

5 DCNW0009/1881/F - CHANGE OF USE OF AGRICULTURAL LAND TO AGRICULTURAL CONTRACTORS YARD, ERECTION OF WORKSHOP/STORAGE BUILDING, NEW ACCESS ROAD AND 1 METRE HIGH BUND AT BANK HOUSE, HIGH TREE BANK, LEINTWARDINE, HEREFORDSHIRE, SY7 0LU.

**For: MR MORGAN per LES STEPHAN PLANNING LTD,
9 SWEETLAKE BUSINESS VILLAGE, LONGDEN
ROAD, SHREWSBURY, SY3 9EW.**

Date Received: 21 July 2009

Ward: Mortimer

Grid Ref: 340437,275052

Expiry Date: 16 October 2009

Local Members: Councillor LO Barnett

1. Site Description and Proposal

- 1.1 The site consists of a former derelict plant nursery that has recently been cleared of debris and restored to a paddock and residential curtilage in connection to a two-storey detached dwelling of external red brick construction. The site covers an area of approximately 0.6 hectares.
- 1.2 To the south of the site is Leintwardine Manor. This building is in use as residential apartments. To the south east of the site is another dwelling known as Hightrees Cottage. The B4385 public highway adjoins the western boundary of the site and an unclassified public highway runs parallel with the northern boundary to the site. Otherwise the immediate surrounding area consists of agricultural livestock grazing land.
- 1.3 The application proposes a metal clad portal frame building covering an area of approximately 227 square metres with a height of 6 metres.
- 1.4 The Design and Access Statement in support of the application indicates the building is required in connection the applicant's business of agricultural contracting for the secure storage of machinery and for use as an agricultural machinery workshop and general storage.

2. Policies

2.1 Herefordshire Unitary Development Plan

S1	-	Sustainable development
S2	-	Development requirements
DR1	-	Design
DR2	-	Land use and activity
DR3	-	Movement
DR4	-	Environment

DR13	-	Noise
E9	-	Home based businesses
E11	-	Employment in the smaller settlements and open countryside
LA2	-	Landscape character and areas least resilient to change
NC1	-	Biodiversity and development

2.2 National Policies

Planning Policy Statement 7: Sustainable development in rural areas.

3. **Planning History**

- 3.1 NW2009/1663/F – Variation of condition 2 of planning permission 760298 for continued use as rural workers dwelling (this application is also presented for Committee consideration on 21 October 2009).
- 3.2 760298 – Site for the erection of an agricultural workers bungalow – Approved subject to conditions 28 June 1976.
- 3.3 NW1999/2477/F – Removal of agricultural condition – Refused 1 November 1999.

4. **Consultation Summary**

Statutory Consultees

- 4.1 None required

Internal Council Advice

- 4.2 The Public Rights of Way Manager raises no objections.
- 4.3 The Transportation Manager raises no objections.
- 4.4 The Landscape Manager also raises no objection and recommends the attachment of conditions with regards to additional landscaping, in the form of tree and hedgerow planting in order to further integrate the proposal into the surrounding landscape.

5. **Representations**

- 5.1 Leintwardine Parish Council responded to the proposal stating:

“As you know there are several neighbours in the vicinity and we consider it very important to retain their amenity. The business change proposed is a substantial alteration in a quiet rural location where ordinarily such activity would not be permitted.

The proposal places the new workshop/storage building too close to the boundary with the neighbour’s property and should be moved closer to the public road. Conditions should be imposed to restrict:

- a) *Flood lighting – should be baffled or controlled.*
- b) *Noise – this business involves the use of heavy machinery. There should be restrictions on the times during which business activity can take place on the site. This is important to control how machinery is used in the workshop.*

Businesses of this type, particularly where operated from home have a track record of activity at night and weekends.

c) *Smells*"

5.2 Four letter of comment/objection have been received from the following:

- Harvey and Jacqui Vallis, The Long House, High Tree Bank, Leintwardine.
- Mr J Warburton, 6 Leintwardine Manor, Leintwardine.
- Richard Jukes, Lower Todding, Leintwardine.
- Clifford Webb, 3 Leintwardine Manor, Leintwardine

5.3 Key issues raised can be summarised as follows:

- Applicant's vehicles in and around the village advertise the business to be Groundwork Contractors and plant hire.
- Concerns about impact of proposal in respect of noise, light and pollution.
- Building proposed represents a small industrial unit and not a workshop in scale.
- Impact on adjacent public highway.
- Application from change of the use from horticultural to industrial seems inappropriate in this area, especially so close to domestic dwellings.

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

6. Officer's Appraisal

6.1 The key issues of concern in respect of this proposal are:

- Impact on residential amenity
- Scale of proposed development
- Impact on adjacent public highway
- Principle of the proposed development

Impact on residential amenity

6.2 The application proposes an agricultural workshop/storage building in relationship to agricultural contracting and groundwork contracting (clearly evident during the Case Officer's site visit).

6.3 The applicant has recently re-located to the dwelling adjacent to the proposed development site known as 'Bank House' from another part of the village of Leintwardine where apparently his business was divided between two different sites adjacent to residential areas and wishes to consolidate his business into one site.

6.4 It is considered that the proposal will not have an unreasonable impact on residential amenity with the attachment of appropriate conditions with regard to working hours, use of the site and lighting. It is noted this was an issue commented upon by the Local Parish Council in their response.

Scale of proposed development

- 6.5 The application proposes a building with a floor space of 227 square metres, of portal frame construction, clad in plastic coated metal sheeting to a height of 6 metres under a fibre cement sheeted roof.
- 6.6 The design and scale of the proposed development is considered acceptable in relationship to the applicant's needs and the proposed amended siting of the proposed building is now considered acceptable in relationship to adjoining dwellings.

Impact on adjacent public highway

- 6.7 The Transportation Manager has responded to the application with no objection to the grant of permission, and as such it is considered no issues of concern in relationship to highway issues can be sustained in respect of the proposed development.

Principle of the proposed development

- 6.8 The application proposed change of use of agricultural land to agricultural contractors yard for the erection of a workshop/storage building with a new internal access road and a 1-metre high bund.
- 6.9 Plans submitted in support of the application indicate an existing access road going past the applicant's dwelling (on the entrance to the site) towards the proposed building site, with a small area of land around it. Therefore the proposal does not entail re-development visually of the entire site.
- 6.10 The site was formally a disused nursery which had become somewhat derelict and therefore visually an eye-sore. It is noted one of the letters from a member of the public in respect of application Ref: NW0009/1663/F for variation of condition for continued use as a rural workers dwelling (also subject to committee consideration) has commented on how the applicant has improved the land by clearing debris and laying down hedge plants.
- 6.11 In consideration of the applicant's business activities and need for a secure building on a site suitable for such use, the principle of this proposal is considered acceptable with appropriate conditions attached.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1 **A01 Time limit for commencement (full permission)**
- 2 **B01 Development in accordance with the approved plans**
- 3 **C07 Dark roof colouring (agricultural buildings)**
- 4 **F01 Restriction on hours of working**
- 5 **F06 Restriction on Use**
- 6 **G10 Landscaping scheme**
- 7 **G11 Landscaping scheme - implementation**
- 8 **I02 Scheme of measures for controlling noise**
- 9 **None of the land in the control of the applicant other than that as indicated within the red line on the site location plan, submitted in support of the application shall be used for storage or parking of any vehicles, machinery or equipment.**

Reason: In order to protect the amenity of occupiers of nearby properties so as to comply with Policy DR13 of the Herefordshire Unitary Development Plan.

- 10 **I15 Scheme of noise insulation**
- 11 **I33 External lighting**

INFORMATIVES:

- 1 **N15 Reason(s) for the Grant of PP/LBC/CAC**
- 2 **N19 Avoidance of doubt - Approved Plans**

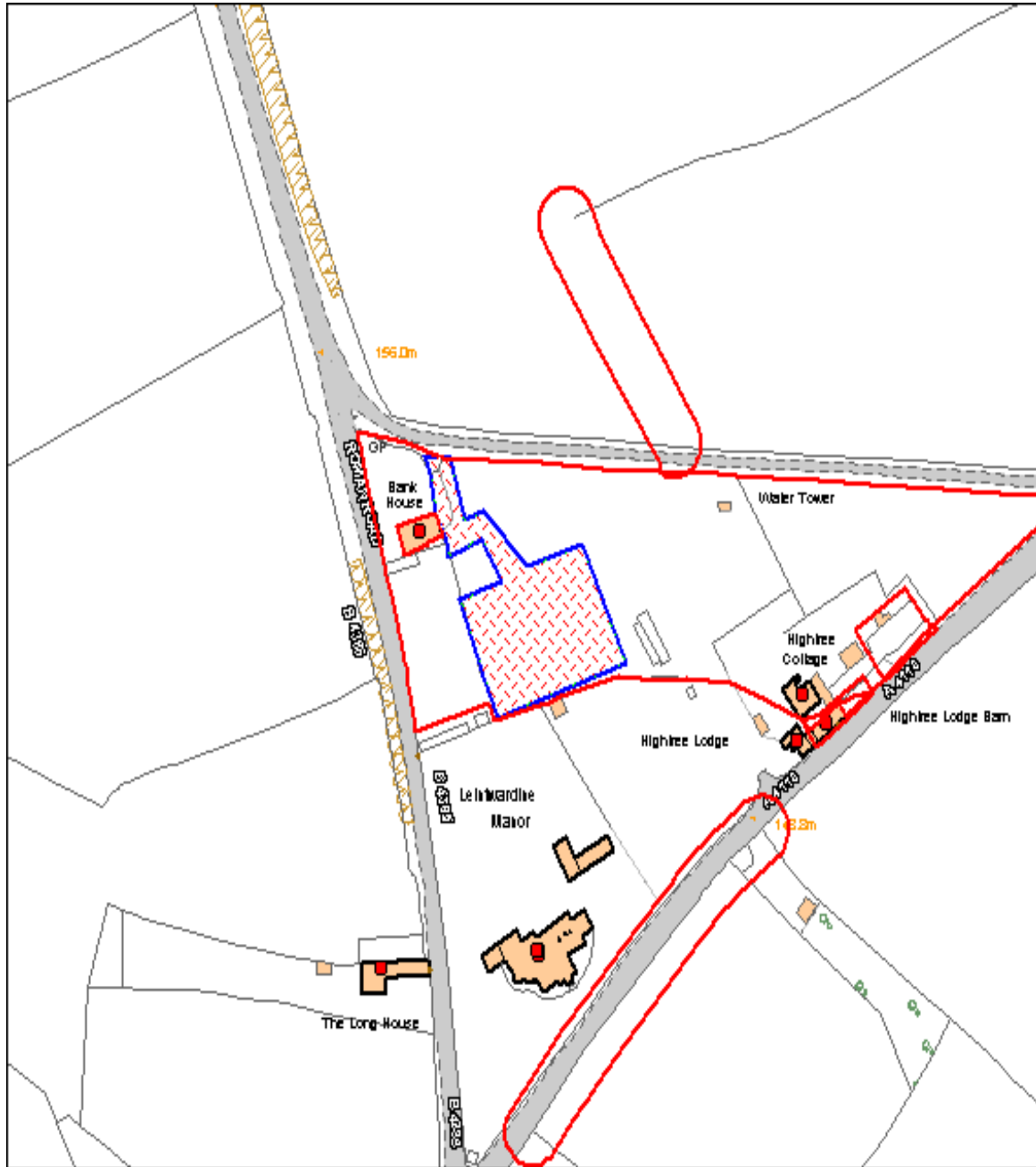
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNW0009/1881/F DMDCN/092295/F

SITE ADDRESS : BANK HOUSE, HIGH TREE BANK, LEINTWARDINE, HEREFORDSHIRE, SY7 0LU

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