

7. DCNE2003/3673/F - RETENTION OF WAREHOUSE BUILDING AT PARKWAY GARAGE, PARKWAY, LEDBURY, HEREFORDSHIRE, HR8 2JD

**For: European Aviation Ltd. per R S Green Assoc,
1 Fields Park Lane, Newport, South Wales. NP20 5BU**

Date Received:
5th December 2003

Ward:
Ledbury

Grid Ref:
71806, 35429

Expiry Date:
30th January 2004

Local Members: Councillors P Harling, D Rule and B Ashton

1. Site Description and Proposal

- 1.1 Parkway Garage and Petrol Filling Station is located on the western side of the A417 Ledbury to Gloucester Road at Parkway, Ledbury. The proposal is to retain a building for warehouse purposes erected to the rear of the Petrol Filling Station and measuring 30.92 metres in length, 19 metres in width and with a height to the eaves of 5 metres and 9 metres to the ridge. It is a steel framed building with concrete block walls up to 2 metres with steel sheeting for the remainder of the walls and roof cladding. Three fire escape doors are located in the building and two main access doors, one on the north elevation facing into the car-parking area and the other on the east elevation facing the main road. An area of tarmac has been installed around the building with soil and trees removed from the southern side of the building. These trees are covered by a Tree Preservation Order. The building is presently being used for the storage of motor vehicles for sale.

2. Policies

Hereford and Worcester County Structure Plan

Policy CTC9 – Development Requirements

Policy E6 – Industrial Development in Rural Areas

Malvern Hills District Local Plan

Employment Policy 7 – New Building Employment in the Open Countryside

Employment Policy 10 – Expansion on Industrial Sites

Transport Policy 11 – Traffic Impact

Transport Policy 14 – Petrol Filling Stations - Existing

3. Planning History

MH89/0971 – Restaurant and filling station with car parking for 35 cars as replacement of existing garage and service station. Approved.

MH91/1430 – Refurbishment of existing garage facilities and erection of a canopy over forecourt. Approved 6th January 1992.

MH94/0432 – Demolition of existing garage workshop and fuel facilities and erection of new fuel facilities, restaurant, hotel and car parking. Refused 15th August 1994.

MH94/1599 - Demolition of existing garage workshop and fuel facilities and erection of new fuel facilities, restaurant, hotel and car parking. Refused 30th January 1995 – Appeal dismissed 13th December 1995.

MH97/0074 – Installation of underground storage tank. Approved 14th April 1997.

MH97/1039 – New security fence and office extension to existing workshop. Approved 11th March 1998.

NE2000/1009/F – Jet wash machine and service island installation. Approved 26th June 2000.

NE2002/3751/F – Construction of single storey warehouse unit. Approved 20th February 2003.

NE2003/3490/F – Proposed warehouse extension. Withdrawn.

4. Consultation Summary

Internal Council Advice

- 4.1 Environmental Health and Trading Standards Officer raises no objection subject to the use being restricted.
- 4.2 Chief Conservation Officer comments as follows: 'The warehouse development has been completed and extends into a wooded area that is protected by a Tree Preservation Order and that would not have been affected by the original application. Unauthorised felling of trees has been carried out to construct the development, in particular the wide tarmaced area to the south of the building. The natural ground levels rise to the southern boundary of the site and a substantial amount of excavation has been carried out to achieve the flat area of tarmac. This has resulted in the destruction of the trees directly affected and serious damage to the peripheral trees still standing.

The width of the tarmac seems to me to be excessive and unnecessary for maintenance access. There are no doors or windows along this elevation that would require vehicular access. The damage already done to the trees cannot be undone but some damage limitation can be achieved by reducing the area of tarmac, regarding and replanting.'

- 4.3 The Head of Transport and Engineering recommends conditions.

5. Representations

- 5.1 Ledbury Town Council recommend approval subject to the provision of adequate facilities for the access and egress of large vehicles to the site and consideration of the impact upon the surrounding area.

5.2 Eight letters of objection have been received from:

Linda and David Eccleshall (3), White Rose Cottage, Parkway, Ledbury
 Mrs Anne Rawlins, Hillfield, Parkway, Ledbury
 Mrs June Herington (2), Ledgecombe Cottage, Parkway, Ledbury
 Peter Evans, Pye Nest Cottage, Parkway, Ledbury
 Mrs Margaret Allnutt, Hillfield Annexe, Parkway, Ledbury

The main reasons stated are as follows:

1. The construction of the large shutter door access on the east elevation will increase danger on the southern access off the main road and will allow noise pollution to leave the building to the detriment of nearby residents.
2. The large doors indicates a more commercial use not just warehousing.
3. The amenity of the area has been impacted upon by the removal of trees, dangerous traffic issues, operating hours and colour of the building.
4. The land adjoining this side has been used to dump the waste spoil following excavations.
5. All the trees are covered by a Tree Preservation Order.
6. The main road is very dangerous and identified as an accident blackspot where fatalities have occurred.

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

6. Officers Appraisal

6.1 Planning permission was granted in February 2003 for the construction of a warehouse building. During construction works at the end of last year it was noted that the building being erected was different in all dimensions.

Approved Building		Constructed Building
30.4 m	Length	30.92 m
24.4 m	Width	19 m
4.6 m	Height to eaves	5 m
6.5 m	Height to ridge	9 m

6.2 Although the building is only 0.5 metres greater in length a substantial amount of ground around the building has been excavated particularly to the south which has also included the removal of a number of trees and laying of tarmac. The Chief Conservation Officer has confirmed that provided all the tarmac and stone is removed and soil replaced this will help to protect the remaining trees that still provide a substantial screen to the development. A footpath around the building will need to be retained for access, a condition will be recommended retaining 0.9 metres of tarmac path around the building and the remainder re-soiled.

6.3 The width of the building is substantially reduced and no concerns are raised on this aspect. The overall height of the building has however increased by approximately 2.5 metres but its location behind existing buildings limits its impact and again no concerns are raised. The colour of the building is grey and also considered acceptable. The height and width of the shutter doors are no more than what you would expect on a warehouse.

- 6.4 The agents have been asked to clarify the proposed use and have confirmed it is to be used for warehousing for the storage of vehicles. A condition will therefore be imposed preventing any other use without the express permission of the local planning authority. This will ensure that no use which causes nuisance to neighbours is undertaken within the building. Therefore the retention of the shutter door in the east elevation is considered acceptable as the Environmental Health Officer also confirms that he has no objection to the use of the building for warehousing.
- 6.5 Finally regarding the removal of trees covered by the Tree Preservation Order this matter has been investigated by the Council's Chief Conservation Officer with a view to appropriate action being taken.
- 6.6 In summary the building and its use are therefore considered acceptable and not detrimental to the amenity of local residents or landscape and the Council's Highway Consultants have also confirmed that the development is acceptable.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1 - Within 3 months of the date of this permission the existing tarmac surfacing and sub-stone shall be removed on the south and west sides of the building with the exception of 900 mm adjacent to the building for access purposes.**

Reason: In order to protect the adjoining trees.

- 2 - Upon removal of the tarmac and sub-stone a suitable material shall be placed and graded in that area in a manner to be agreed in writing with the local planning authority within 1 month of the tarmac and sub-stone being removed.**

Reason: In order to protect the adjoining trees.

- 3 - Within 3 months of the date of this permission a tree survey with remedial works for the trees adjacent to the southern and western sides of the building shall be submitted for approval in writing of the local planning authority and the works undertaken within 2 months of approval unless otherwise agreed in writing with the local planning authority.**

Reason: In order to protect the adjoining trees

- 4 - G04 (Landscaping scheme (general))**

Reason: In order to protect the visual amenities of the area.

- 5 - G05 (Implementation of landscaping scheme (general))**

Reason: In order to protect the visual amenities of the area.

- 6 - E06 (Restriction on Use) (used for warehousing for the storage and display of motor vehicles for sale)**

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

Informative:

1 - N15 (Reason for grant of PP)

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Decision:

Notes:

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Background Papers

Internal departmental consultation replies.