

14 NW2003/0630/F - USE OF LAND FOR PARKING OF AGRICULTURAL IMPLEMENTS & CUSTOMER VEHICLE PARKING AT TEME VALLEY TRACTORS LTD, BROAD STREET, WIGMORE, HEREFORDSHIRE.**For: Teme Valley Tractors Ltd per Mr D R Davies,
23 Charlton Rise, Ludlow, Shropshire. SY8 1ND****Date Received:
27th February 2003****Ward:
Mortimer****Grid Ref:
41463, 68935****Expiry Date:
24th April 2003****Local Member: Councillor Mrs O Barnett****Introduction**

This application has been deferred on two occasions to enable investigation of claims of protected species being present on site. At the August meeting it was done to enable a survey to be carried out following the finding of evidence of great crested newts. Such surveys can only be carried out between mid-March to September. In an attempt to progress the application without further delay, the applicant has agreed to amend the application so as to avoid such works as would necessitate such a survey.

The agreement includes:

- A rough grass border, of 2 metres either side of the stream, should be kept free and clearly demarcated
- The grassed area on the north side of the stream is to be left as grass
- All trees, including the deadwood stump, should be kept in situ
- The left-hand corner of the grassland area should not be used to store vehicles, this should also be demarcated (by condition)

and

- a watching brief;
- a new fence: work being carried out between mid-March and early June by which stage any newts will be within the ponds; (to be defined by condition)
- no trees, including tree stumps, to be removed.
- Subject to the above there would be no need to conduct a lengthy survey and to obtain a DEFRA licence.

1. Site Description and Proposal

- 1.1 The application site lies on the east side of the A4110 road through Wigmore. The site comprises of the existing Teme Valley Tractors business together with land to the south and east, which in part adjoins the rear boundaries of a number of properties along the main road and the Primary School to the south. The dwelling known as Wigingamere between the site and the school is within the control of the applicant.
- 1.2 The site lies adjacent to a number of listed buildings and is also within the Wigmore Conservation Area.
- 1.3 The site can be categorised into two areas. First, land immediately adjacent to and on the south side of a small stream which is currently being used for the storage/parking of agricultural machinery, without the benefit of planning permission, and the area to the north of the stream which was formerly an orchard.
- 1.4 The proposal is described as a change of use from garden area to parking for agricultural implements and customer parking. It does not appear, however, that the land has been used as garden land for many years and it is doubtful whether the old orchard on the north side of the stream ever was.
- 1.5 The submitted amended plan of 11 April indicates that customer parking will be located adjacent to the north-west boundary of Wigingamere, that a new mixed thorn and beech hedge will be planted along the boundary with the school, and along the boundaries of that part of the site across the stream, together with the retention of the existing apple trees and silver birches in that part of the site.

2. Policies

2.1 Leominster District Local Plan (Herefordshire)

A2(B) – Settlement Hierarchy
A12 – New Development and Landscape Schemes
A14 – Safeguarding Water Resources
A18 – Listed Buildings and their Settings
A21 – Development within Conservation Areas
A28 – Development Control Criteria for Employment Sites
A35 – Small-scale New Development for Rural Businesses within or around Settlements
A70 – Accommodating Traffic from Development
A54 – Protection of Residential Amenity

2.2 Hereford and Worcester County Structure Plan

E6 – Industrial Development in Rural Areas
CTC15 – Conservation Areas

2.3 Herefordshire Unitary Development Plan (Deposit Draft)

E6 – Expansion of existing businesses
E10 – Employment principles within or adjacent to rural settlements
HBA4 – Setting of listed buildings
HBA6 – New development within Conservation Areas

- 2.4 PPG4: Industrial and Commercial Development and Small Firms
PPG15: Planning and the Historic Environment
PPG18: Enforcement of Planning Control

3. Planning History

76/0601 - Site for the erection of light industrial factories at Wigmore. Outline planning permission granted 3.11.76. This application site extended to the existing Teme Tractor site, a more recently erected bungalow, but not to the orchard across the stream.

80/177 - Erection of bungalow at old shop buildings and yard. Refused on policy and access grounds 28.7.80.

87/0214 – Erection of bungalow at old shop buildings and yard. Outline planning permission granted 22.6.87.

88/188 - Reserved Matters for bungalow on old shop yard. Approved 10.5.88. This was for the property now known as Wigingamere.

4. Consultation Summary

- 4.1 Environment Agency have no objection subject to a condition preventing any new buildings or structures including gates, walls or fences, or raised ground levels within 5 metres of the top of any bank of watercourse. They also advise that the applicant should comply with the Control of Pollution (Silage, Slurry and Agricultural Fuel Oil) Regulations 1991 and that they should ensure there is no possibility of contaminated water entering and polluting surface or underground waters.
- 4.2 English Nature had requested the deferral in August for more information on great crested newts.

5. Representations

- 5.1 Wigmore Parish Council has no objection.
- 5.2 Wigmore Primary School advise: 'The Governing body has no objection to the above planning applications. However, they request that Teme Valley Tractors consider planting a screen hedge should the site become unsightly.'
- 5.3 In support of the application the applicant's agent has submitted a number of letters, which advise the following:

That a one metre wide hedge planting consisting of beech and hawthorn will be planted adjacent to the boundary fences as shown on the submitted plan.

That the existing silver birch and apple trees are to remain and be protected.

Oak Cottage, a listed building, is owned by the applicant and that part of the building is used as office space and stores, with the rear garden area being used for storage and

parking for the business and has been since about 1949 when the business commenced, with the existing workshop being erected in 1953.

The Methodist Chapel is affected by approximately 5.0 metres of a boundary adjacent to the watercourse with large mature trees forming a boundary line where it overlooks the rear gardens of adjacent houses. The situation will not be affected by the proposal as it existed since long before the conversion works to residential dwelling were approved by your Council.

There are a number of other businesses nearby which have similar impacts on the landscape including garage workshops, vehicle storage and parking, shop facilities and stores.

The letter concludes that these all add to the rural setting and serve to bring alive a thriving community thereby adding to the economic stability of the area by offering full-time employment and accord fully with the criteria set out in your Policies A28, A34, A35 and A41.

The most recent letter also advises that only temporary access over the stream will be provided. Furthermore, that the proposals will be of benefit to the area and provide suitable screened storage for implements brought in for repair and sale. This will in turn give the benefit of tidying up an unsightly area by giving properly controlled storage in the Conservation Area and allowing vehicles and implements to be parked off the road and property access, benefiting the established business and village appearance.

Should the application be approved this may present the possibility of providing additional employment opportunities.

5.4 In support of the proposal the applicant's agent has submitted a number of letters, including reference to his client's willingness not to cut down or lop any trees in the site, to plant a semi-mature Beech hedge along the boundary to the school and northern boundary where possible, to provide only temporary access across the stream for overspill parking at busy times only.

5.5 Objections have been received from:

Mrs J Wright, Chapel House, Wigmore
A & E Boden, Pretoria House, Wigmore
Mrs G Clement, Oakley House, Wigmore
ZYDA Law, Solicitors, on behalf of Mr and Mrs Bingham, Burgage Farm, Wigmore
Mr and Mrs Bytheway, Quarry Cottage, Wigmore
M Baxter, Tannery House, Wigmore
L Henry, The Old Courthouse, Wigmore
G A Hughes-Price, Brick House, Wigmore

Their objections can be summarised as follows:

1) Air pollution: It is impossible to open windows during working hours between 8.00am and 6.00pm due to tractor engines running, generators and the burning of rubbish. Granting planning for this will treble the size of the area in which this could take place.

2) Pollution to the stream from oil and other hydraulic liquids.

- 3) Flash flooding occurs during the winter although some remedial work has taken place on land adjacent to the site.
- 4) As recently as last year the land was being used for the grazing of horses and sheep. The tractors have appeared without planning permission.
- 5) The access will be dangerous.
- 6) It is obtrusive and unnecessary and suited only to the industrial estate.
- 7) The description is in error. It is not a change of use from gardens.
- 8) The proposal will be detrimental to the setting of a listed building.
- 9) It is already an eyesore without further expansion.
- 10) Intrusion upon privacy.
- 11) Contrary to policies in the Unitary Development Plan.
- 12) If refused, applicant would relocate to land allocated for employment use.
- 13) The proposal is premature and should have been promoted in the UDP.
- 14) It would create a precedent for further unacceptable development.
- 15) Loss of value of property.
- 16) The site is a habitat for wild life.

A letter on behalf of these residents takes issue with the content of parts of the report and concludes that a different recommendation is appropriate.

5.6 Support for the application has been received from:

Mr R Ruell, Paytoe Hall, Leintwardine
Stuart Hutchings, Hall Farm, Leinthall Earls
David Morgan, Lower Letton, Bucknell
Mr and Mrs Goodwin, Upper Yatton Farm, Yatton

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

6. Officers Appraisal

- 6.1 The principal issues in the determination of this application appear to relate to highway safety, residential amenity, visual amenity, pollution and setting of listed buildings and other conservation issues, including nature conservation.
- 6.2 Improvements are proposed to the existing access to the site together with provision for customer parking which allows an opportunity to lay out the forecourt area in a less haphazard manner which would lead to the benefit of highway safety generally.

- 6.3 The application as submitted extends the area of the site for the purposes of storage of agricultural implements. The application does not propose these areas be used for working on vehicles and consequently there ought not to be any significant difference in terms of the impact of the business upon residential amenity as referred to by objectors, particularly the running of engines, etc., causing air pollution. Consequently, the proposal would not be contrary to policy A54.
- 6.4 The Chief Conservation Officer has serious concerns in terms of the impact of the proposal upon the setting of nearby listed buildings and upon the character of the Conservation Area. He considers that the site forms a soft edge to the settlement, which protects and enhances the historic core of the village. The topography and land use are typical of the valley floor below the ridge, and this pasture land lies in the immediate setting of many listed buildings and their associated burgage plots. He considers that the proposal would in effect industrialise the site, destroying the visual and natural amenity.

In addition, the proposal to provide car parking adjoining the street frontage is inappropriate in this part of the Conservation Area and would further erode the setting of the Listed Building.

In landscape impact terms, he considers that the area beyond the stream being readily visible from the A4110 and public footpath within the school grounds makes a positive contribution which should be retained.

In terms of biodiversity issues, there are a number of matters of concern but these could be satisfied by conditions, and the amendments referred to earlier in the report.

- 6.5 These legitimate concerns, which themselves have the backing of Development Plan and national policy, need to be weighed against policies supportive of employment uses, and in particular PPG4 and PPG18 on enforcement. Refusal of the application will lead to further enforcement action to secure removal of unauthorised use of part of the site.
- 6.6 In terms of pollution, it is not considered that the use of areas for additional storage will make any difference to the air pollution situation. In terms of oil and other liquids, the site is already required to comply with the Control of Pollution (Silage, Slurry and Agricultural Fuel Oil) Regulations 1991. The Environment Agency have not suggested that additional conditions are required.
- 6.7 It is considered that through the imposition of appropriate safeguarding conditions the concerns set out above can be addressed. Requiring details of the surfacing and demarcation of the area to the south of the stream, and the prohibition of surfacing at all beyond the stream, plus enhanced landscaping works will, it is considered, do this. On this basis it is considered that on balance the opportunity to improve the appearance of the site and retain employment opportunity and diversity of use within a main village such as Wigmore are such that the application can be recommended for approval.

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 - **A09 (Amended plans)**
Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development.
- 3 - **D01 (Site investigation - archaeology)**
Reason: To ensure the archaeological interest of the site is recorded.
- 4 - **H13 (Access, turning area and parking)**
Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway.
- 5 - **The areas indicated on the approved plan for agricultural implement storage and customer parking shall be used for this purpose only and vehicles/implements within this area shall not be actively worked upon.**
Reason: In the interests of residential amenity.
- 6 - **Within 3 months of the date of this permission details of the laying out and surfacing of these areas shall have been submitted to the Local Planning Authority for approval in writing. Use of these areas shall not then commence until these works have been carried out in accordance with the approved details.**
Reason: In the interests of visual amenity and to protect the settings of listed buildings and the Conservation Area.
- 7 - **G04 (Landscaping scheme (general))**
Reason: In order to protect the visual amenities of the area.
- 8 - **G05 (Implementation of landscaping scheme (general))**
Reason: In order to protect the visual amenities of the area.
- 9 - **G10 (Retention of trees)**
Reason: In order to preserve the character and amenities of the area.
- 10 - **There shall be no new buildings, structures (including gates, walls or fences) or raised ground levels within a) 5m of the top of any bank of watercourses, and/or b) 3m of any side of an existing culverted watercourse, inside or along the boundary of the site, unless agreed otherwise in writing by the Local Planning Authority.**
Reason: To maintain access to the watercourse for maintenance or improvements and provide for overland flood flows.
- 11 - **Details of the proposed temporary access over the stream shall be submitted to the Local Planning Authority for approval in writing, prior to the use of the land beyond the stream for storage purposes.**
Reason: For the avoidance of doubt and to ensure compliance with Environment Agency Regulations.
- 12 - **Work shall only be carried out between 15 March and 10 June.**
Reason: Any newts would be safely within the adjoining during this period.

13 - Before the development hereby permitted is commenced details of a new fence shall have been submitted to and approved in writing by the Local Planning Authority. The fence shall be provided in accordance with a timetable to be agreed in writing by the Local Planning Authority.

Reason: In the interests of protection of a protected species.

14 - Before the development hereby permitted is commenced details of a watching brief for protected species during construction work shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of protection of a protected species.

Note to applicant:

The details required by condition 6 will be expected to show:

A rough grass border, of 2 metres either side of the stream, to be kept and clearly demarcated

The grassed area on the opposite side of the stream to be left as grass

All trees, including the deadwood stump, to be kept in situ.

The left hand corner of the grassland area not to be used to store vehicles, this should also be demarcated.

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.