

**7 DCCW2005/3733/F - ERECTION OF NEW WORKSHOP BUILDING AND EXPANSION OF SERVICE/STORAGE YARD AT THE LAKES, SWAINSHILL, HEREFORD, HR4 7PU****For: T.J. Crump Oakwrights Ltd., per White Young Green, Ropemaker Court, 12 Lower Park Row, Bristol, BS1 5BN****Date Received: 21st November, 2005****Ward: Credenhill****Grid Ref: 46008, 41934****Expiry Date: 16th January, 2006**

Local Member: Councillor R.I. Matthews

**1. Site Description and Proposal**

- 1.1 This site is located on the northern side of the A438 Hereford to Brecon road at Swainshill and comprises a converted residential dwelling, The Lakes, now used as offices, workshop and extraction plant building together with parking, services and storage yards.
- 1.2 The proposal is to construct a new assembly workshop and expand the service and storage areas to the north and west of the existing site. The new workshop building would measure 43 metres by 21 metres and would be 6.3 metres to the ridge. Materials proposed are weatherboarding for the walls under a metal profile sheet roof to match the existing building. The slab level of the building will be set at the same level as the existing workshop. The building will be set on the eastern side of the plot with timber storage racking around the extremity of the service yard and on the side of the workshop. The remainder of the land to the north and west will be used as a landscape buffer to St. Mary Magdalene's church to the north and residential property to the west. This landscape buffer will range from a minimum depth of 13 metres to approximately 30 metres.
- 1.3 The planning application includes a planting schedule prepared by Wyevale and a Noise Assessment prepared by SLR Consulting Limited.

**2. Policies****2.1 Planning Policy Guidance:**

- |       |   |  |
|-------|---|--|
| PPS7  | - | Sustainable Development in Rural Areas |
| PPG24 | - | Planning and Noise                     |

**2.2 Hereford and Worcester County Structure Plan:**

- |             |   |                            |
|-------------|---|----------------------------|
| Policy E6   | - | Development in Rural Areas |
| Policy ECT9 | - | Development Criteria       |

### 2.3 South Herefordshire District Local Plan:

Policy GD1	-	General Development Criteria
Policy ED3	-	Employment Proposals
Policy ED5	-	Expansion of Existing Businesses
Policy T3	-	Highway Safety Requirements
Policy C29	-	Setting of Listed Buildings

### 2.3 Herefordshire Unitary Development Plan (Revised Deposit Draft):

Policy S1	-	Sustainable Development
Policy S2	-	Development Requirement
Policy S4	-	Employment
Policy DR2	-	Land Use and Activity
Policy E6	-	Expansion of Existing Businesses
Policy E8	-	Design Standards for Employment Sites
Policy E11	-	Employment in the Smaller Settlements and Open Countryside
Policy T9	-	Road Freight
Policy T11	-	Parking Provision
Policy HBA4	-	Setting of Listed Buildings

## 3. Planning History

- 3.1 SH970687/PO New steel framed workshop, 3 bay garage, restriction of existing buildings, new entrance to property and site road. Approved 31st March, 1998. Section 106 Agreement not to develop areas of the site.
- 3.2 SC980709/PF Change of use from private house to office. New steel framed workshop and one 3 bay open garage with ancillary works. Approved 21st July, 1999.
- 3.3 CW2000/0056/F Amendment to existing planning permission (SC980709PF) and position of proposed workshop. Approved 4th May, 2000.
- 3.4 CW2001/1528/F Retention of 1) Additional 40 sq.m. yard space added to side of existing yard. 2) 10 steel stacking racks to side of workshop for storage of oak. Undetermined.
- 3.5 CW2002/1228/F Extension of existing workshop - gate posts and gateway brought closer to main road to give clearer access to delivery lorries. Tarmaced parking area. Approved 17th June, 2002.

## 4. Consultation Summary

### Statutory Consultations

- 4.1 None.

### Internal Council Advice

- 4.2 Traffic Manager - No objection.

#### 4.3 Conservation Manager - No objection to setting of listed building.

Landscape impact – “The existing yard, containing workshops and an office building is located on the north side of the A438, to the east of the junction of this road with the A4013. To the east of the site is an open agricultural field. There is a row of four houses to the west of The Lakes, on the A438 frontage and housing extends along the eastern side of the A4103 up to the site of St. Mary Magdalene's Church, which is a listed building. The area proposed for the expansion of the business is the area of ground between the existing yard and the church. Some trees have already been planted along the eastern and western boundaries of the application site. This area is described as Principal Timbered Farmlands in the Landscape Character Assessment.

I do not think that the proposed development would be unduly intrusive in the rural landscape, because the area of ground proposed for development is visually contained on three sides by built development. When viewed from the countryside to the east, the new workshop building would be seen against the backdrop of the houses.

I think that the most significant landscape issue is the impact of the development on the setting of St. Mary Magdalene Church. At present, the church stands in a prominent, slightly isolated position, on higher ground to the north of the site. Even though substantial tree planting belts are proposed around the extension to the yard, extending built development close to the edge of the church yard will detract from its setting, to a moderate degree. However, the proposed development would not detract from the quality of the churchyard environment, because there are dense hedgerows and trees around the perimeter of the churchyard, which screen views out of the churchyard towards The Lakes. On balance, I do not think that a landscape objection in terms of adverse impact on the setting of the church could be sustained.

I support the proposal to set the new workshop at a similar level to the existing workshop, to ensure that it would lie as low in the landscape as possible. Substantial tree planting, as proposed, would be appropriate in this landscape type. However, I would recommend some modifications to the detailed planting plan.

With regard to the north-eastern site boundary, a hedgerow, with hedgerow trees within it, is indicated for this boundary. I will require a plant specification for both the hedgerow and trees. I am concerned that there is only a 3 metre clearance between the eastern edge of the new workshop building and the site boundary, which means that there would only be sufficient space for very small tree species. I recommend that the new workshop should be sited a minimum of 5 metres from the north-eastern site boundary, to allow sufficient space for larger hedgerow trees to grow.

The planting plan is rather over-complicated for this relatively small site and it includes some species that are not characteristic of Herefordshire such as *Carpinus betulus* (Hornbeam), *Fagus sylvatica* (Beech), *Tilia cordata* (Small-leaved Lime) and *Sorbus acupuparia* (Rowan). In addition, *Acer pseudoplatanus* (Sycamore) should not be used because it has a low biodiversity value. Given that the key aims of the planting is to provide a good screen, native trees set within a densely planted shrub matrix would be the most effective and low maintenance form of planting. I recommend therefore, that the following specification be used for the whole of the areas of tree planting to the north and west of the new workshop building:

The following shrub species should be planted at 1 metre centres: 25% Hawthorn (*Crataegus monogyna*), 20% Hazel (*Corylus avellana*), 15% Field Maple (*Acer*

campestre), 15% Blackthorn (*Prunus spinosa*), 10% Holly (*Ilex aquifolium*), 5% Dogwood (*Cornus sanguinea*), 5% Dog Rose (*Rosa canina*) and 5% Guelder Rose (*Viburnum opulus*). These plants must be at least 300mm in height. Oak trees (*Quercus robur*) and Ash trees (*Fraxinus excelsior*) should be planted at 10 metres within the shrub matrix. They should not be planted in lines. The oak and ash trees should be 'Selected Standard' size, 10-12 cm. girth, 2.75-3.0 metres tall, bareroot or rootballed and healthy and vigorous. The planting should be carried out during the planting season (December to March). The tree and shrub species should be planted in ground that has been previously cultivated and cleared of grass and weeds. They should all be protected from rabbit damage with a suitable tree shelter and from stock damage by appropriate fencing. All plants should be bareroot, healthy and vigorous."

#### 4.4 Head of Environmental Health & Trading Standards -

"I visited the site on two occasions and had concerns regarding the extraction system which is currently serving the existing workshop. The noise from this system was the most notable noise source on site and at the time of my visits masks the majority of noise coming from inside the workshop. I have spoken to the agent, Chris Hays of White Young Green Planning and was informed that due to the nature of the work being carried out in the proposed workshop that a new extraction system would not be required. I am therefore satisfied that there will not be a noise increase from this source and the positioning of the new workshop may actually reduce the noise impact from the existing extraction system from the properties to the North West of the site.

I have read the noise report submitted with the application and am satisfied with its findings. The report indicates that although an increase in noise levels on site are likely, the increase is of marginal significance and unlikely to give rise to complaints. With a condition that limits the type of equipment that can be used in the workshop, the impact should be further reduced.

I would recommend the following conditions:

- (a) Scheme of Noise Attenuating Measures (Standard Condition F01).
- (b) Before any fixed extraction, ventilation, or other noise penetrating plant is used on the premises. The applicant shall submit for the prior approval of the local planning authority a scheme of noise attenuating measures. The approved scheme shall be implemented before the first use of the development to which it relates commences and shall be retained for the duration of use.

A suitably qualified consultant should be employed to prepare the scheme and identify any nearby residential properties that may be affected by noise from the proposed development and detail predicted noise levels at those properties in accordance with BS4142.

- (c) Restriction on hours of use (Standard Condition E05).
- (d) No machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times; 8.00am to 6.00pm Mondays to Fridays and 8.00am to 1.00pm on Saturdays nor at any time on Sundays, Bank or Public Holidays.

(e) Closure of doors/openings

The large metal clad doors on the north and south elevation of the building should remain closed at all times, except during deliveries or movement of stock. All other doors and openings shall remain closed whilst work operations are taking place except for access to and exit from the building.”

4.5 Head of Economic Development - Comments awaited.

## 5. Representations

5.1 Stretton Sugwas Parish Council: “Stretton Sugwas Parish Council have given proper and due consideration to the application. As a result of that consideration we would wish to confirm that we object to the proposals submitted by the applicant.

The justification and reasons for this objection are set out below:

1. The Parish Council was opposed to the original application for development on this site believing it to be wholly inappropriate in a residential and rural area, the applicant and the local authority entered into a duly signed and completed Section 106 Agreement limiting development to the 'front field', thereby securing the 'rear field' as protected from development. We therefore hope and trust that the planning officer will re-affirm the conditions in the 106 Agreement and refuse the application in this instance. The Parish Council recognises that the existence of a 106 Agreement in itself does not prevent an application being made but it does believe that the reasons for the 106 Agreement being entered into at that time are still entirely meritorious and that this application should be refused.
2. The Parish Council believe that the development proposed is entirely out of scale to the rural setting of the site combined with the entirely residential and agricultural setting. The Parish Council believe that the proposals will have a severely deleterious affect on the local inhabitants surrounding the site.
3. The Parish Council would respectfully point out that the applicant has failed to comply with a number of conditions set out in his original consent and indeed the records will clearly demonstrate that both individuals in the area and the Parish Council on their behalf have brought to the attention of the enforcement officer such breaches, seeking the help of the Council's planning department in remedying these. Therefore the Parish Council believe that the applicant has a history of breaching conditions and that it is likely that these would continue and be increased if this development were permitted.
4. The Parish Council recognize that the applicant has a busy and successful business that needs to expand and grow with demand but it does not believe that this is the appropriate site for this. The scale of the proposed use and activity indicates that the business should re-locate to more appropriate premises in a manufacturing area such as Rotherwas or Moreton-on-Lugg perhaps and the parish council would hope that the economic development department of the local authority would assist the applicant in furthering his ambitions in a more appropriate site for this expansion.
5. The Parish Council has very grave concerns over the possible road safety and congestion problems on the A438 given the limited vision splays, the levels of

traffic and the likely increased traffic movements to and from the site with the development. Consequently on this issue we trust the planning department and highways department will agree with the Parish Council and therefore recommend refusal.

6. The Parish Council does not accept the applicant's agreement regarding local employment, the applicants agents make great play about local employment yet give no details as to the current employment register in terms of numbers of locally employed people. The argument is entirely specious unless the applicant makes a binding commitment to employ local people, which is entirely impractical.
7. The Parish Council do have concerns with regard to the applicant's 'Noise Impact Assessment'. These concerns are:
  1. The position of the monitoring points should be revised and queried to take account of prevailing wind directions, etc.
  2. The Parish Council believes that the principle of 'he who pays the consultant gets the answer he pays for' may apply and we believe that the applicant should pay the local authority's environment health department to carry out a truly independent 'Noise Impact Assessment'.
  3. The noise assumed to be generated cannot be guaranteed in terms of machinery and/or activity once the development is built, we could not truly control activity or the noise generated.
8. The Parish Council believe that the applicant failed to comply with the landscaping conditions of his original scheme and consequently why would he comply with any if this scheme were approved, therefore prior failure to comply lends further weight to the argument for refusal.
9. The Parish Council believe that the proposed development would have a deleterious effect on the landscape of this residential settlement, the Parish Council would argue that in Stretton Sugwas the dominant physical feature should be the church of St. Mary Magdalene and the surrounding settlement not an industrial manufacturing complex.

In conclusion the Parish Council recommend refusal on the grounds that the proposed development

- (i) Is out of scale to the surroundings.
- (ii) Is not a complementary fit with the neighbourhood (residential).
- (iii) Would create a potential highway problem.
- (iv) Would break a 106 Agreement which was put on the site for valid reasons and which still apply.
- (v) The proposed development would dominate the settlement.
- (vi) The potential noise issues are not entirely resolved.

- (vii) Prior planning breach history by the applicant leads the Parish Council to question commitment to conditions.
- (viii) The scale of the proposals and enlargement of the site of the operation lead one to question the appropriateness of the activity to a rural settlement.
- (ix) The proposals would dominate the settlement and its historic setting.
- (x) The landscaping scheme would take many years to mature.
- (xi) The 106 Agreement principles still apply to the site. These were entered into by two willing parties, the same applicant and the same local authority representing the people.

However the Parish Council would request that if the local authority were minded to approve the application then they would at the very least consider conditioning any consent with the following but not limited to

- A. The operating times of the premises be limited to Mon-Friday 7.30am-6.00pm and Saturday 08.00-1.00pm and no activity on bank holidays.
- B. The development should not be occupied and operated until the full landscaping scheme has been implemented.
- C. All planting of trees should be fully mature specimens across the whole site.
- D. Appropriate noise levels should be agreed and limited by condition.
- E. The consent should be limited to the applicant and for the purpose of the application i.e. the manufacture and production of oak framed timber buildings. Any divergence from this should require a new full application and would be conditioned by a 106 agreement.”

5.2 Eleven letters of objection have been received, the main points raised:

- This is a rural setting for residential purpose.
- The existing industrial complex already impinges on existing residential properties.
- Traffic congestion already occurs and expansion will simply increase this danger.
- Noise pollution already occurs from this site.
- There is a Section 106 Agreement protecting this land from future development.
- The applicants ignore their working conditions at the site with vehicles leaving in the early hours and working on Saturdays and Sundays.
- Employees cars are often parked on the pavement.
- The 900 sq.m. workshop will more than double the size of the existing workshop area.

- The landscaping would take many years to develop.
- The size of the new complex is manifestly bigger than anything else in the locality.
- This proposal does not comply with Putting People First, Providing for Our Communities, Preserving our Heritage, Promoting the County and Protecting Our Future.

5.3 The applicant's agent has submitted the following information:

1. There is no spare space for introducing new machinery.
2. There is insufficient covered space for properly assembling and checking oak frames prior to dispatch.
3. Significant time is wasted double and treble handling the product with covered space at such a premium.

The demands on open-air space are also causing significant problems:

4. There is insufficient parking space for staff, customers and visitors.
5. There is insufficient space to store finished products ready for dispatch.
6. There is insufficient space to enable dedicated areas for service and delivery vehicles.
7. The demand for Oakwrights' oak-framed houses is such that there is scope to increase production, with a likely increase in the workforce by around 10% (5 or 6 full-time jobs). This would enable the business to significantly reduce production and operational costs, thereby increasing the competitiveness and long-term viability of the business. This is considered essential if Oakwrights is to maintain its position as one of the UK's leading manufacturers of oak-framed houses, particularly as technically-advanced competitors from Germany are starting to get a toe-hold in the UK market.
8. In considering their options for expansion, Oakwrights has looked at a wholesale move to alternative premises in addition to exploring ways of extending their current premises. Notwithstanding that no suitable alternative site has been identified, there are important commercial reasons why Oakwrights want to stay at their current site, namely:
9. The site is conveniently located for the vast majority of its workforce. Re-locating to Rotherwas, Moreton-on-Lugg, or other main employment sites in Herefordshire is likely to lead to increased travel to work distances, and therefore, is unlikely to promote sustainable transport objectives, and could cause the loss of key employees who may not be prepared to face rush hours traffic congestion or increase in journey times to and from work.
10. Buying and living in an oak-framed house is a lifestyle choice. Clients expect the business to be rural-based. All of Oakwrights main competitors (without exception) are located in rural areas, mainly on the sites of former farms or



sawmills. Potential clients expect to visit workshops that are in keeping with the style of building they are proposing to build and it is considered that the business would be severely commercially disadvantaged by relocating to an urban area of industrial estate.

11. The cost of wholesale relocation is estimated at around £0.6m. There are extraordinary costs associated with moving large and complex machinery and having to stop production during the period of relocation. Expanding at the current site (through the proposals hereby submitted) is estimated to cost around £0.25m, and will allow continuity of production. It is estimated that the additional costs associated with a relocation would take approximately five to six years to recoup. During this time, Oakwrights would be unable to properly invest in developing their product and is likely to lose ground to their main competitors (many of whom will increasingly be from outside the UK).

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 main issues relevant to the consideration of this application are:

1. The Principle of Development
2. Amenity Issues
3. Highways
4. Setting of Listed Building
5. Section 106 Agreement

### Principle of Development

- 6.2 The existing premises were granted planning permission in the late 1990's as a base for this construction business. The original dwelling was converted to offices and a new workshop erected. Therefore the principle of a commercial use at this site has been established. Notwithstanding this the applicant is now seeking to double his operational space and extend into the open field to the rear of the site. Policy ED5 of the South Herefordshire District Local Plan supports the expansion of businesses in countryside locations provided they fulfil the criteria of ED3. Therefore the principle to expand is also acknowledged subject to it being appropriate in scale, nature and design to the settlement; having no adverse effect upon the environment and amenity; having adequate vehicular access and complying with other policies of the Plan. In this respect the responses of the Conservation Manager, Traffic Manager and Head of Environmental Health and Trading Standards are critical. In all respects, subject to minor modification to the siting of the building as required by the Conservation Manager, the proposal is considered acceptable. Policy E6 of the Herefordshire Unitary Development Plan (Revised Deposit Draft) is also broadly supportive of the principle of expanding businesses subject to similar criteria as defined in the adopted Local Plan.

### Amenity

- 6.3 The new building would be set at the same slab level as the existing workshop and will be used for the assembly of timber framed buildings manufactured in the existing

workshop. The machinery proposed would be an overhead crane and power hand tools only.

- 6.4 The planning application includes a full noise assessment which has been thoroughly assessed by the Head of Environmental Health and Trading Standards, who subject to conditions is satisfied that the assessment is acceptable. The main noise generator is the existing extraction system and the Head of Environmental Health and Trading Standards confirms that the new workshop may actually reduce its impact.
- 6.5 In landscape terms the Conservation Manager is satisfied that the buffer proposed with extensive planting will assimilate the development acceptably into the landscape. The operational matters raised by local residents will be monitored and where appropriate action taken on existing and any proposed conditions.

#### Highways

- 6.6 The Traffic Manager has thoroughly assessed the planning application and is satisfied that the existing access is acceptable and that sufficient parking and turning facilities are available on site. The concerns regarding highway safety are acknowledged but based upon the advice provided there are no grounds for refusal on this issue.

#### Setting of the Listed Building

- 6.7 The Conservation Manager has assessed the impact of the development on the setting of the church and considers that it would have a minimal impact and is therefore acceptable.

#### Section 106 Agreement

- 6.8 The Section 106 Agreement was imposed when the original workshop was approved. It does not prevent the positive determination of the planning application but it would need to be modified to cater for the intrusion into the land associated with this planning application.
- 6.9 Procedurally were this application approved, it would be necessary for the applicant to apply separately for a variation of the existing Section 106 Agreement.

#### Conclusion

- 6.10 All of the main issues have been thoroughly assessed and the development is considered to be acceptable subject to minor modification and the following conditions.

#### **RECOMMENDATION:**

**That planning permission be granted subject to the following conditions and any additional highway conditions deemed reasonable and necessary:**

- 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. Notwithstanding the submitted plans the new workshop shall be sited to ensure that there is five metres from the eastern boundary.**

**Reason: In order to protect the tree lined hedge.**

- 3. The only machinery to be used in the new workshop are hand held tools and an overhead crane. No other fixed machinery shall be installed.**

**Reason: In order to protect the amenity of nearby residents.**

- 4. B02 (Matching external materials (extension)).**

**Reason: To ensure the external materials harmonise with the existing building.**

- 5. Before any fixed extractions, ventilation, or other noise penetrating plant is used on the premises, the applicant shall submit for the prior approval of the local planning authority a scheme of noise attenuating measures. The approved scheme shall be implemented before the first use of the development to which it relates commences and shall be retained for the duration of use.**

**Reason: In the interests of protecting residential amenity.**

- 6. No machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times: 8.00am 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: In the interests of protecting residential amenity.**

- 7. The large metal clad doors on the north and south elevation of the building should remain closed at all times, except during deliveries or movement of stock. All other doors and openings shall remain closed whilst work operations are taking place except for access to and exit from the building.**

**Reason: In the interests of protecting residential amenity.**

- 8. Prior to the commencement of development, a detailed plan, showing the levels of the existing site, the proposed slab levels of the building approved and a datum point outside of the site, shall be submitted to and approved by the local planning authority to match the slab of the existing workshop. Development shall be carried out in accordance with the approved details.**

**Reason: In order to define the permission and ensure that the development is of a scale and height appropriate to the site.**

- 9. G04 (Landscaping scheme (general)).**

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

- 10. G05 (Implementation of landscaping scheme (general)).**

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

- 11. G07 (Details of earth works).**

**Reason: (Special Reason)**

**12. G09 (Retention of trees/hedgerows).**

**Reason: To safeguard the amenity of the area.**

**13. G28 (Monitoring of landscaping).**

**Informative:**

**1. N15 - Reason(s) for the Grant of Planning Permission.**

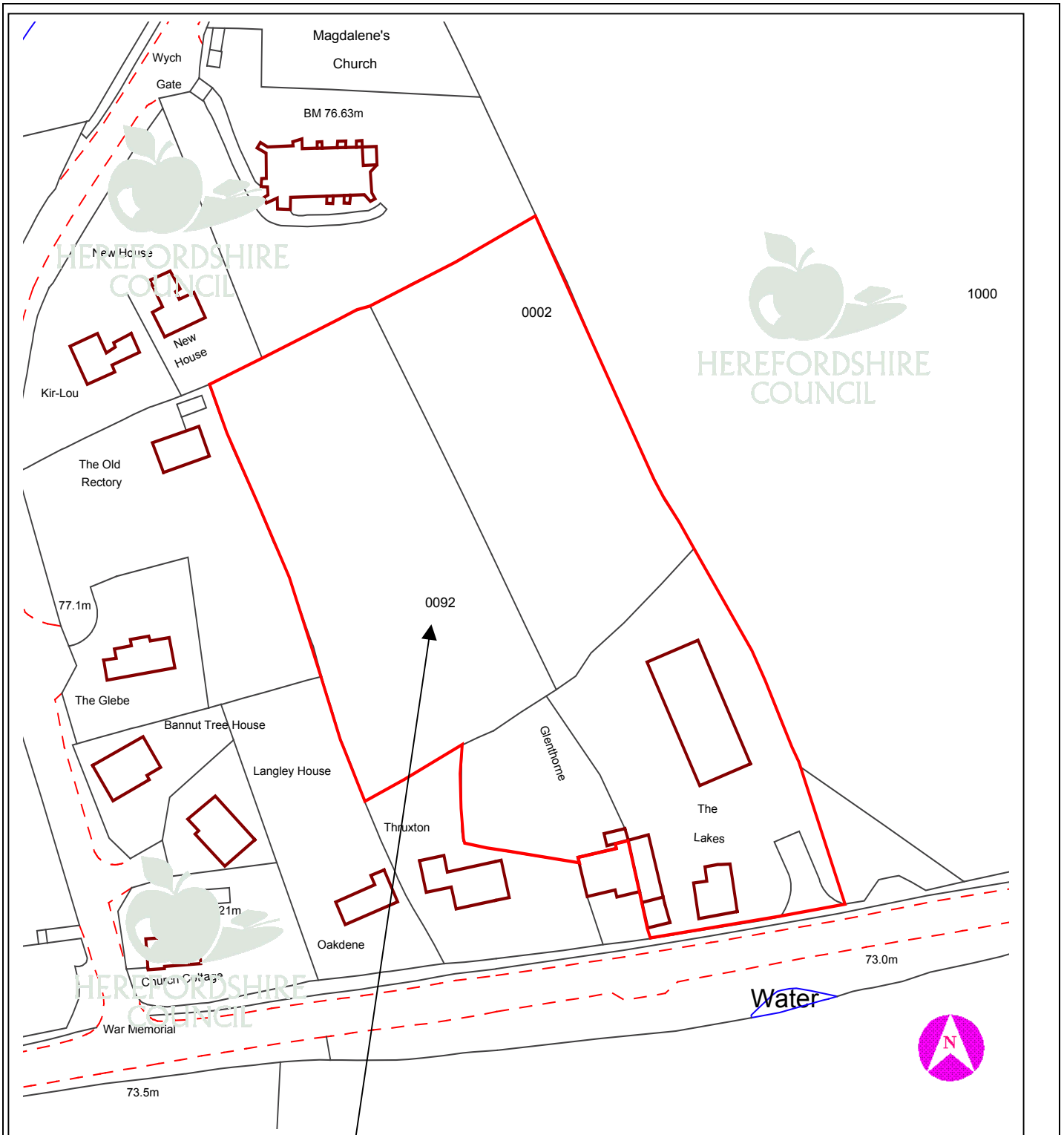
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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCCW2005/3733/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** The Lake, Swainshill, Hereford, HR4 7PU

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