

15 DCCW2005/2661/F - VARIATION OF CONDITION 2 & 3 (HOURS OF WORKING/LOADING/UNLOADING) TO EXTEND OPERATING TIME TO 7.30AM OF PLANNING APPLICATION CW/2005/0207/F AND ALLOW EMPLOYEE ARRIVAL FROM 7.00AM UNIT 2 POMONA WORKS, ATTWOOD LANE, HOLMER, HEREFORD, HEREFORDSHIRE, HR1 1LJ

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

Date Received: 11th August, 2005 **Ward: Burghill, Holmer & Lyde**

Grid Ref: 51066, 42403

Expiry Date: 6th October, 2005

Local Member: Councillor Mrs S.J. Robertson

1. Site Description and Proposal

- 1.1 This application seeks permission for the variation of the hours of work at Unit 2, Pomona Works, Attwood Lane, Holmer, which are currently restricted by virtue of Conditions 2 and 3 attached to planning permission DCCW2005/0207/F.
- 1.2 The application site is used for the distribution of sand and aggregates, including retail, permission for which was secured permanently by virtue of conditions on planning permission DCCW2005/0207/F.
- 1.3 The hours of operation at this site are currently restricted to 8.00am to 6.00pm Mondays to Fridays and 8.00am to 1.00pm Saturdays with no working on Sundays, Bank or Public Holidays. This application seeks permission for an earlier start with operations commencing from 7.30am. It was also requested that employees be permitted to arrive from 7.00am onwards.

2. Policies

2.1 South Herefordshire District Local Plan:

GD1	-	General development criteria
ED2	-	Employment land
ED3	-	Employment proposals within/adjacent to settlements
ED5	-	Expansion of existing businesses
T3	-	Highway safety requirements

2.2 Herefordshire Unitary Development Plan (Revised Deposit Draft):

S1	-	Sustainable development
S2	-	Development requirements
S4	-	Employment

S6	-	Transport
DR1	-	Design
DR2	-	Land use and activity
DR3	-	Movement
E6	-	Expansion of existing businesses
E8	-	Design standards for employment sites

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 DCCW2004/0182/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 Withdrawn 9th September, 2004.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.
- 3.4 DCCW2005/0207/F - Continued use for distribution of sand and aggregates including retail for two years. Approved 20th April, 2005.

4. Consultation Summary

Statutory Consultations

- 4.1 None

Internal Council Advice

- 4.2 Traffic Manager: No objection.
- 4.3 Environmental Health and Trading Standards Manager: No objection subject to conditions.
- 4.4 Economic Development: No response received.
- 4.5 West Mercia Police: No response received.

5. Representations

- 5.1 Holmer Parish Council: Advised that the business has expanded in recent years and is now too large an operation to be carried out effectively within the surrounding infrastructure. The road sweeping and wheel cleaning operation that were to be installed on site have not been done satisfactorily. Considerable damage has been done to the road surface. The hedges and verges have been damaged and broken away. Excessive mud and dirt, especially in the winter months, on the corner. The lack of provision of parking for employees is of concern. There are broken telephone lines.
- 5.2 Local Residents: Six letters of objection have been received, one of which being sourced from the Holmer and District Residents' Association. The comments raised can be summarised as follows:

- Lack of restriction on hours of operation on adjoining site is not justification for flexibility on this site;
- The early start will not improve the situation as operations often start as early as 6.00am;
- Business has expanded to a degree that makes its operations unacceptable in terms of the impact caused;
- Location in close proximity to a bend in the highway causes a hazard to highway safety;
- If the business cannot operate within the existing restrictions they should relocate to larger premises;
- Gravel and mud dragged onto the road causes a hazard (wet - mud, dry - dust);
- Operating on a Saturday afternoon is unacceptable;
- Noise, dirt and dust impact unacceptably upon residential amenities;
- Road is unsafe to walk along due to vehicle movements;
- Business operations impact unacceptably upon neighbouring retirement home;
- Existing operations restrict access to emergency vehicles;
- Conditions attached to previous application (DCCW2005/0207/F) have yet to be complied with.

In the interests of clarification it is confirmed that this application does not seek to extend the hours of operation into Saturday afternoon. Only the start time is intended to be altered.

- 5.3 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 This application raises two key issues are fundamental to the acceptability of this application, namely highways and operational disturbances.

Highway Issues

- 6.2 The Traffic Manager has raised no objections to the extension of operating hours. It was confirmed in the previous application (DCCW2005/0207/F) that traffic generation is not considered a problem in respect of this business. Attwood Lane is very lightly trafficked outside the peaks. Furthermore, it was evident from muddy tracks on the road that most, if not all site traffic assigns 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. Were the present use to cease it is likely that it would be replaced with a similar use, generating similar traffic levels. Notwithstanding these comments, the previous application also acknowledged the mud and gravel on the carriageway and recognised the hazard this represents. However, this is not a planning issue in respect of this application but rather is a legal issue and a matter for the Highways Division to pursue. This matter remains under investigation. On this basis, and in consideration of the limited time extension requested, it is considered that this application is acceptable in relation to highway matters.

Amenity Issues

- 6.3 Turning to operational disturbances, the Environmental Health Manager advises that the parking of workers' vehicles, the application for a housing development, broken telephone lines and the speed of vehicles are not issues that are directly related to the current application and would all still be issues regardless of the opening hours of the

site. As would concerns over damage to the road surface and to hedges and verges. The amount of dust/dirt generated by the variation would, it is considered, have only a very limited impact on the amount of dust on the road. Therefore, noise is the primary concern with regards to this application. The Environmental Health and Trading Standards Manager has received no complaints regarding noise. The earlier opening/operating time requested is considered to represent a modest additional effect with the totality of the impact remaining within acceptable limits. That said, it is considered that it would not, however, be acceptable to vary the permitted hours on Saturdays having regard to the characteristics of weekend residential activity.

- 6.4 The earlier arrival of the employees will not cause a detrimental impact on the basis that they will be restricted from undertaking any operations, however, it is considered that a thirty minute window is excessive and the proposed condition restricts the arrival of employees to 15 minutes in advance of the hours of operation.
- 6.5 On balance it is considered that the limited variation in hours of operation will result in a limited additional impact that is not sufficient to warrant refusal of permission.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1 The permission hereby granted is an amendment to planning permission DCCW2005/0207/F and, otherwise than is expressly altered by this permission, the conditions attached thereto remain.**

Reason: For the avoidance of doubt.

- 2 The hours during which working may take place shall be restricted to 7.30am to 6.00pm Mondays to Fridays and 8.00am to 1.00pm on Saturdays. There shall be no such working on Sundays, Bank or Public Holidays.**

Reason: To safeguard the amenities of the locality.

- 3 The loading and unloading of service and delivery vehicles together with their arrival and departure from this site shall not take place outside the hours of 7.30am to 6.00pm Mondays to Fridays and 8.00am to 1.00pm on Saturdays, nor at any time on Sundays, Bank or Public Holidays.**

Reason: To safeguard the amenities of the locality.

- 4 Employees shall not enter or leave the site, other than for emergency access, more than 15 minutes before the permitted commencement hours of operation. No working, loading or unloading or any associated activities shall take place outside the restrictions confirmed in Conditions 2 and 3.**

Reason: To safeguard the amenities of the locality.

Informatives:

- 1 N03 - Adjoining property rights**
- 2 N15 - Reason(s) for the Grant of PP/LBC/CAC**

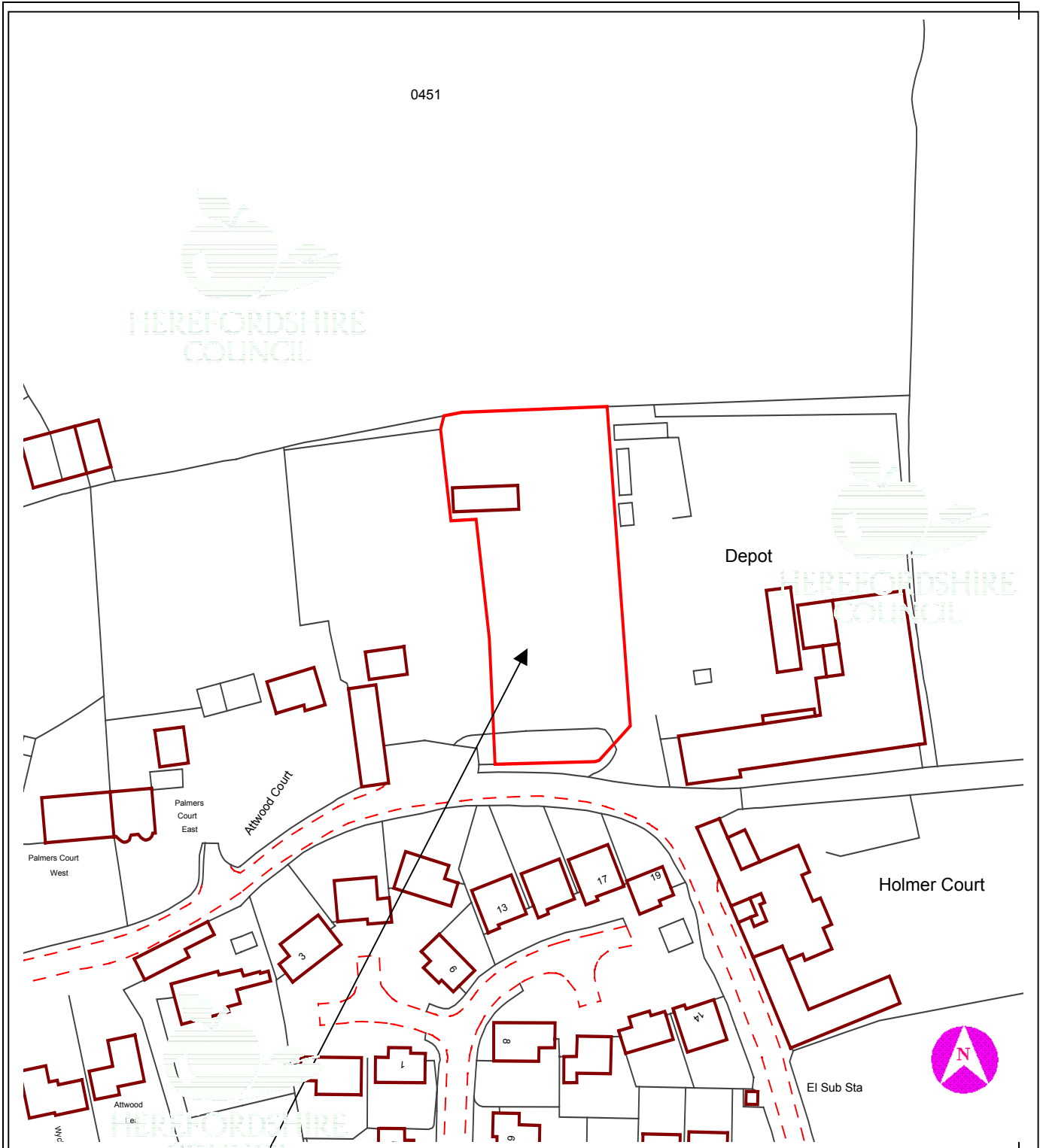
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCW2005/2661/F

SCALE : 1 : 1250

SITE ADDRESS : Unit 2 Pomona Works, Attwood Lane, Holmer, Hereford, Herefordshire, HR1 1LJ

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