additional landscaping.

2. Policies**National Guidance**

PPG4 – Industrial and Commercial Development and Small Firms
PPG7 – Sustainable Development in Rural Areas

Hereford and Worcester Country Structure Plan

Policy CTC9 – Development Requirements
Policy CTC10 – Trees and Woodland
Policy A3 – Agricultural Buildings
Policy S3 – Retail Development Outside Town Centre
Policy S5 – Retail Development Outside Urban Areas

Leominster District Local Plan (Herefordshire)

Policy A1 – Managing the District's Assets and Resources
Policy A2(D) – Settlement Hierarchy
Policy A9 – Safeguarding the Rural Landscape
Policy A10 – Trees and Woodland
Policy A12 – New Development and Landscape Schemes
Policy A24 – Scale and Character of Development
Policy A34 – Village Based Neighbourhood Shops and other Small Scale Commercially Based Local Services
Policy A35 – Small Scale New Development for Rural Businesses within or around Settlements
Policy A70 – Accommodating Traffic from Development

Herefordshire Unitary Development Plan (Revised Deposit Draft)

S1 – Sustainable Development
S2 – Development Requirements
S7 – Natural and Historic Heritage
DR1 – Design
DR2 – Land Use and Activity
DR13 – Noise
LA2 – Landscape Character and Areas Least Resistant to Change
LA5 – Protection of Trees, Woodlands and Hedgerows
LA6 – Landscaping Schemes
E7 – Expansion of Existing Businesses
E11 – Employment in Smaller Settlements and Open Countryside
E13 – Agricultural and Forestry Development

3. Planning History

93/339 - Extension to existing bungalow forming new bigger kitchen and new bedroom.
Approved 26th July 1993
87/678 - Extension to dwelling. Approved 4th January 1988
15454 - Erection of bungalow. Approved 12th August 1963
14645 - Erection of agricultural workers dwelling. Approved 13th May 1963

4. Consultation Summary

Statutory Consultations

4.1 None required

Internal Consultee Advice

4.2 Traffic Manager raises no objection

4.3 Head of Environmental Health and Trading Standards raises no objection.

5. Representations

5.1 A total of 6 letters of objection have been received from the following persons:-

CE & JD Mason, Hewell, Tunnel Lane, Orleton, SY8 4HY (3 letters)
The Occupiers, Hewell Cottage, Tunnel Lane, Orleton, SY8 4HY (1 letter)
Mr & Mrs D Thomas, Hewell Farm, Tunnel Lane, Orleton, SY8 4HY (2 letters)
Mrs Hyde, 24 Mortimer Drive, Orleton, SY8 4JW (1 letter)

The concerns raised can be summarised as follows:-

- Dimensions of two storey building inappropriate for the size of the nursery business
- Building more accurately described as an industrial unit
- Possible intention to establish non-agricultural use for storage and assembly, sales and distribution of cast iron and metal goods
- Any permission should restrict the use of the building to purposes associated with the established nursery building
- Tunnel Lane not suitable for HGV use
- Additional traffic both commercial and private cars detrimental to highway safety
- Concern regarding run off and flooding of lower lying adjacent fields
- Noise and disturbance associated with activities inside and outside the building
- Scale of buildings detrimental to visual amenity, applicant has already removed trees and hedgerows. Any permission granted should require provision of effective screen hedging.
- Building too close to allow retention of hedgerow
- Building should be set in from existing hedgerow boundaries
- Existing access points should be retained and not removed without consent.
- Doubt regarding the validity of statements relating to HGV movements
- Concern that business may have been run down deliberately in an attempt to justify a change of direction
- Statement that building is underground since much of the building will be visible above ground
- Clear evidence of need should be provided
- Summary of storage requirements is a serious cause for concern
- Storage areas would be better located on site of existing greenhouses
- If planning permission granted the following provisions should be made
 - a) maintenance of an effective screen along western and southern boundaries
 - b) building should be no closer than 4 metres from boundary to ensure hedgerow survived
 - c) use is restricted to horticultural in support of established nursery building
 - d) no further expansion of the building be permitted
 - e) that soakaway should meet technical requirements on size and permeability

5.2 A total of 4 letters of support have been received from the following persons:-

Mr R Gare, Kingsfield, Kingsland
T P Brown, The Bay Horse, Orleton
Mr & Mrs Thomas, Hewell Farm, Tunnel Lane, Orleton (retraction of initial concerns)
Mr B Sykes, Church House, Milbrook Way, Orleton

Comments can be summarised as follows:-

- Current owners have made a lot of improvement but there is still a lot that needs doing
- Amended design for building appears suitable
- Owners will tidy up the area and enhance the business
- Old greenhouses were becoming unsafe

5.3 The latest response from Orleton Parish Council can be summarised as follows:-

Parish Council continues to support rural enterprise but still have the following reservations about this application:

- Previous and recent removal of hedgerow - potential for creating larger accesses
- Overall scale and height of proposal has not been addressed
- Underground element questionable
- Doubts regarding the validity of HGV movements - only recollection of very occasional lorry in the past
- Only access to site for HGV's would be via The Maidenhead crossroads - an accident black spot
- Would roads and bridges support such traffic
- Council would support a nursery on site with planning permission tightly drawn to ensure it remains a nursery facility to the village

5.4 The full text of these letters can be inspected at Central Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

6. Officers Appraisal

6.1 The main considerations in the determination of this application are as follows:-

- a) the principle of the proposed development and its intended use
- b) the visual impact of the proposed building
- c) the implications for the residential amenity of neighbouring occupiers
- d) traffic and access issues and
- e) surface water drainage

Principle and Intended Use

6.2 The application site lies in open countryside where development proposals are strictly controlled by Policy A2(D) of the Leominster District Local Plan (Herefordshire). However the policy defines a series of exceptional circumstances which include development associated with the efficient running of agricultural or forestry enterprises and small scale employment generating uses that comply with other more detailed policy requirements outlined in the Local Plan.

- 6.3 The nursery business is a long established one on the site and in this respect the application does not offer an opportunity to challenge the principle of such the use at this rural location. The key issue in this context is the acceptability of the expansion/rationalisation of the existing operation and to ensure that its scale remains appropriate to its location as required by Policy A35.
- 6.4 It is acknowledged that the site occupies an isolated location, which is remote from the nearest settlement and not conveniently accessed by pedestrians but this is a long prevailing arrangement and in this instance would not rule out the consideration of this particular proposal based upon the specific merits of the case.
- 6.5 In response to serious concerns raised locally, the applicant has sought to clarify the intended use of the site and more specifically the proposed building, which through negotiation has been significantly adapted in order to seek to reduce its perceived scale and industrial appearance. The result is a largely glazed and partly timber clad structure which is considered to be more in keeping with the existing character of greenhouses and sheds on the site.
- 6.6 The “underground” section of the building would be used for a range of storage uses associated with the requirements of the nursery. This would include an area for storing sterilized soil since the current makeshift arrangements do not guarantee a weed free environment; an area for the bulk storage of peat, wood chippings, moss, pots, baskets, troughs, trays and seed; a working area for potting and assembly of hanging baskets which would also accommodate the pumping and control machinery for the water storage and irrigation system for the nursery and an area for secure storage of plant and equipment. It is submitted by the applicant that these requirements are not adequately catered for by the existing range of buildings on the site. This is acknowledged by the agreed intention to dismantle and remove structures with a combined floor area of approximately 551 square metres.
- 6.7 The proposed building with a gross floor area of 748 square meters would involve an increase of 197 square metres of operational workspace, which is not considered to be of a scale that is inappropriate for such a use in this location.
- 6.8 Restrictions upon the use of the building, the demolition of existing structures and the inherent control over future development would bring about the type of limitations referred to in consultation responses and in the light of these, it is accepted that there is a justification for the building as proposed and that subject to the satisfaction of other detailed policies, the principle is an acceptable one having regard to Policies A2(D) and A35 of the Local Plan.

Visual Impact

- 6.9 The site and surroundings comprise an attractive, although undesignated area of open countryside, characterised by agricultural use and scattered farm holdings and dwellings. The site itself despite the recent removal of hedgerows and trees (works not requiring formal consent) maintains a reasonable level of screening along its boundaries. The applicant intends to retain all of the existing planting along the southern and western boundaries with the intention of supplementing the existing boundary with additional planting where necessary.

- 6.10 It is considered that this will certainly reduce the impact of the proposed building in views from the south and west. The sloping nature of the site is such that the building would not be readily visible from the public highway to the north and east. Furthermore despite the apparent height of the building (a maximum height of some 7 metres) it would be set into the sloping land such that its height above ground level would range between approximately 4 and 6 metres. The positioning and relative height of the building compares favourably with existing greenhouses on the western boundary of the site and in its revised form which includes timber cladding, glazing and the introduction of breaks in the ridgeline the appearance is considered for less industrial and more in keeping with the nursery context.
- 6.11 It is therefore considered that with appropriate conditional controls, the revised building could be successfully integrated into the local landscape without significant detriment.

Residential Amenity

- 6.12 It is not considered that the applicants proposals would result in any activities that would be beyond what would be considered normal for a modern nursery business. It is possible that the ambitions of the applicants would attract more customers to the site but this in its own right is not a material planning consideration since the site has a well established use as a plant nursery with a retail element and the level of use in reality is not an issue that the Local Planning Authority can control. Furthermore it is advised that the primary intention would be to supply local retail outlets rather than focus on improving direct sales.
- 6.13 No objection is raised by the Head of Environmental Health and Trading Standards Officer and therefore subject to a restriction on nursery related use the proposal is considered to be acceptable.

Access and Parking

- 6.14 The applicant does not involve any alterations to existing accesses to the site or the expansion of existing parking areas, both of which would require planning permission in their own right. Whilst there appears to be some dispute about HGV activity associated with the previous owners, it is mentioned that only 2 HGV deliveries would be made per month.
- 6.15 The information provided by the applicant has been considered by the Traffic Manager who raises no objection to the proposal. Reference to weight restrictions on the local road network is not a matter that carries any significant weight to a planning recommendation but clearly the applicant will need to ensure compliance with other regulatory requirements.

Drainage

- 6.16 The applicant has proposed the installation of a holding tank that will collect surface water with the aim of recycling this into the nursery's irrigation system. Any additional surface water will be catered for by a new soakaway system. In the light of local concerns relating to the potential flooding of adjacent land on appropriate conditions is proposed to maintain control over the system.

Conclusion

- 6.17 It is considered that the modernisation of the existing facilities is required to enable the well established nursery to secure future viability and that the scale and appearance of the revised multi-purpose building is acceptable in this rural location. The concerns of local residents and the Parish Council are acknowledged but with conditional restrictions is considered that the issues raised, where relevant to planning legislation, can be dealt with by way of conditions.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1 - **A01 (Time limit for commencement (full permission))**

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

- 2 - **A08 (Development in accordance with approved plans and materials)**

Reason: To ensure adherence to the approved plans and to protect the general character and amenities of the area.

- 3 - **E10 (Use restricted to that specified in application)**

Reason: To suspend the provisions of the Town and Country Planning (Use Classes) Order currently in force, in order to safeguard the general character and amenities of the area.

- 4 - **F20 (Scheme of surface water drainage)**

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

- 5 - **There shall be no floodlighting or external lighting installed at the site without the approval in writing of the Local Planning Authority.**

Reason: In the interests of protecting the visual amenity of the area.

- 6 - **F48 (Details of slab levels)**

Reason: In order to define the permission and ensure that the development is of a scale and height appropriate to the site.

- 7 - **G04 (Landscaping scheme (general))**

Reason: In order to protect the visual amenities of the area.

- 8 - **G05 (Implementation of landscaping scheme (general))**

Reason: In order to protect the visual amenities of the area.

9 - G09 (Retention of trees/hedgerows)

Reason: To safeguard the amenity of the area.

10 - G19 (Existing trees which are to be retained)

Reason: In order to preserve the character and amenity of the area.

11 - H13 (Access, turning area and parking)

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway.

12 – Prior to the first use of the building hereby approved, the existing storage buildings and greenhouses identified on the schedule and drawing no. 500/10 received on 20th January 2005 shall be demolished and permanently removed from the site.

Reason: In the interests of protecting the visual amenity of the area.

Informatives:

1. N15 - Reason(s) for the Grant of PP/LBC/CAC

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.