

**7 DCSW2006/0255/F - CONVERSION OF REDUNDANT AGRICULTURAL SAWMILL BUILDINGS TO TWO B1 WORKSHOP UNITS, INCLUDING IMPROVING JUNCTION OF ACCESS TRACK WITH HIGHWAY, THE ESTATE YARD, KINGSTHORNE, HEREFORDSHIRE, HR2 8AN**

**For: The Duchy of Cornwall per Mr. R.L. Gell, Penderw, Yardo, Old Radnor, Presteigne, LD8 2RP**

**Date Received: 25th January 2006**

**Ward: Pontrilas**

**Grid Ref: 50002, 32147**

**Expiry Date: 22nd March 2006**

Local Member: Councillor G.W. Davis

## **1. Site Description and Proposal**

1.1 The proposal site is reached off the northern side of The Thorn, an unclassified road that leads eastward off the north-south aligned Class III road (C1263), the main thoroughfare at Kingsthorne that in turn joins the A49(T) to the north at the Callow and the same trunk road further south at Much Birch.

1.2 The existing site is served by a loose gravel track that is also a registered public footpath (MB27) and a bridleway. A bungalow (Gilston) is on the western side of the existing access point. This bungalow is in the ownership of the applicant. This ownership has enabled the applicants to widen the access onto The Thorn to enable two vehicles to pass at the access point. The two buildings the subject of the application are 61/62 metres to the north of the junction. One building is 6.2 metres wide and 18.2 metres long and adjoins the public footpath/bridleway. It has a double roman clay tiled roof over a horizontally clad single-storey building. Just to the west is the second unit, it is larger in footprint (12.2 x 14.1 metres), it will be re-clad in vertical cladding, red oxide in colour or as agreed. Each unit will be for Class B1 use and has a kitchen, and male/female/disabled wcs and offices of over 4 metres by 3 metres in area. The rest of the space being given over for workshop use. The larger unit, Unit 2, will have its own parking area to the south with its own access onto the unsurfaced track. Unit 1 has an access serving it immediately to the north of it. The northern and western boundaries are proposed to have pig netting fencing together with mixed hedging. A right of way is proposed in the south-western corner of the site to serve the rear of Thorn Cottage.

## **2. Policies**

### **2.1 Planning Policy Guidance**

PPS.7 - Sustainable Development in Rural Areas

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

Policy CTC.2 - Areas of Great Landscape Value

Policy E.6 - Industrial Development in Rural Areas

### 2.3 South Herefordshire District Local Plan

Policy GD.1	-	General Development Criteria
Policy C.1	-	Development within Open Countryside
Policy C.8	-	Areas of Great Landscape Value
Policy C.36	-	Re-use and Adaptation of Rural Buildings
Policy ED.3	-	Employment Proposals within/adjacent to Settlements
Policy ED.6	-	Employment in the Countryside

### 2.4 Herefordshire Unitary Development Plan (Revised Deposit Draft)

Policy HBA.12	-	Re-use of Rural Buildings
Policy E.11	-	Employment in Smaller Settlements and Open Countryside

## 3. Planning History

- 3.1 DCSW2005/2868/F Conversion of redundant agricultural saw-mill buildings to two B1 workshop units, including junction works - Withdrawn 28.10.05

## 4. Consultation Summary

### Statutory Consultations

- 4.1 No statutory or non-statutory consultations required.

### Internal Council Advice

- 4.2 The Traffic Manager recommends improvements to the existing access point, including necessary piping/culverting of ditches and consolidation of part of existing track. The Public Rights of Way Manager's formal reply is awaited.

## 5. Representations

- 5.1 The Parish Council's observations are as follows:

"Application supported, subject to access to site being large enough for all delivery vehicles to turn around so as to ensure that the lane is not blocked. It is also hoped that the surface of the lane will be improved, as part of planning consent. It is understood that B1 category workshop units would not incur undue noise or other such nuisance to the detriment of surrounding properties."

- 5.2 Four letters of representation have been received from:

Mr. G. P Hotchen, Thorn Villa, Kingsthorpe, HR2 8AN  
Mr. J. Holloway, Kingsthorpe House, Kingsthorpe, HR2 8AJ  
Mr. G. B. Philpott, Waterloo House, Kingsthorpe, HR2 8AJ  
Mr. N. Tweddell, Kingsthorpe Cottage, Kingsthorpe, HR2 8AN

in which the following main points are raised:

- drainage poor
- 'thin edge of wedge' more development on this undeveloped side of Thorn

- Thorn used as rat-run to Holme Lacy
- only feasible means of access to Waterloo House
- major improvement to access from that previously submitted
- poor visibility on unlit country roads
- disturbance, and activity from new uses
- smells
- machinery
- restrict lighting
- restrict hours of operation, will reduce traffic movements also
- existing use extinguished (saw-mill) at least 25 years ago, possibly 40 years ago
- restrictions on lessees problematical
- condition parking spaces to 9, not 17 as proposed
- provide passing point
- dark green better colour than that proposed
- need better turning ability into site or existing ditch on eastern side of lane will be damaged
- fencing on west side to preserve security and privacy
- please condition existing gate position to allow for separate access to my property in future
- separate two sites possible to drive through.

The full text of these letters can be inspected at Southern Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

## **6. Officer's Appraisal**

- 6.1 It is considered that the main issues are the proposed use of the building, the means of access to it, the treatment of the buildings and the general impact on residential amenities in the area.
- 6.2 The proposed use of these two buildings is a Class B1 use, which is a light industrial use. The definition of this use in the Use Classes Order 1987 is a use that can be carried out in a residential area without giving rise to noise, smells, soot, ash and dust. It is a use usually associated with high technology uses, not machinery workshops or mini factories. The fact that the local planning authority do not know what the future uses/users will be is not sufficient reason to withhold granting planning permission. The imposition of appropriate planning conditions, i.e. restricting the use to uses that fall within the remit of Class B1, is concise and effective, two of the tests for planning conditions. Breaches of such conditions have been the subject of dismissed appeals to the Secretary of State, on a site adjacent to existing residential properties as is the case here. Hours of operation can be controlled by the use of conditions, as well as storage areas and any lighting proposed, on the outside of either of the two buildings or around the site. It is stated in the representations received that the saw-mill use has all but been extinguished. However, it is understood that the buildings have been used for workshop purposes in the 1990s and possibly a general industrial use could recommence on the site without the need for planning permission.
- 6.3 The Traffic Manager was concerned with the visibility achievable onto The Thorn particularly in the south-eastern direction, with the previously submitted scheme. Following further discussion, the Traffic Manager now has no objection to the current proposal subject to the extent of improved roadway from the unclassified road (The Thorn) being halved from 20 metres to 10 metres and for ditches to be protected where necessary and appropriate. The Public Rights of Way Manager would prefer to see

little improvement to the bridleway used by walkers and horse riders in order that it would not encourage heavy goods vehicles to use the track. The Public Right of Way Manager's formal comments have not yet been received, however, he wants his initial concerns to be known at this time. This bridleway is used as an access road by residents to the north of the site. It is not considered that the use of the site and therefore the need for improvements to it is sufficient reason to resist development on this site. The junction improvements onto The Thorn will improve visibility up The Thorn, and make vehicles joining it more visible to other road users than at present. The requirement to culvert/pipe ditches is a matter that could be addressed within the remit of improving the surface of the bridleway. There is considered not to be an issue relating to car parking given that the relatively small areas of the buildings and the need for on-site turning facilities. There is considered to be insufficient distance between the widened mouth of the access onto The Thorn to the southern-most access point to justify a passing place.

- 6.4 The amenity of residents can be protected by the imposition of conditions relating to hours of working, the control of any external lighting and the presence of screening of the site from residents. The use of signage as suggested by the Traffic Manager is one that could be the subject of a planning condition. These signs would warn visitors to the industrial site that horse riders and walkers use the bridleway.
- 6.5 The use of the site can be controlled and the access onto The Thorn improved. The type of user of the site is limited by the type and size of building. There should be little or no traffic at weekends, public holidays nor on summer evenings. There are considered to be insufficient grounds for withholding planning permission for the conversion of rural buildings that could be put to use in accordance with the provisions of Government advice in PPS.7: Sustainable Development in Rural Areas and economic policies in the South Herefordshire District Local Plan. The requirement of Policy C.36 contained in the South Herefordshire District Local Plan is that the proposed use does not conflict with nearby uses, in this instance residential uses. It is considered that subject to appropriate conditions this policy requirement can be satisfied.

## **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. B01 (Samples of external materials)**

**Reason: To ensure that the materials harmonise with the surroundings.**

- 4. E01 (Restriction on hours of working) (8.00am – 6.00pm Mondays to Fridays, 8.00am – 1.00pm on Saturdays. There shall be no such working on Sundays, Bank or Public Holidays).**

**Reason: To safeguard the amenities of the locality.**

5. **E02 (Restriction on hours of delivery) (8.00am – 6.00pm Mondays to Fridays, 8.00am – 1.00pm on Saturdays. There shall be no such working on Sundays, Bank or Public Holidays).**

**Reason: To safeguard the amenities of the locality.**

6. **E06 (Restriction on Use) (Class B1)**

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

7. **F08 (No power tools or machinery)**

**Reason: In the interest of the amenity of the area.**

8. **F16 (Restriction of hours during construction)**

**Reason: To protect the amenity of local residents.**

9. **F32 (Details of floodlighting/external lighting)**

**Reason: To safeguard local amenities.**

10. **F41 (No burning of materials/substances during construction phase)**

**Reason: To safeguard residential amenity and prevent pollution.**

11. **G01 (Details of boundary treatments)**

**Reason: In the interests of visual amenity and to ensure dwellings have satisfactory privacy.**

12. **Prior to the first use of the development hereby permitted the access road to the site from the unclassified road 71603 shall be improved. This improvement shall include its widening to 4.5m for the first 10 metres from the junction and its re-surfacing. Details of these works, to include a specification, shall be submitted and approved in writing by the local planning authority prior to commencement of work.**

**Reason: In the interests of highway safety.**

13. **The existing ditchway adjoining the roadway from the northern most access, i.e. to Unit 1 and the unclassified road 71603, shall be properly piped with a suitable headwell to the satisfaction of the local planning authority.**

**Reason: In the interests of controlling surface water run-off onto the unclassified 71603 and to reduce flooding in the locality.**

- 14. **Specifications and position for a warning sign, warning visitors/users of the industrial site of horse riders and walkers, shall be agreed in writing with the local planning authority and erected and thereafter maintained to the satisfaction of the local planning authority before either unit is first brought into use.**

**Reason: In the interests of highway safety.**

**Informative(s):**

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

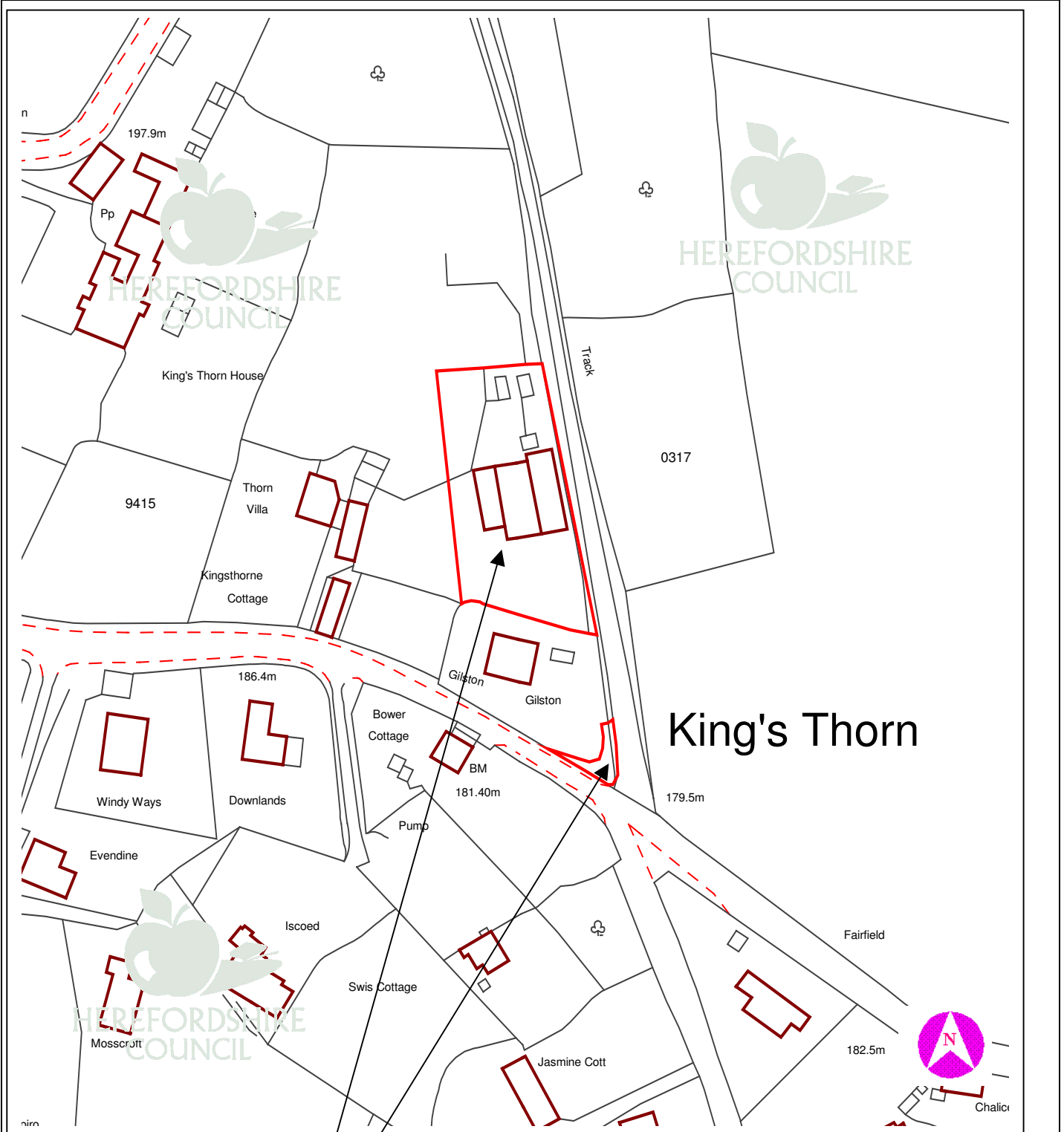
Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.



This copy has been produced specifically for Planning purposes. No further copies may be made.

**APPLICATION NO:** DCSW2006/0255/F

**SCALE:** 1 : 1250

**SITE ADDRESS:** The Estate Yard, Kingsthorne, Herefordshire, HR2 8AN

Based upon the Ordnance Survey mapping with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Herefordshire Council. Licence No: 100024168/2005