

17 DCNC2005/1012/F - CHANGE OF USE WITH ASSOCIATED WORKS TO NON-COMMERCIAL AGRICULTURAL MACHINERY REPAIR & SERVICE WORKSHOP, WITH OFF-ROAD PARKING FOR THREE LORRIES AT UPPER HOUSE FARM, EDWIN RALPH, BROMYARD, HEREFORDSHIRE

For: R Harris Poultry Services per The Land Use Consultancy, 141 Bargates, Leominster, Herefordshire HR6 8QS

Date Received:

29th March 2005

Expiry Date:

24th May 2005

Local Member: Councillor T Hunt

Ward:

Bringsty

Grid Ref:

64333, 58058

1. Site Description and Proposal

1.1 Upper House Farm is located in open countryside, designated as being of Great Landscape Value, to the south of Edwyn Ralph.

1.2 This application proposes the use of a modern portal framed building that has a floor area of some 620m², and is on the north side of Upper House, to non-commercial agricultural machinery repair and service workshop with off-road parking for 3 lorries.

2. Policies

2.1 Malvern Hills District Local Plan

Employment Policy 6 – Re-use of Rural Buildings

Landscape Policy 1 – Development outside Settlement Boundaries

Landscape Policy 3 – Development in Areas of Great Landscape Value

2.2 Hereford and Worcester County Structure Plan

CTC2 – Development in Areas of Great Landscape Value

CTC9 – Development Criteria

2.3 Herefordshire Unitary Development Plan (Revised Deposit Draft)

E11 – Employment in the countryside

LA2 – Landscape character and areas least resilient to change

2.4 PPS1 – Delivering Sustainable Development

PPG4 – Industrial and Commercial Development and Small Firms

PPS7 – Sustainable Development in Rural Areas

PPG13 - Transport

3. Planning History

- 3.1 NC2002/2174/F - Change of use of barn to workshop for light industrial use. Refused 17.10.2002.

NC2002/3592/F - Change of use of agricultural building to light industrial workshop. Refused 19.3.2003.

NC2004/0706/F - Change of use, with associated highway works, from redundant farm buildings to non-commercial agricultural machinery repair and service workshop with off-road lorry parking. Refused 12.7.2004. Appeal lodged.

NC2004/0707/F - Change of use, with associated works, from redundant farm building to non-commercial agricultural machinery repair and service workshop with off-road lorry parking. Refused 12.7.2004. Appeal lodged.

4. Consultation Summary

Statutory Consultations

- 4.1 None.

Internal Council Advice

- 4.2 Traffic Manager: No objection, subject to conditions.

5. Representations

- 5.1 Edwyn Ralph Parish Council: 'Resolved not to comment on the application as it is very controversial within the village, and it is considered that a decision be left to the planning officers who will be better placed to give an opinion.'

- 5.2 Letters of objection have been received from:

D W Armstrong, The Manor, Edwyn Ralph
M J Warren, Little Copse, Edwyn Ralph
R Turner, Old Cross Farmhouse, Edwyn Ralph

- a) This application is no different from the previous refused applications;
- b) The site is located in an Area of Great Landscape Value;
- c) The business should be located on a specifically designated industrial estate and purpose made access to main trunk roads;
- d) Noise nuisance;
- e) Air pollution; and
- f) Increase in traffic along Church Lane.

- 5.3 Letters of support have been received from:

Gillian Yeomans, The Nook, Clifton-upon-Teme
Harry Walton, QC, The Black Venn, Edwyn Ralph

5.4 In support of the application, the applicant has said:

- 1) No more than 3 lorries to be based at site A (Upper House Farm);
- 2) Lorries based at site A shall not exceed 27 tons gross weight;
- 3) Lorries at site A to be kept within the buildings detailed in 2nd part of 3rd Schedule;
- 4) Only 3 lorry movements at site A to occur during the 24 hour day;
- 5) No lorry movements to occur outside of 0700 to 2200 on weekdays;
- 6) No lorry movements to occur outside of 0700 to 1300 on Saturdays;
- 7) No lorry movements to occur on Sundays, Bank Holidays and Public Holidays;
- 8) Lorry engines to be run for 3 minutes only, on starting up or returning to site A;
- 9) Hedgerows within sites A (Upper House Farm) & B (the junction of the U65016 and U65017), bordering the highways U65017 & U65016 to be subject to a management scheme which will specify;
 - i) the objectives of the management scheme;
 - ii) the appropriately qualified contractor appointed by the owner to deliver the scheme;
 - iii) the timetable for routine inspections of the scheme by contractor and submission of reports to the local planning authority;
 - iv) the proposed schedule and content of the maintenance operations that are required to establish the new planting scheme;
 - v) the proposed schedule and content of the operations that will be applied in the post-establishment period in order to manage the scheme to achieve the plan's objectives in accordance with good arboricultural and landscape management practice;
- 10) The owner and the Council's Landscape Advisor will jointly review the hedgerow plan at intervals not exceeding 1 year commencing from the start date of the undertaking. They may agree appropriate changes to the schedule of operations for the remainder of the management scheme consistent with meeting the scheme objectives;
- 11) The scheme shall include indications of all existing trees and hedgerows within site A & B beside the U65017 and details of any to be retained, together with measures for their protection. All proposed planting shall be clearly described with species, sizes and planting numbers;
- 12) All planting, seeding or turning shall be carried out in the first planting and seeding seasons following within 12 months of the date of this undertaking and any trees or plants which within a period of 5 years from the above date die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 5 years defects period; and
- 13) None of the existing trees and hedgerows on the sites A & B beside U75017, (other than those specifically shown to be removed on the approved drawings) shall be removed, destroyed, felled, lopped or pruned without the prior consent in writing of the local planning authority.

5.5 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 has been submitted following the refusal of planning applications NC2004/0706/F and NC2004/0707/F. Appeals to the Secretary of State for the Environment have been lodged against these refusals of planning permission and a Local Inquiry is to be held on 26 July 2005.
- 6.2 Employment Policy 6 of the Malvern Hills District Local Plan deals specifically with the re-use of rural buildings to business uses, as defined in Use Classes B1, B2 and B8, subject to an extensive criterion, including landscape impact, highway safety and effect on the amenity of neighbours. The proposal falls within Use Class B2.
- 6.3 Whilst the application building is a modern portal framed structure, it is of a size and construction suitable for employment use. Although located outside the settlement boundary of Edwyn Ralph, it is considered to be closely related to the village for economic use.
- 6.4 The determining factor in this application is the matter of highway safety. The site is accessed off a narrow unclassified road that exits onto Church Lane. Although previously the Traffic Manager has considered the road network unsuitable in its width to serve the previous proposals, which were unlimited in terms of traffic generation, no objection is raised to this proposal subject to the applicant entering into an agreement with the Council restricting the development to 3 lorries and movements of vehicles throughout the day, which is in line with the Vehicle Operators Licence granted by the Traffic Commissioners. By restricting the application to this number of lorries, the Traffic Manager does not consider the proposal will lead to an intensification in use of a junction, Church Lane, with the B4214, which does not have an accident history.

RECOMMENDATION

The County Secretary and Solicitor be authorised to complete a planning obligation under Section 106 of the Town and Country Planning Act 1990, to set out heads of agreement and deal with any other appropriate and incidental terms or issues.

Upon completion of the aforementioned planning obligation that officers named in the Scheme of Delegation to Officers be authorised to issue planning permission 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. E06 - Restriction of Use (non-commercial agricultural machinery repairs and service workshop Class B2)

Reason: The local planning authority wish to control the specific use of the land/premises, in the interest of local amenity.

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.