

8 DCCW2005/0207/F - CONTINUED USE FOR DISTRIBUTION OF SAND AND AGGREGATES INCLUDING RETAIL FOR TWO YEARS AT UNIT 2, POMONA WORKS, ATTWOOD LANE, HEREFORD

For: T.W. Jones per John Phipps, Bank Lodge, Coldwells Road, Holmer, Hereford, HR1 1LH

Date Received: 24th January, 2005

**Ward: Burghill,
Holmer & Lyde**

Grid Ref: 51066, 42402

Expiry Date: 21st March, 2005

Local Member: Councillor Mrs. S.J. Robertson

1. Site Description and Proposal

1.1 This application seeks permission for the continued use of Unit 2, Pomona Works, Attwood Lane, Holmer for the distribution of sand and aggregates, including retail.

1.2 The site was previously used as a landscaping depot base for Landscaping Services storing various supplies. Application CW2002/1758/F sought the change of use of this yard for retail use to allow for the use of the site as a sand and aggregates business. A personal consent was approved for two years so as to allow for a review of the situation. Permission is now sought for the continuation of this use.

2. Policies

2.1 South Herefordshire District Local Plan:

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| Policy GD1 | - | General Development Criteria |
| Policy ED2 | - | Employment Land |
| Policy ED3 | - | Employment Proposals Within/Adjacent to Settlements |
| Policy ED4 | - | Safeguarding Existing Employment Premises |
| Policy T3 | - | Highway Safety Requirements |

2.2 Herefordshire Unitary Development Plan (Revised Deposit Draft):

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|------------|---|--|
| Policy S1 | - | Sustainable Development |
| Policy S2 | - | Development Requirements |
| Policy S4 | - | Employment |
| Policy S6 | - | Transport |
| Policy DR1 | - | Design |
| Policy DR2 | - | Land Use and Activity |
| Policy DR3 | - | Movement |
| Policy E5 | - | Safeguarding Employment Land and Buildings |

3. Planning History

- 3.1 CW2002/1738/F Change of use to storage yard for retail use (retrospective application). Approved (2 year temporary permission) 31st July 2002.
- 3.2 DCCW2004/1182/F Construction of 32 dwellings and associated works. Withdrawn 9th September 2004.
- 3.3 DCCW2004/3085/F Construction of 32 dwellings and associated works. Refused 9th February 2005.

4. Consultation Summary

Statutory Consultations

- 4.1 Herefordshire Police - No response received.

Internal Council Advice

- 4.2 The Traffic Manager - Extensive areas of mud coverage, plus loose gravel on the carriageway at the bend have been noted. This presents a significant and unnecessary hazard to other road users. Wheel washing equipment is therefore required and should be conditioned.

Traffic generation is not considered a problem. Attwood Lane is very lightly trafficked outside the peaks. Furthermore, it is very evident from muddy tracks on the road that most, if not all site traffic assigned to the south which does not have any residential frontages. The Lane also widens out significantly south of the residential access, and visibility at the junction with Roman Road is excellent.

It should be noted that were the present use to cease it is likely that it would be replaced with a similar use, generating similar traffic levels.

- 4.3 Environmental Health Manager - The Environmental Health Department has received two complaints from differing complainants regarding T. Jones Landscaping in the past week. The first was received on the 10th March 2005 and detailed a variety of issues including lorry noise, lorry speeds, dust from site, opening hours and the condition of the road (potholed and gravel covered). This was passed to Transportation to investigate. The second was received on the 14th March 2005 and detailed noise both from lorry movements past the complainant's house as well as noise from within the site. This includes noise from diggers, revving of engines, reversing beepers and general loading/unloading noise. The complainant also commented on the opening hours of the site and the erosion of the grass verges down the road. Previous to this, complaints have been recorded regarding noise and dust but all are previous to September 2002 and therefore would not be relevant to the current application site.

The amount of dust and site associated material on the road and in the surrounding area is unacceptable and is likely to give rise to further complaints with regards to nuisance. Wheel cleaning apparatus should therefore be provided with details submitted to and approved by the Planning Authority, and which shall be retained and operated for the duration of the use.

A restriction on the hours of operation is also recommended. No work activities or deliveries should be permitted before 8.00am nor after 6.00pm weekdays, before 8.00am nor after 1.00pm on Saturdays nor at any other time on Sundays, Bank or Public Holidays.

4.4 Forward Planning Manager -

South Herefordshire District Local Plan:

There is no specific policy relating to the site at Attwood lane, which is located adjacent to the settlement boundary of Hereford City. Policy ED.2 states that sensitive small scale employment proposals will be encouraged mainly within or adjacent to settlements. Policy ED.4 seeks to safeguard existing employment premises and considers that existing businesses need to be encouraged to continue trading.

Unitary Development Plan Revised Deposit Draft:

The boundary at Attwood Lane has been redefined in the UDP revised deposit draft to include the relevant site within safeguarded employment land under Policy E.5. E.5 stipulates the importance of protecting existing land and buildings used for employment purposes and seeks to retain such uses. The Plan states that retail uses on such land will only be acceptable where they are ancillary to a principal employment related use, which appears to be the case in this application. Objections have been received in respect of Policy E.5, which will be heard during the Public Inquiry.

4.5 Economic Development - No response received.

5. Representations

5.1 Holmer Parish Council - "No objection to the continued use but we would ask that wheel cleaning apparatus be installed or regular sweeping done to keep the road clear of mud and debris."

5.2 Local Residents - Seven letters of objection have been received from the following sources:

- B. & J. Jeffery, 1 Turnberry Drive, Holmer
- R. Rossi, West Court, Holmer
- R. Holland, Vice-Chairman, Holmer and District Residents Association, St. Andrews, Munstone Road, Holmer
- C. & C. Moore, 4 Belfry Close, Holmer
- J. Cheetham, Holmer Court Residential Care Home, Attwood Lane, Holmer (x 3).

The comments raised can be summarised as follows:

1. Gravel and mud dragged onto the road causes a hazard (wet - mud, dry - dust).
2. Excessive vehicular use of Attwood Lane.
3. Disturbance to nearby residences caused by operations and security alarm.
4. Access should be via A4103.
5. Attwood Lane should be one-way due to the level of use.
6. Attwood Lane should have a weight restriction placed upon it.

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 site falls outside of the Hereford City settlement boundary but the application relates to a site adjacent to the boundary and is for the continuation of an existing business use. The proposal is therefore acceptable in principle in the context of the South Herefordshire District Plan. Turning to the Herefordshire Unitary Development Plan (Revised Deposit Draft), the site is currently included as safeguarded employment land. Though objections have been received to the relevant policy (E.5), the current policy position for such areas is that existing employment land and buildings should be protected and the use retained. To that end, the proposal is also considered acceptable in principle in relation to the emerging development plan.
- 6.2 It is of note that this site has a historical business operation associated with it. The issue therefore is the specific nature of this particular use. It is considered that two key issues are fundamental to the acceptability of this use, namely vehicular movement and operational disturbances.
- 6.3 The vehicle movements relating to this use are not considered problematic in themselves. They are not considered particularly high and the Traffic Manager advises that a similar use would likely generate similar levels of traffic. The principal concern is the site associated material that is spread onto the highway during use. This is recognised as an issue of concern and for this reason a condition requiring wheel washing facilities is proposed.
- 6.4 Turning to residential amenity issues, the site is within close proximity of residential uses and the impact of a use such as this is recognised. That said, it is not considered that the use is particularly problematic in itself and it is noted that the Environmental Health Team have received little objection to this use prior to the submission of this application. It is therefore considered appropriate to support this use, but also to restrict its hours of operation.
- 6.5 No time limit is proposed in this instance. The previous application (DCCW2002/1738/F) was permitted for a two year period but it is now considered that the impact of the use can be effectively assessed. The conditions required in association with the use have been identified and as such it is considered unreasonable to impose a limitation on the duration of any permission.

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. E01 (Restriction on hours of working).**

Reason: To safeguard the amenities of the locality.

3. E02 (Restriction on hours of delivery)

Reason: To safeguard the amenities of the locality.

4. The premises shall be used for the distribution of sand and aggregates, including retail associated with the approved use and for no other purpose.

Reason: To suspend the provisions of the Town and Country Planning (Use Classes) Order currently in force, in order to control the use of the site.

5. Within six months of the date of this permission wheel washing apparatus shall be provided in accordance with details to be submitted to and approved in writing by the local planning authority, and which shall be operated in accordance with terms to be agreed in writing with the local planning authority within three months of the date of this permission.

Reason: To ensure the wheels of vehicles are cleaned before leaving the site in the interests of highway safety.

Informatives:

- 1. HN01 - Mud on highway.**
- 2. N15 - Reason(s) for the Grant of PP/LBC/CAC.**

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.