

7 DCNW2008/2462/F - CONTINUED USE OF LAND AS A YARD FOR PARKING/STORAGE OF HGV AND CONSTRUCTION OF STEEL FRAMED STORAGE BUILDING AT CROSS COTTAGE, UPPER HILL, LEOMINSTER, HEREFORDSHIRE, HR6 0JZ.

For: Mr Thomas, Burton & Co, Lydiatt Place, Brimfield Ludlow, Shropshire, SY8 4NP.

Date Received: 19 September 2008 **Ward: Gold Cross with Weobley** **Grid Ref: 47388, 54102**

Expiry Date: 14 November 2008

Local Member: Councillor JHR Goodwin

1. Site Description and Proposal

- 1.1 This application relates to an area of land approximately 90 metres to the east of a property known as Cross Cottage. It is located in open countryside in an area characterised by randomly spaced groups of buildings along the C1106 road between Ivington and Upper Hill.
- 1.2 The land between the application site and the road is effectively flat, but rises behind to the south to Ramshill Wood. It is against this backdrop against which it is viewed. The site is currently defined by a post and rail fence along three boundaries, with a fourth comprising a mature native species hedgerow.
- 1.3 The proposal which is in part retrospective is for the erection of a building for HGV used by the applicant for his haulage business. The building measures 18.75m x 11.00m with an eaves height of 4.8m and ridge height of 6.5m. The frame has already been erected. It is proposed to clad the building in green sheeting.
- 1.4 The proposal seeks the continued use of the site for this haulage use. The applicant already has a Operator Licence for the site.

2. Policies

2.1 Herefordshire Unitary Development Plan

S1	-	Sustainable development
DR2	-	Land use and activity
T8	-	Road hierarchy
LA2	-	Landscape character and areas least resilient to change
HBA4	-	Setting of listed buildings

3. Planning History

- 3.1 NW2008/0426/F - Planning Permission for same development refused for following reason.

The combination of the size of the building and the remote location of both it and the yard for the HGV will result in an unacceptable visual impact on the landscape. As such the proposal is contrary to policies DR2 and LA2 of the Herefordshire Unitary Development Plan.

4. Consultation Summary

Statutory Consultations

4.1 None required

Internal Council Advice

4.2 Conservation Manager - No objection, no impact upon setting of listed building.

4.3 Transportation Manager - No objection, acceptable as limited use. Would not want to see major expansion beyond one HGV.

5. Representations

5.1 In support of the proposal the applicant has explained the need for the building and the history of the use for parking of vehicles for haulage contractor and groundworks contractor since 1997. A landscaping scheme has also been submitted.

5.2 Leominster Town Council - Recommend approval

5.3 Birley with Upper Hill Parish Council advises the following:

The Parish Council visited the site on 24 October. This is the second time we have visited the site. Please read our first report, which still stands.

Following the second visit the following additional comments are made:

- 1 About 10 trees have been planted. These have no concealing effect. A proper substantial shelter belt of deciduous trees of above 15 – 20 metres thick would be required. Apparently there is insufficient land to do this.
- 2 The Paris Council believes the best compromise on this unfortunate situation is to relocate the building, either nearer to the house and dig into the bank or to site between Cross Cottage and the road.
- 3 Planning Permission as requested should not be granted for the reasons given on our previous comments. There is considerable local opposition to this application.

The comments on the previous application were as follows:

The Parish Council is very strongly opposed to this application. The yard is a considerable distance from the house and the building will have an adverse affect on the landscape and in particular the beautiful views of Ramshill Wood. It will be seen by everybody using the road. The Parish Council is therefore adamant that planning permission should not be granted.

5.4 An letter of objection has been received from Mr & Mrs Galliers-Pratt, Upper Wintercott, Ivington, summarised as follows:

- Precedent set by change of use

- Visual impact, of this plus other buildings erected since home was bought 5 years ago.
- Would enable commercial business to develop, including servicing other HGV's
- Contest long standing use of business, lorry only acquired 3 years ago and land use began.
- Consider an alternative site behind Cross Cottage or between it and Cross House more appropriate.

5.5 Mr R Thomas, Cross House, Upper Hill, advises that he has no objection.

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

6. Officer's Appraisal

6.1 It was considered that the previous application lacked justification and was consequently considered to be contrary to policy. On this occasion information has been submitted, albeit untested, about the history of the use of the site.

6.2 The site is level and viewed against rising hills behind. The building is currently similar to others in the locality. It is considered with appropriate landscaping and limitations on use that the proposal to continue the one HGV business causes no demonstrable harm and is therefore considered to satisfy policy requirements.

6.3 It is important however that it is understood that this is only on the basis of the existing scale, i.e one HGV operated by the occupier of the nearest dwelling. To that end conditions are suggested.

6.4 Since the proposal commenced prior to April 2008 it is not considered reasonable to require a S106 agreement in this instance.

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 C01 (Samples of external materials)

Reason: To ensure that the materials harmonise with the surroundings so as to ensure that the development complies with the requirements of Policy DR1 of Herefordshire Unitary Development Plan

3 The use of the site and building hereby approved shall be limited to the operations of one Heavy Goods Vehicle only, by the applicant and for no other purpose.

Reason: The Local Planning Authority would not be prepared to permit an expanded business in the open countryside, unsustainable location, close to the applicants own home.

- 4 The building hereby approved shall be dismantled and removed from the site upon cessation of this use by the applicant.

Reason: The Local Planning Authority would not be prepared to permit this proposal in this location other than on the basis of the applicant personal need.

- 5 G10 (Landscaping scheme)

Reason: In order to maintain the visual amenities of the area and to conform with Policy LA6 of Herefordshire Unitary Development Plan.

- 6 G11 (Landscaping scheme - implementation)

Reason: In order to maintain the visual amenities of the area and to comply with Policy LA6 of Herefordshire Unitary Development Plan.

Informatives:

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

- 2 N19 - Avoidance of doubt - Approved Plans

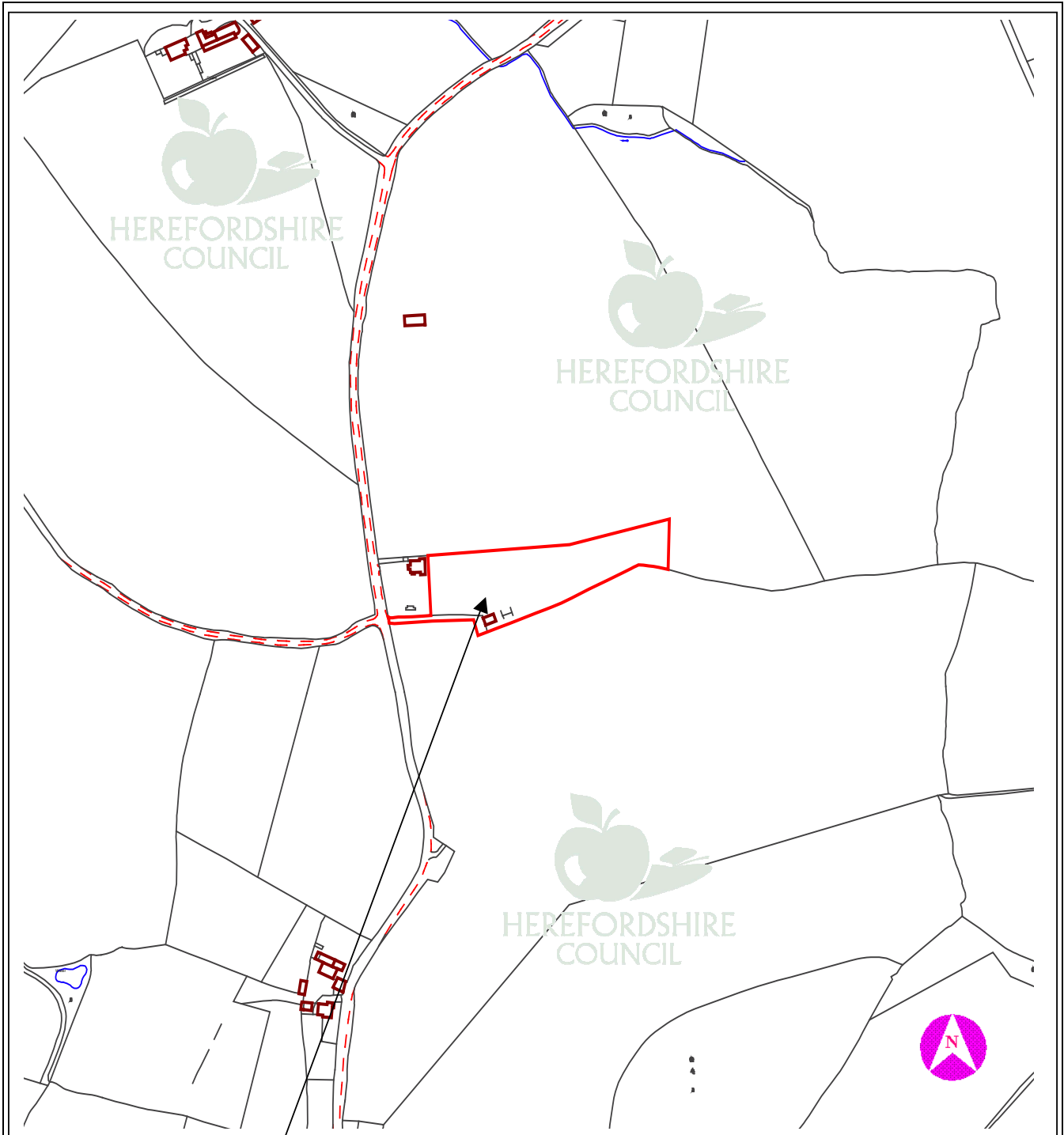
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNW2008/2462/F

SCALE : 1 : 5000

SITE ADDRESS : Cross Cottage, Upper Hill, Leominster, Herefordshire, HR6 0JZ

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