

**10 DCNE2005/0913/F - CONVERSION OF FORMER NURSERY UNIT TO RESIDENTIAL USE AT WYE FRUIT LTD, BROMYARD ROAD, LEDBURY, HEREFORDSHIRE, HR8 1LG**

**For: Wye Fruit Farm Ltd per STMR Architects, Bideford House, Church Lane, Ledbury, Herefordshire, HR8 1DW**

**Date Received:**  
**21st March 2005**

**Ward:**  
**Ledbury**

**Grid Ref:**  
**70681, 38875**

**Expiry Date:**  
**16th May 2005**

Local Member: Councillor B Ashton, Councillor D Rule MBE & Councillor P Harling

**1. Site Description and Proposal**

- 1.1 The application is for the change of use of a prefabricated building previously used as a childrens nursery to dormitory accommodation to house workers at Wye Fruit Ltd, Bromyard Road, Ledbury.
- 1.2 The building is a single storey structure with a floor area of 104m<sup>2</sup>. It is positioned immediately adjacent to the main access to the site and the B4214 Bromyard Road.
- 1.3 The land is allocated for industrial/commercial use and Wye Fruit Ltd is a substantial operation involved in the storage, packaging and distribution of fruit.
- 1.4 The building is somewhat detached from the principal commercial use of the site. It is surrounded by mature trees and is allocated a small private space, a consequence of its former nursery use.
- 1.5 The scheme seeks to provide a five-bedroomed dormitory with a shared kitchen, recreational area and toilet facilities. It requires minor alterations to the front elevation where glazing will be partially replaced with panelling.

**2. Policies**

**Malvern Hills District Local Plan**

Employment Policy 2 – The retention of existing industrial land

**Herefordshire Unitary Development Plan**

E5 – Safeguarding employment land and buildings

### **3. Planning History**

- 3.1 None relevant to this application.

### **4. Consultation Summary**

#### Statutory Consultations

- 4.1 None required.

#### Internal Council Consultations

- 4.2 Transportation Manager - No objection subject to condition requiring secure cycle parking.

### **5. Representations**

- 5.1 Ledbury Town Council - Members were strongly against any change to residential use within this industrial estate. This area has been designated within the Herefordshire Unitary Development Plan as industrial and any residential use would set a precedent.

- 5.2 In support of the application, the applicants have submitted the following information: "Historically our workers have been mainly local people but in recent years we have been unable to recruit sufficient numbers. We have turned to using agency labour, which is bussed in from Birmingham and we have also directly employed Eastern European labour. These Eastern European staff have proved to be excellent workers and until now we have been able to provide them with caravan accommodation on private land owned by our members farms. Unfortunately these caravans are no longer available as the farms need it to use them to accommodate picking staff.

We have tried to find alternative accommodation locally for up to 15 staff but with limited success. We have managed to take out a company let on a property in Ledbury for 6 people but still need to accommodate the remaining 9. With our balanced product mix of apples and strawberries, we have regular work for 12 months a year and therefore need to accommodate staff all year round."

- 5.3 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 This application is difficult to assess in terms of policy criteria, as there are none which relate specifically to this type of proposal. It therefore falls to consider what is actually being proposed, what harm it causes in terms of prejudicing the allocation of employment land and whether appropriate conditions can be imposed to ensure that any resulting accommodation does not effectively create independent residential use in an area of commercial activity.
- 6.2 The applicant has been quite specific in terms of the need that they are seeking to address to provide accommodation for their workers. Whilst described as a residential use, it is clearly dormitory accommodation and is not intended for separate independent use. Conditions requiring that it is only occupied by workers employed on

site and that it should not be sold or leased separately from the business would address any such concerns.

- 6.3 The need for this accommodation appears to have arisen due to the fact that the business relies on labour from Eastern Europe. It is of a small scale and does not compromise the allocation of the site for employment use, and through the conditions recommended above this would be protected. A further condition could be imposed to make the use personal to the business and that it should cease if they vacate the premises, the reason being that permission is granted due to their particular needs.
- 6.4 Subject to the conditions referred to above, which are considered to address the concerns of the Town Council, the proposal is considered to be acceptable and is consequently recommended for approval.

## **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 - The accommodation hereby approved shall be occupied only by persons who are employed by Wye Fruit Limited on the site edged red on the approved plans.**

**Reason: In order to determine the terms of the application hereby approved.**

**3 - The accommodation hereby approved shall not be sold or leased separately from the business and premises known as Wye Fruits Limited.**

**Reason: The Local Planning Authority is not prepared to grant an unrestricted residential use in this location.**

**4 - E27 (Personal condition) (Wye Fruit Limited)**

**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.**

**5 - H29 (Secure cycle parking provision )**

**Before the development is commenced a scheme for the provision of secure cycle parking on site shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.**

**Reason: To ensure that there is adequate provision for secure cycle accommodation within the application site, encouraging alternative modes of transport in accordance with both local and national planning policy.**

**Informatives:**

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

Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.