

10 DCNW2006/0033/F - RENEWAL OF PERMISSION FOR INDUSTRIAL STORAGE SHED FOR CONTINUED B2 GENERAL INDUSTRIAL USE (PREVIOUS PERMISSION NW00/1992/F) AT THE FOUNDRY, HATTON GARDENS INDUSTRIAL ESTATE, KINGTON, HEREFORDSHIRE, HR5 3DE

For: L. Good at same address

Date Received:
3rd January 2006

Ward:
Kington Town

Grid Ref:
30556, 56980

Expiry Date:
28th February 2006

Local Member: Councillor T.M. James

1. Site Description and Proposal

- 1.1 The site lies at the eastern end of Hatton Gardens industrial estate, approximately 1 km east of Kington town centre and separated from it by the A44. It comprises about half of a larger unit, formerly a foundry and now used for the storage and maintenance of a large number of agricultural and earthmoving vehicles, plant and machinery. Several buildings exist on site of varying age and size, mostly in poor repair. The site is generally untidy and neglected.
- 1.2 In addition to the other units on the industrial estate housing a variety of businesses, there are dwellings on Sunset Row, Hatton Gardens and Waterloo Road, the nearest to the site being about 105 metres away. The application site is at the far end of the access road and adjacent to Kington's sewage treatment works.
- 1.3 The proposal is an application to renew an expiring permission, ref NW2000/1992/F, to replace the existing buildings with a single utilitarian building, 24.7m x 11m x 6 m high for storage and "B2" industrial use, to continue the applicant's plant maintenance business.

2. Policies

- 2.1 PPS1 – Delivering Sustainable Development
PPG4 – Industrial and Commercial Development and Small Firms
PPS7 – Sustainable Development in Rural Areas
- 2.2 Hereford & Worcester County Structure Plan
E2 – Economic Growth
E6 – Industrial Development in Rural Areas
E11 – Industrial Development in Urban Areas
- 2.3 Leominster District Local Plan
A1 – Managing the District's Assets and Resources
A6 – Sites of Local Importance for Nature Conservation
A13 – Pollution Control

A24 – Scale and Character of Development
A27 – Maintaining the Supply of Employment Land on Industrial Estates
A28 – Development Control Criteria for Employment Sites

2.4 UDP Revised Deposit Draft

S1 – Sustainable Development
E5 – Safeguarding Employment Land and Buildings
NC4 – Sites of Local Importance for Nature Conservation

3. Planning History

- 3.1 Planning permission was granted on 5th January 2001 under reference NW2000/1992/F to clear the site of all the existing buildings and erect a single large new building. This building would be used to accommodate the existing plant maintenance business in a compacted form. The permission was never implemented.
- 3.2 There is a partner planning permission reference NW2000/1991/N, which the owner is also seeking to renew, (see planning application ref DCNW2006/0030/N) located on the other half of this site, to create a Household Waste Site for Kington residents to bring waste items for recovery and recycling.
- 3.3 These two planning permissions were granted together as a significant refurbishing of the overall site, to provide a bring site for waste recycling, rationalise the owner's existing business and tidy up a neglected area.

4. Consultation Summary

Statutory Consultations

- 4.1 Kington Town Council – recommend refusal as they consider the application should be a new one and not a renewal. No other reasons given.
- 4.2 Kington Rural and Lyonshall Parish Councils – No objections.
- 4.3 Network Rail were consulted on the original application as it was a partner to the waste application. No concerns are raised, then or now.
- 4.4 Herefordshire Nature Trust – have not responded.

Internal Council Advice

- 4.5 Head of Environmental Health and Trading Standards and Transport Manager have not raised any objection.
- 4.6 Head of Forward Planning, Economic Development Manager and Head of Conservation were all consulted but at the time of writing have not responded. Any further comments received will be reported verbally to the Area Sub-Committee.

5. Representations

- 5.1 One letter of representation has been received, from Mrs W Jones of Waterloo Cottage, Waterloo Road. In summary she questions the need for a new building given that “for twenty years there has been a hole in the roof of one building and no attempt to repair”. She also questions whether the conditions attached to the 2001 permission have been breached, but as that permission has not been implemented no breach can have occurred.
- 5.2 The full text of these letters can be inspected at Planning Services: Minerals & Waste, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

6. Officers Appraisal

- 6.1 The application site lies within an existing industrial estate designated as safeguarded employment land in both the Leominster District Local Plan and the UDP Revised Deposit Draft. This is the only such land within Kington. Access to it is via the existing service road through the industrial estate from the A44 roundabout. There is no vehicular access from Waterloo Road.

6.2 Scope for renewal

The Planning and Compulsory Purchase Act 2004 removes the option for expiring permissions to be renewed under section 73 of the Town and Country Planning Act 1990. However existing permissions may still be renewed until 31st August 2006, so the applicant is free to make this application. Paragraph 60 of DoE Circular 11/95 advises that there are only three circumstances under which a renewal could be refused:

- a) that there has been a significant material change in circumstances (policy changes or a physical change such as major development in the vicinity)
- b) that the continued non-implementation of the permission would cause uncertainty (in the delivery of policies or by preventing other development nearby)
- c) that the application would be premature as the permission has some time to run.

Item (c) does not apply in this case.

- 6.3 In the five years that permission has existed for this proposal, the adopted Development Plan policies that applied in 2000/1 have not changed. The UDP is now close to adoption and therefore carries weight, but the site will remain as industrial employment land and no change of this use is proposed. The site is not undeveloped, the plant maintenance business having been present for many years, so no uncertainty can be argued in this instance. Therefore none of the three reasons for refusal given above would apply.
- 6.4 The new Act also reduces the standard “life” of a planning permission from 5 years to 3, so a renewed permission would remain useable until 2009, after which a completely new application would be necessary if the permission were still not implemented.
- 6.5 Policy issues
Structure Plan policies E2, E6 and E11 all support the proposal, as do Local Plan policies A27 and A28 since no change of use is proposed and the improvements to the site would be beneficial in terms of visual amenity.

- 6.6 The report presented to the Northern Area Sub-committee on 1st November 2000, explained that “*the removal of the existing buildings and the erection of a new one would be beneficial in visual terms,the mature trees and hedge provide a backdrop and it is not considered that any further landscaping is required*”. The report then went on to explain the benefits of ensuring that existing trees and hedges are protected. Nothing has changed in the intervening period to alter these opinions, and the conditions imposed in 2001 should be maintained.
- 6.7 Conclusion
This application needs to be viewed in terms of overall development at the site, including the proposed Household Waste Site, as mentioned above also under consideration for renewal. The 2001 permissions were granted hand-in-hand as a means of providing land for a necessary waste site and ensuring that the plant maintenance business could continue in a tidier and more compact form. New perimeter fencing and regeneration of this rather unkempt part of an otherwise thriving industrial estate would be an improvement. Nevertheless this application would stand alone regardless of the outcome of the waste site proposal and would still allow redevelopment of the other half of the site in the event that the waste site did not proceed. All adopted and proposed policies support the continuation of this use.
- 6.8 On balance, there is no reason why the 2001 permission should not be renewed.

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 - **A07 (Development in accordance with approved plans)**
Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development.
- 3 - **B10 (Details of cladding (agricultural and industrial buildings)**
Reason: To minimise the visual impact of the development to comply with Policy A24 of the Leominster District Local Plan.
- 4 - **F25 (Bunding facilities for oils/fuels/chemicals)**
Reason: To prevent pollution of the water environment to comply with Policy A13 of the Leominster District Local Plan.
- 5 - **F28 (No discharge of foul/contaminated drainage)**
Reason: To prevent pollution of the water environment to comply with Policy A13 of the Leominster District Local Plan.

6 - F40 (No burning of material/substances)

Reason: To safeguard residential amenity and prevent pollution to comply with Policy A13 of the Leominster District Local Plan.

7 - G09 (Retention of trees/hedgerows)

Reason: To safeguard the amenity of the area to comply with Policy A28 of the Leominster District Local Plan.

8 - G18 (Protection of trees)

Reason: To ensure adequate protection to existing trees which are to be retained, in the interests of the character and amenities of the area to comply with Policy A28 of the Leominster District Local Plan.

9 - G33 (Details of walls/fences)

Reason: In the interests of residential and visual amenity.

10 - F16 (Restriction of hours during construction)

Reason: To protect the amenity of local residents.

Informative:

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

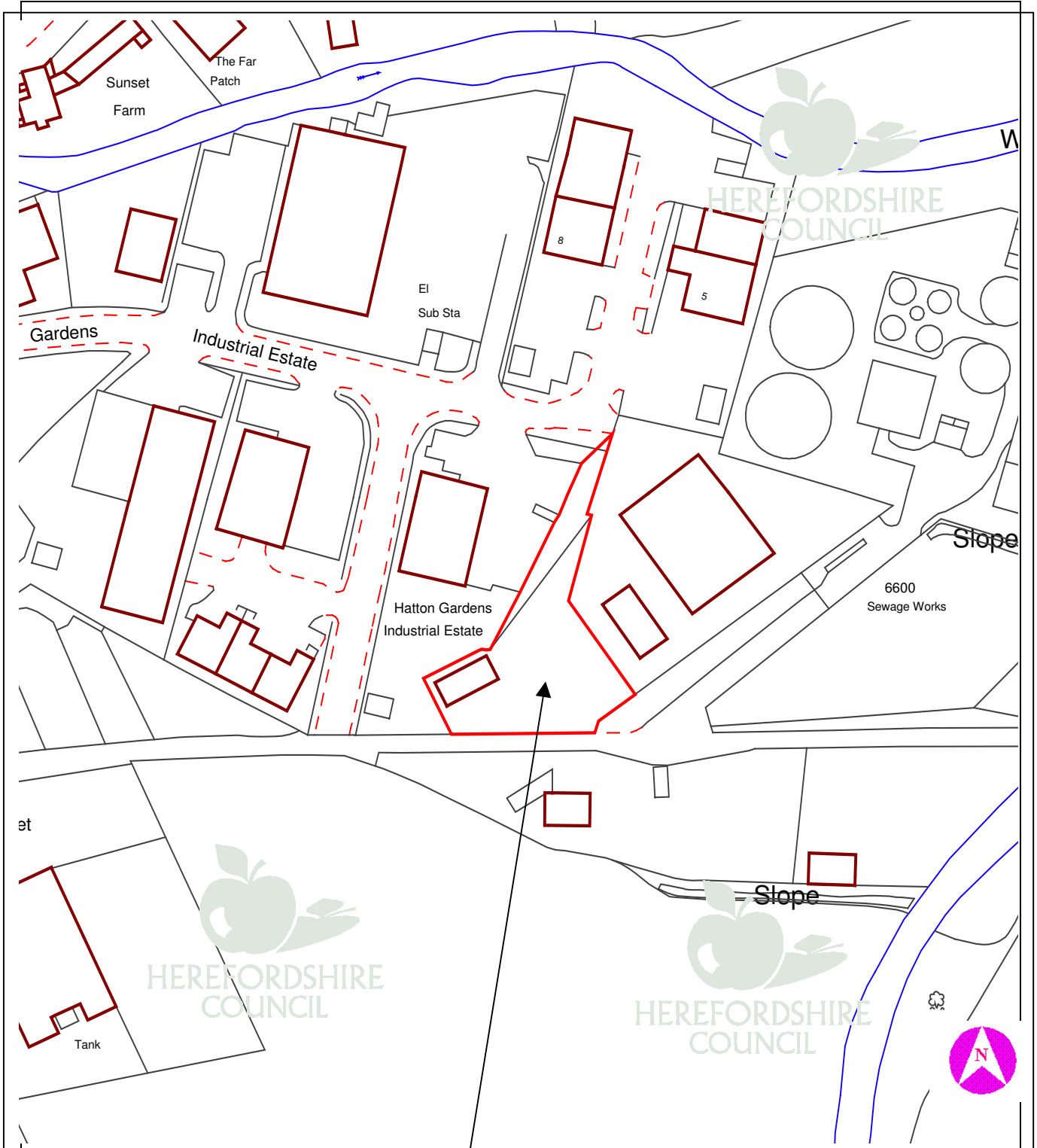
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNW2006/0033/F **SCALE :** 1 : 1250

SITE ADDRESS : The Foundry, Hatton Gardens Industrial Estate, Kington, Herefordshire, HR5 3DE

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