

11 DCSE2006/1358/O - ICT DEVELOPMENT, CUSTOMER SUPPORT AND SALES OFFICES AT MUDDY BOOTS SOFTWARE LTD, PHOCLE GREEN, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7XU**For: Muddy Boots Software Ltd. per Paul Dunham Associates, 19 Townsend, Soham, Cambridgeshire CB7 5DD****Date Received: 4th May 2006****Ward: Old Gore****Grid Ref: 62502, 27031****Expiry Date: 29th June 2006**

Local Member: Councillor J W Edwards

This application was considered by the Southern Area Planning Sub-Committee at its meeting on the 5th July 2006 when Members resolved to grant permission contrary to the recommendation of the report. This decision was accordingly referred to the Head of Planning Services to determine if it should be reported to the Planning Committee for further consideration.

At its meeting on 5th July 2006 the Southern Area Planning Sub-Committee was recommended to refuse this application for the following reason:

1. The proposed offices would be prominently sited in open countryside and by adding to the existing group of commercial and agricultural buildings would harm the rural character of the area. The proposal would conflict therefore with Policies C.1, ED.6, GD.1 and T.1A of the South Herefordshire District Local Plan, and Policies E.11 and LA.2 and Strategy S1 of the Revised Deposit Draft of Herefordshire Unitary Development Plan.

In the debate the Members of the Area Sub-Committee gave significant weight to the representations of the Economic Development Officer and the Cabinet Member with responsibility for Rural Regeneration, both of whom made representations in favour of the application on the grounds of the economic benefits of allowing this local company to expand adjacent to its existing site, notwithstanding the fact that the site is in open countryside and the proposed new building would be erected on what is currently an open field. The Committee noted the concerns of the Parish Council over highways and open countryside issues, and heard that the Traffic Manager did not object. In the light of the value of the company to local employment, this type of "High Tech" industry which is to be encouraged, and the modest impact the development would have on the open countryside, they resolved (unanimously) to grant planning permission, delegating any conditions to the Head of Planning Services.

The relevant development plan policies are listed in the recommended reason for refusal. It should be noted that, in particular, the development does not benefit from any of the exceptions to open countryside restrictions in UDP policy E.11 in that:

1. the development is not for the essential operation of agriculture, forestry or the winning of minerals,
2. it is no longer a farm diversification project in accordance with E.12, and

3. it is not for the re-use of an existing building.

Neither does the development benefit from policy E.6 concerning the expansion of existing businesses because it would not be contained within the existing site but would require extension of the built form out over an open field, albeit adjacent to the existing site. Indeed, the development would not benefit from any of the employment policies in the UDP and would also conflict with landscape policy LA.2 and Strategy S.1 of the UDP. The site is not sustainably located being outside Ross and, although there are bus services between Ross and Ledbury on the A449, there is no evidence to suggest that employees would travel by any means other than by private car. Finally it is relevant that business itself has no operational need to be located in the countryside. The client base is national and international and depends largely on electronic communications. Whilst the Inspector for the UDP has recommended changes to some of these policies none of those changes detracts from the points of policy principle relevant to this case. Consequently the proposal represents the development of a new building in open countryside with no convincing operational need for it to be so located.

Whilst the desire of Members to support this application in the light of the significant benefits it may bring to the local economy is fully understood, in the opinion of your officers the case for support advanced by Members is not sufficient to outweigh the substantive policy concerns arising from this proposal. Consequently, because the decision of the Sub-Committee to approve this application raises crucial policy issues, the application is referred to this meeting of the Planning Committee for further consideration. The original report to the Southern Area Planning Sub-Committee of 5th July 2006 is set out below.

1. Site Description and Proposal

- 1.1. The application site is immediately to the south of the modern workshop, warehouse and offices (Technicrop) on the unclassified road linking the A449 (Ross - Ledbury road) and Phocle Green. The original building in the existing complex was granted planning permission in 1991 to distribute agrichemicals to farmers in Herefordshire and adjoining counties. Planning permission has been granted for a number of major new buildings and extensions. The business diversified into soil testing (Cotswold Analytical Laboratories) and developing software (Muddy Boots) for the farming industry. Although Technicrop has been sold the land has been retained by the founders of that company who now rent part of their former premises as offices for Muddy Boots. These offices are now inadequate both in terms of space and layout with the growth in demand for Muddy Boots' products. It is proposed therefore to erect a new single-storey office building on this 0.2 ha. site.
- 1.2 The application is for outline permission with only means of access to be determined at this stage. The access to Technicrop would be used with a short link off the existing access drive leading to a car park for 29 cars. The office floorspace would be about 550m².
- 1.3 An earlier planning application (SE2005/3509/F) on land to the north of Technicrop and including full details of the building was refused permission in December 2005 for the following reason:

“The proposed offices would be prominently sited in open countryside and by adding to the existing group of commercial and agricultural buildings would harm the rural character of the area. The proposal would conflict therefore with Policies C.1, ED.6, GD.1 and T.1A of South Herefordshire District Local Plan, and Policy E.11 and Strategy S.2 of Revised Deposit Draft of Herefordshire Unitary Development Plan.”

2. Policies

2.1 Department of the Environment

PPS1	-	Delivering Sustainable Development
PPG4	-	Industrial and Commercial Development and Small Firms
PPS7	-	Sustainable Development in Rural Areas

2.2 Hereford and Worcester County Structure Plan

Policy E6	-	Development in Rural Areas outside the Green Belt
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2.3 South Herefordshire District Local Plan

Policy C1	-	Development Within Open Countryside
Policy ED3	-	Employment Proposals within/adjacent to Settlements
Policy ED5	-	Expansion of Existing Businesses
Policy ED6	-	Employment in the Countryside
GD1	-	General Development Criteria
Policy T1A	-	Environmental Sustainability and Transport

2.4 Herefordshire Unitary Development Plan (Deposit Draft)

Policy E6	-	Industrial Development in Rural Areas
Policy E7	-	Other Employment Proposals in Hereford and the Market Towns
Policy E8	-	Design Standards for Employment Sites
Policy E11	-	Employment in the Countryside
Policy E15	-	Protection of Greenfield Land
Policy S1	-	Sustainable Development

3. Planning History

3.1 No previous applications relating to this site.

4. Consultation Summary

Statutory Consultations

4.1 No statutory or non-statutory consultations required.

Internal Council Advice

4.2 The Traffic Manager comments:

The site is on the U70005 (unclassified road) which links with the A449 Ledbury road to the north, and with the B4221 at Phocle Green to the south. The longer unclassified section of road to the south is narrow (2.60m to 3 metres wide) and winding in places. Boundary hedges are close to the carriageway with no highway verges forward visibility is limited. There appears little or no opportunity for improvements to the route to the south without involving third party land. The shorter section to the north however, is relatively straight and level with good forward visibility and with unsurfaced passing places towards the A449 junction. Although wider than the southern section

(3.30m typically) it is still narrow and there is evidence of verge overrunning/edge deterioration in places. There is scope to provide improvements/passing bays within grass verges or land indicated as being within the applicant's ownership.

It could be possible that the restrictive southern section of the U70005 discourages use by vehicles from the site, the preferred route being northwards to the A449.

The applicant's agent indicates that a maximum of 90 daily vehicle trips (to/from site) consisting of cars and motorcycles and the occasional light goods vehicle will be generated by proposed development when in operation. This indicates an increase in traffic of 25% approx. over the existing enterprise.

While agreeing that it is possible that the proposal is not considered sustainable given its location and remoteness from facilities (there would possibly be reliance on motor vehicles contrary to policies and government advice), this is an existing business and it would be difficult to recommend refusal based on the anticipated increase indicated. I would recommend that any permission contains conditions to improve /upgrade existing passing bays and provide an additional passing bay on the U70005 to the north of the application site, the exact location(s) to be agreed. It is also recommended that a condition for a 'travel plan' be included.

4.3 Economic Development Manager's comments are, in summary, as follows:

The Economic Regeneration Team, in principle, supports this application based upon a number of economic benefits at both a local and regional level underpinned by national policies and strategies that mitigate many of the weaknesses in the local economy and key market failures. This business demonstrates a high degree of local and regional strategic fit.

The Economic Regeneration Team strongly supports this application for the following reasons:

1. Proposed increase of 42% in employees over the next 2 years. Average company staff earnings of £538.50 (Herefordshire £355.20). This represents desirable growth in creation of quality jobs.
2. Highly successful rural industry diversification.
3. The company will vastly improve competitiveness through expansion allowing it to take on more personnel.
4. The company employs most staff locally except for programmers who are highly specialised. Offers an attractive career.
5. Encouragement growth of technology/knowledge-based sector companies in line with local and regional strategies. The company offers high growth in key economic sector for the county – vital for future economic vitality.
6. The success of such companies in the county acts as a catalyst in creating a niche cluster and will offer an attractive rural alternative for urban/peri-urban companies looking to relocate thus encouraging inward investment.

Weaknesses in the Local Economy include:

- Lack of 'quality' employment
- Outflow of school leavers
- Low average earnings
- Fewer business start-ups than adjoining Counties
- Limited private sector services and knowledge-based industries

The challenge is to create high-quality employment – not just increase the number of jobs.

The application also supports a number of local and regional economic strategies including Herefordshire Economic Development Strategy and is in line with the Government's policy to see thriving economies in all rural areas which provide good quality employment opportunities and exploit the versatility, entrepreneurial tradition, and, increasingly, local green business potential. A better trained rural workforce. Small rural businesses exploiting ICT and marketing their goods and services well outside their local region.

(Rural White Paper 2000)

In summation, the Economic Regeneration Team would like to state that it supports this application as it would benefit the economy for both the HR9 area and indeed the county as it addresses several key economic weaknesses identified in local and regional strategies. With the Council looking to encourage an increase in ICT and knowledge-based investment, increased rural economic diversification, a reduction in outflow of young people and an increase in high quality jobs, this application addresses these needs.

5. Representations

5.1 The applicant has submitted a planning statement and summary. The latter is as follows:

“Overview

Muddy Boots Software is a successful example of a rural farming based business, diversifying its operations within the food industry to become an economically sustainable business within the local community.

Muddy Boots is experiencing rapid growth in demand for its products and services fuelled by the continual consumer concerns on food safety and its origins.

Recent successes with organisations such as Marks and Spencer, Tesco, Unilever and the Compass Food Service Group has put Muddy Boots at the forefront of the industry, with these influential references and with the global nature of food sourcing Muddy Boots overseas growth is poised to accelerate.

The business has some significant challenges if it is to capitalise on its unique position, however it is already facing current short term business challenges:

- Constraint on physical accommodation
- Competitive demand for skilled ICT personnel

The Case:

- New build provides an opportunity to design and develop facilities that meet the current requirements of the business, such as open plan office accommodation that improves inter-departmental communication, one the key requirements in developing a team based philosophy amongst IT individuals who are naturally introspective.

- Meets the business philosophy to provide staff and visiting customers with an unrivalled work environment, that other organisations struggle to compete with. The development of Work/Life Balance facilities, Washroom, Changing and Exercise facilities have significant appeal to the high percentage of current and future staff that would cycle to and exercise at work if the opportunity were provided. An important contribution to Muddy Boots environmental sustainability policy criteria.
- Maintains the interdependency the businesses on site have with one another, including IT infrastructure, IT services, shared administration resources and management. Without this symbiotic relationship some businesses may not be viable.
- Basic site services such as drainage and surface water provision, power and other services can comfortably accommodate further development. Significant investment in site communication services and IT infrastructure mean that these costs would not incur.
- New build would improve the current site congestion and segregate the current diverse business activities that compromise current Health and Safety guidelines.”

In addition the applicant's Agent has supplied details of projected traffic generation.

5.2 Parish Council's comments are as follows:

"This is a green field office development. It it was a house (or even a conservatory) it would never be allowed. There must be alternative existing empty offices in Ross or the surrounding area. Access - the road to Muddy Boots is a single track lane with a small number of passing spaces. It has blind corners and it is not capable of sustaining additional traffic. There have been several near accidents and one lorry went into a ditch its driver did not see. Muddy Boots develops agricultural software but it is not an agricultural business and therefore does not need to be located surrounded by fields. If permission is given the Herefordshire Council must do something about the access - either have a 106 agreement with Muddy Boots to put a new road from the A449 to the site (they own the land), or put some kind of traffic calming/road narrowing features at the Phocle end of the road to discourage traffic from using it as a rat run. No entry signs for HGV's are also required at the Phocle end. The felling of trees for the new site is also totally unacceptable."

In addition the following has been submitted:

"Do not feel planning should be granted for the reasons stated on last paragraph of supporting documentation – 'Improve current site congestion and segregate the current diverse business activities that compromise current Health and Safety guidelines". The Parish Council is still very opposed to this application."

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 PPS7 includes a list of objectives for rural areas and key principles to guide development. Sustainable economic growth and diversification is one objective but this must be considered alongside the objective of respect for the intrinsic qualities of the countryside and continued protection of the open countryside for the benefit of all (p.3). More specifically it is a key principle that development should be allowed within existing

towns and villages where it benefits the local economy but new building in the open countryside away from existing settlements should be strictly controlled. The Government's overall aim is to protect the countryside for the sake of its intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife, the wealth of its natural resources and so it may be enjoyed by all.

- 6.2 These aims are reflected in the Development Plan and the emerging Herefordshire Unitary Development Plan (Revised Deposit Draft). The policies regarding development in the open countryside are broadly similar in the two documents. However the latter are more up to date and have been supported by the Inspector following a public inquiry and can be given significant weight. The proposed development is considered therefore against policies listed in paragraph 2.4 above. Policy E6 states that "the extension or expansion of existing businesses will be permitted providing that the proposal can be satisfactorily accommodated within the existing site or that suitable land for the purpose is otherwise available." In this case the new offices would not be within the existing site and there are reservations regarding the suitability of the proposed site. Furthermore this is a general policy and the explanatory paragraph (6.5.1) points out that it is important that expansion does not lead to loss of countryside. I consider therefore that the proposal does not fall within the scope of this policy and the more specific policy (E11) dealing with employment in the open countryside is the relevant policy in determining this application.
- 6.3 Policy E11 only allows employment generating uses which can be housed in existing rural buildings or are necessary to meet the needs of agriculture, forestry and mineral working or arise from farm diversification. The current proposal does not fall within these categories and would therefore be contrary to the Council's policies.
- 6.4 The applicant's planning statement (see paragraph 5.2 above) addresses the reasons why permission should be granted. The key issue is whether these are so compelling that an exception should be made to the Council's policies. It is accepted that there could be significant benefit to the business from building new offices on adjoining land. The necessary IT infrastructure is available and problems of retaining staff would not arise. The developer considers that a rural location is advantageous to the business particularly with regard to recruiting skilled personnel in competition with other businesses. It is anticipated that the number of jobs would rise from 15 in 2005 to 30 in 2007. There are also links to the existing businesses of Technicrop that would be maintained. The applicant points out that alternative sites at Ross on Wye (or (say) a converted barn or agricultural building would not meet the requirements of the business. The alternative would be a move to the Hereford or the Gloucester/Cheltenham area which would have disadvantages for locally based staff and sever the strong rural identity which is held by the company to be "a significant benefit that many of our high profile customers associate with our company, one of the key elements we believe, that has been at the heart of our business success."
- 6.5 Nevertheless this is not a business that needs to be in a rural location. It is an international business serving national and multi-national companies rather than being tied to a local area for its trade. The benefits of IT and modern communications allow a rural location, with all its undoubted advantages, but do not require it. The proposal would be clearly visible from public viewpoints. It would be less prominent than the earlier proposal but nevertheless a new office building would harm the area's rural character. The site is not on a regular bus route and not all staff and visitors will wish to cycle or walk to work. The development would therefore be contrary to the Council's policies to encourage sustainable development that does not detract from the

attractiveness of the countryside. The case advanced by the applicant does not outweigh this harm.

RECOMMENDATION

That planning permission be refused for the following reason:

- 1 The proposed offices would be prominently sited in open countryside and by adding to the existing group of commercial and agricultural buildings would harm the rural character of the area. The proposal would conflict therefore with Policies C.1, ED.6, GD.1 and T.1A of South Herefordshire District Local Plan, and Policy E.11 and LA2 and Strategy S1 of Revised Deposit Draft of Herefordshire Unitary Development Plan.**

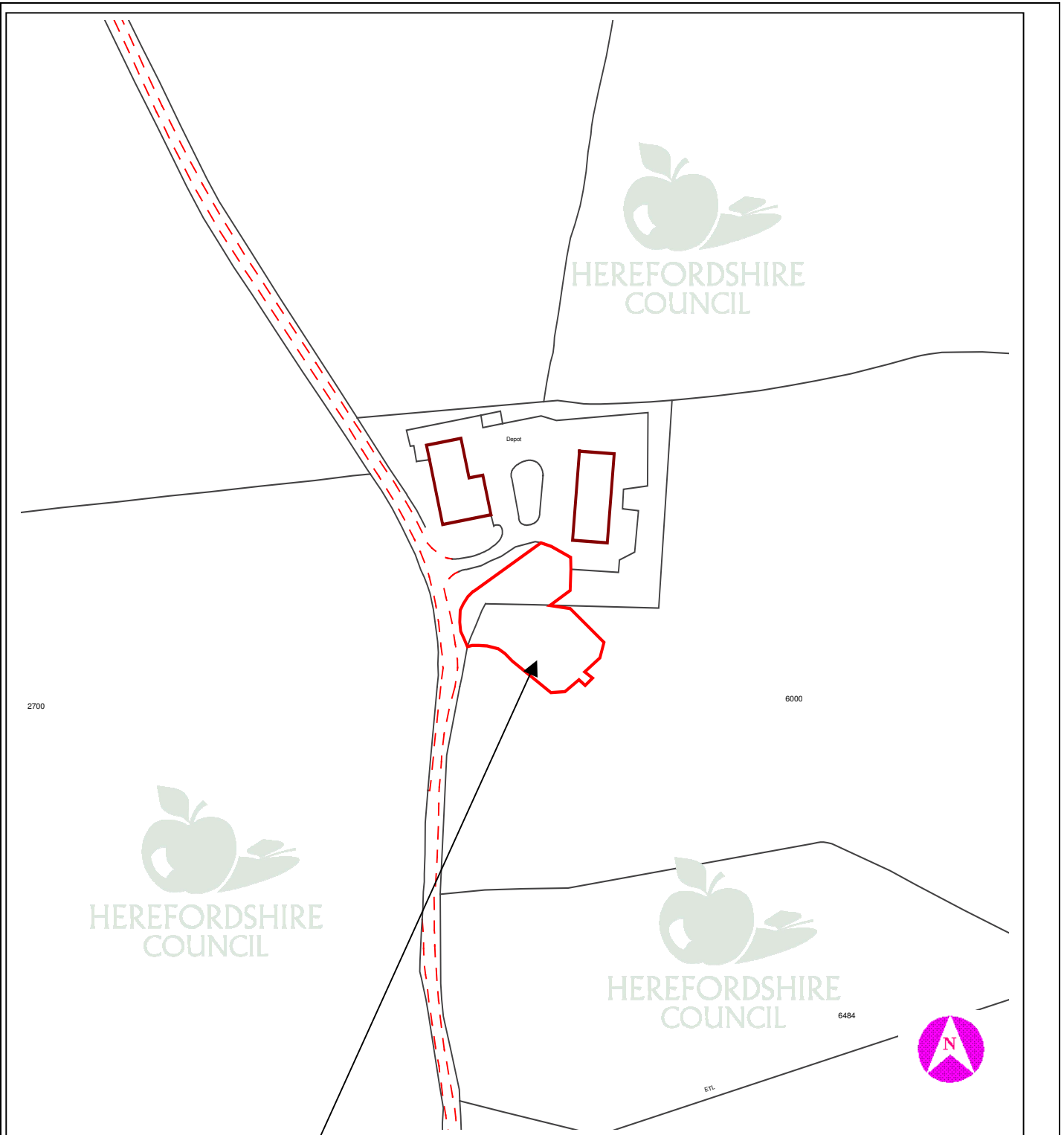
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCSE2006/1358/O

SCALE : 1 : 2500

SITE ADDRESS : Muddy Boots Software Ltd, Phocle Green, Ross-on-Wye, Herefordshire, HR9 7XU

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