

12 DCNE2004/3962/F - CHANGE OF USE OF AGRICULTURAL BUILDINGS TO B1 AND PROVISION OF PARKING FOR 3 COMMERCIAL VEHICLES. AGRICULTURAL BUILDING AND LAND TO THE REAR OF ASHBOURNE HOUSE, LOWER EGGLETON, LEDBURY HEREFORDSHIRE, HR8 2TZ

**For: Mr & Mrs J Fry John Phipps Bank Lodge
Coldwells Road Holmer Hereford HR1 1LH**

**Date Received:
16th November 2004**

**Ward:
Frome**

**Grid Ref:
61525, 44940**

**Expiry Date:
11th January 2005**

Local Member: Councillor R Manning

1. Site Description and Proposal

- 1.1 The application site lies within 150 metres of Newtown Crossroads and lies to the rear of dwellings which front onto the A4103. It comprises an existing agricultural building which has a floor space of 80 metre square. Access is gained to the site via an existing track that emerges onto the A417.
- 1.2 The proposal is in fact retrospective as the building is being used for the purposes applied for, that being the use for the applicants drainage business. This entails the installation of water supply and foul pipes and includes the maintenance and clearing of drains. The application is described as being for B1 use, but is actually described as 'sui generis' by the Land Use Gazetteer.

2. Policies

Hereford and Worcester County Structure Plan

E8 – Industrial Development in Rural Areas

Malvern Hills District Local Plan

Employment Policy 6 – Re-Use of Rural Building

Herefordshire Unitary Development Plan (Revised Deposit Draft)

E11 – Employment in the Smaller Settlements and Open Countryside
HBA12 – Re-Use of Rural Buildings

3. Planning History

NE1999/1261/F - Erection of agricultural building - Approved 29th September 1999.

The approval was subject to the following condition in light of concerns that the building would not be used as applied for:

'The buildings shall only be used in connection with the stated uses (i.e storage of animal feed, agricultural machinery (tractor) and winter sheep store) and for no other use whatsoever.'

4. Consultation Summary

Statutory Consultations

4.1 None required.

Internal Council Advice

4.2 Traffic Manager - No objection subject to conditions.

4.3 Head of Environmental Health & Trading Standards - Comments as follows: 'This is an existing business and, as far as I am aware, no complaints have been received concerning noise or odours. However, these are issues that could be dealt with under the provisions of the Environment Protection Act should justified complaints be received.'

I was reluctant to recommend restrictions on hours of use as it is the nature of the business that there will be occasional call out to emergency situations. However, in view of the Parish Council's comments, it may be appropriate to restrict the use to access and egress of vehicles only between 7pm and 7am Monday to Saturday and all day Sunday, in order to avoid the use of the premises for maintenance work while at unsocial hours.'

5. Representations

5.1 Yarkhill Parish Council - Note that there is strong local opposition to the proposal and support the concerns of local people that the application will cause detriment to residential amenity in terms of noise and light pollution and represents a danger to highway safety.

5.2 CPRE - The proposed industrial use is not compatible with its open countryside location and will detract from the visual amenities of the area.

5.3 Four letters of objection have been received in response to statutory consultation procedures from the following:

C J Wilson, Squirrels Nest, 4 The Oaklands, Lower Eggleton
A M Sutton & C M D Blandford, 2 The Oaklands, Lower Eggleton
Mr & Mrs Price, Northcroft, Lower Eggleton
Mr R Bates & Miss J Beck, Rose Corner, 3 The Oaklands, Lower Eggleton

In summary the points raised are as follows:

- a) Concerns over highway safety with vehicles emerging onto the A417 without adequate visibility
- b) The use is out character with its surroundings.

- c) The use is detrimental to residential amenity, causing problems of noise disturbance, smell and light pollution.
 - d) The applicant regularly parks more than three vehicles on the site.
- 5.4 The full text of these letters can be inspected at Northern Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

6. Officers Appraisal

- 6.1 The application has been submitted as a result of an enforcement complaint. Further investigations and action has been held in abeyance pending the determination of this application.
- 6.2 The main issues are ones of residential amenity, highway safety and impact on the visual amenities of the area. A response to the first two of these are available in terms of the internal consultation responses from Environmental Health and Transportation Managers. The former have not received any complaints from residents in terms of noise smell or light pollution and therefore do not object subject to in hours operation condition whilst the latter raise no objection subject to conditions relating to the provision of adequate visibility splays and turning and parking areas.
- 6.3 The issue of visual amenity can be addressed by conditions requiring the submission of a landscaping scheme and to ensure that no outside storage occurs on the site.
- 6.4 The application adheres to the requirements of policies relating to the re-use of rural buildings. It is structurally sound and represents a commercial re-use of a vacant building.
- 6.5 Whilst original concerns that the building was always intended for commercial use would appear to have been well founded, this should not affect the determination of this application. As the use is considered to be sui generis, any alternative use of the building in the future will require the benefit of planning permission. Furthermore it is recommended that the use of the building is made personal to the applicant to ensure that it continues to be used in its current manner and not in a more intensive way that may give rise to greater nuisance.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1 - H03 (Visibility splays)(2.4m)(120m)**

Reason: In the interests of highway safety.

- 2 - H15 (Turning and parking: change of use - commercial)(6 cars and 1 lorry)**

Reason: To minimise the likelihood of indiscriminate parking in the interests of highway safety.

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

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

4 - G05 (Implementation of landscaping scheme (general))

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

5 - E01 (Restriction on hours of working)(7am to 7pm Mondays to Saturdays)

Reason: To safeguard the amenities of the locality.

6 - E27 (Personal condition)(Mr J Fry)

Reason: The nature of the development is such that it is only considered acceptable in this location having regard to the applicant's special circumstances.

7 - F04 (No open air operation of plant/machinery/equipment)

Reason: To protect the amenities of nearby properties.

Informatives:

- 1 - N15 - Reason(s) for the Grant of PP/LBC/CAC
- 2 - HN05 - Works within the highway

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.