

Supplement to the agenda for

Planning and regulatory committee

Wednesday 23 January 2019

2.00 pm

**Council Chamber, The Shire Hall, St Peter's Square, Hereford,
HR1 2HX**

Supplement 2 - Schedule of Updates/Public Speakers

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PLANNING COMMITTEE

**Date: 23 January 2019
Afternoon**

Schedule of Committee Updates/Additional Representations

Note: The following schedule represents a summary of the additional representations received following the publication of the agenda and received up to midday on the day before the Committee meeting where they raise new and relevant material planning considerations.

SCHEDULE OF COMMITTEE UPDATES

181523 – PROPOSED EXTENSION AND EXPANSION OF EXISTING B1 FACILITY COMPRISING OF:

- 1) CHANGE OF USE OF GRAIN STORE TO NEW PRODUCTION FACILITY**
- 2) EXTENSION TO PROVIDE ADDITIONAL OFFICE SPACE AND RESEARCH AND DEVELOPMENT FACILITIES**
- 3) ADDITIONAL CAR PARKING PROVISION**
- 4) PRODUCTION WATERS TREATMENT PLANT**

AT CASTLE FARM, UPTON BISHOP, ROSS-ON-WYE, HR9 7UW

For: Mr & Mrs Lambe per Mrs Vicky Simpson, Bayton Farm Bungalow, Bayton Farm, Phocle Green, Ross-On-Wye, Herefordshire HR9 7TS

ADDITIONAL REPRESENTATIONS

The applicants have provided further comments –

Our planning application should not have instigated a battle between Blue Sky and our neighbours who are upset by traffic on rural roads. This is a national problem and whilst it is understandable to want to blame someone – Blue Sky is not responsible for all of the traffic on the surrounding roads. Please look at the numbers – they are not large and are not significant. 30% (before our reduction) of the total traffic. Our staff drive at 20mph, and show courtesy to all road users, walkers and riders – the same unfortunately cannot always be said of all other local drivers.

Blue Sky vehicles do make up 84% of the traffic on our direct access lane, but as this figure was recorded not far from our driveway and we are at the end of a no-through road, this is of course to be expected – possibly surprising it wasn't even higher!

It's also important to note that our business is **lawfully** using the local highways to gain access to our site, as do every other home & business owner.

We are based on a farm – if we were operating it as a 'regular' agricultural operation there would be still be frequent vehicle movements - large machinery, tractors & trailers, grain lorries, feed lorries, milk tankers, livestock wagons. Instead we have a small number of lorries, vans and a waste water tanker.

Blue Sky Botanics Traffic Volume Summary

Total Vehicle Movements / DAY	Jul-18	Nov-18	% Decrease
Lorry	5.4	3.6	33.3%
Large Van	8.5	4.4	48.2%
Small Van	15.1	9.6	36.4%
Cars	51.8	37.8	27.0%
Total Vehicle Movements / HOUR			
Lorry	0.6	0.4	
Large Van	0.9	0.5	
Small Van	1.7	1.1	
Total Lorry/Van	3.2	2.0	39.3%

Comments

Average Data provided by Resident Rusby's camera over two 4 week periods in Jun/July & Nov-18

Articulated lorries are not permitted by Blue Sky Botanics

Decrease in volume is directly attributable to car sharing and off-site consolidation hub on edge of village

The Planning Policy Framework states that ***“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”***

Whichever way you look at it these numbers are VERY LOW - many people remark that they often drive from our site to the main B road and never even see another vehicle! This is certainly true and I have frequently experienced this myself.

On the other hand it is also possible whilst driving on rural roads for the need to be courteous and to pull to one side, sometimes into a gate / driveway, or maybe even to reverse when you meet another vehicle. This is not unusual or unsafe it's just totally normal practice on rural roads, which are after all **public highways** used by vehicles of all shapes and sizes to **facilitate access** to homes and businesses.

I don't find walking on lanes pleasant anywhere in the country – vehicles in general travel much too fast around blind corners – but fortunately there is an extensive network of off-road footpaths which I find is a much safer option.

The much chanted “too much too fast too heavy” verse could easily be used to describe any road, rural or not, in our country!

In spite of our low traffic impact – we do of course respect our neighbours views and want a harmonious existence, so we have diverted funds, time and energy respond to the traffic objections. We have continued to listen, and have always responded constructively and considerately. We will continue to grit and clear snow from our

neighbours driveways, as we always have done, and support the community where we can.

Despite the entirely lawful and LOW levels of traffic associated with our business we have funded an offsite consolidation operation to reduce delivery traffic and an offsite parking area to help our staff car share from the edge of the village. This is not without its inconveniences & cost to us, but we have willingly done this in response to concerns.

It should be noted however that whilst the courier vans are leaving Blue Sky parcels at our offsite hub, I have noted that these vans are sometimes continuing on into the village to deliver to the residents homes – such is the national impact of internet shopping!

Finally, it is understandable that there are fears that our planning application will support a massive increase in vehicles – and of course that is a natural assumption to make – except for the fact that it is quite simply inaccurate. The reality is that we will just put more boxes / pallets on the SAME vehicles.

- In terms of staff vehicles, the car sharing will continue – and more people can travel in the SAME cars.
- The increase in office & laboratory facilities will enable our staff to have more space and work in more comfortable conditions.
- The extension of our laboratory facility will enable us to continue our exciting research and development programme into green extraction techniques and beneficial plant compounds.
- The installation of a waste water treatment plant will reduce the number of waste lorries needed.
- We really are a rural economic success story that should be supported and encouraged in the true spirit of Herefordshire Economic Vision.

“Here We Can” and We Really Will – but only if our growth is encouraged and we are not driven out to another more welcoming County that will support us to continue to thrive.

Further summarised comments on specific elements of the business are –

A summary of the traffic volumes before and after the trial period of transportation mitigation measures shows that collectively (based on average 2 x 4 week data), Lorries and Vans have been reduced by 39% and Cars by 27%.

Mitigation measures include –

- Goods Consolidation. We are using a local site on the B road to receive as many incoming deliveries as possible. These are then put onto a small van or a tractor and trailer and transported approx 3 times per week to Blue Sky. This has accounted for the reduction in the Van & Lorry numbers.
- Car Sharing. We are renting an offsite car park in a field off the B road where staff meet and leave cars, and then car share from this point. Other staff are car sharing from their homes in Ross or Newent.

In terms of trying to quantify further our positive impact on Herefordshire economy (in addition to employment) 31 Herefordshire businesses currently supply or provide services directly to Blue Sky Botanics.

To demonstrate the importance of the location of the Castle Farm site 27% of products produced by Blue Sky will be made by using organic plant material grown on site on Castle Farm.

With regards to third party representation, both further letters of support have been received, along with further comments from existing objectors since the Committee Report was written. **38 letters of objection** have been received and a total of **71 letters of support**.

Objectors add in summary –

- The residents have noticed the very recent comments in support of BSB planning application. Their timing and that none of them are from any residents is highlighted
- The concern remains that the fundamental issue of their being Too Many, Too Heavy vehicles using the inappropriate local transport infrastructure.
- BSB have still not produced a Reliable and Sustainable Transport Plan that reduces level of transport.
- We reiterate that we are not against the BSB as a business or against the overall planning application. Our only concern is the transport implications to the community and local infrastructure.
- The planning application should not be progressed until a Verifiable, Reliable and Sustainable Transport Plan has been submitted. Subsequently it must be a Condition of planning to ensure that BSB are held Accountable and limit their transport operation now and in the future to the levels near to those they submitted in their planning application.

Supporters comments reflect those already summarised in section 5.3 of the Committee Report. The high level of interest from the wider business community is noted.

The **Cabinet Member for Economy and Communications** has provided a written representation supporting the application. The Members' comments in full are –

In April 2018 I visited Blue Sky botanics and was hosted by the Managing Director James Lambe and his wife. I made the visit in my capacity as Cabinet member for the Economy and Communications.

The visit included a tour of the facility and I was most impressed by the care and dedication to the environment shown by the applicants. Great care is taken on the working and natural environment and the site doesn't appear to adversely affect other local residents. The work undertaken at the location appears to be hi tech and offers well paid work for highly qualified staff including a number with Phd qualifications.

Highly paid rural jobs are few and far between and whilst Herefordshire Council would ideally like to encourage companies to start up either in Hereford or one of the market towns it must be recognised that we have quite a few businesses like Blue sky botanics whereby an entrepreneur has started and grown a business

incrementally over time in rural locations. These business people do not wish to be relocated and often want to push on with expansion.

As a sparsely populated and rural county I believe that rural business should be encouraged particularly in examples such as Blue Sky where the owners take such a long sighted and responsible attitude towards environmental issues. Encouraging companies to create high quality jobs locally allows our residents of working age to stay in county rather than leaving to seek work elsewhere.

From my experience of driving to and from the site it seemed that road concerns were particularly focussed on tanker movements and other larger vehicles (not all of them related to Blue sky business). Rural business expansion can create friction especially with regard to traffic flows but it appears that in this case whilst staff numbers will increase by five that traffic movements will actually decrease due to reduced tanker movements and a business led travel plan.

In summary I'm supportive of this application.

OFFICER COMMENTS

The above additional comments and representations are noted.

The efforts of the applicant are noted and reflect the Transportation Managers position, amongst others, that the proposal itself, represents an opportunity to secure highway related mitigation and enhancements.

The concerns of local residents is understood and appreciated. These have been considered and assessed in detail and as set out in the recommendation, technical matters are assessed as being acceptably addressed. The trial period of staff and operational mitigation measures that would form part of a Travel Plan show successful workable solutions can be achieved. It must be remembered the site benefits from an existing unrestricted lawful use with regards to highways and vehicular movements and the proposal enables mitigation to be secured by condition.

The volume of support is noted. These comments reaffirm the summarised grounds of support received. The letters of support from other businesses reflects how interconnected and dependant rural businesses are on each other and the cumulative impact that has on the economy, jobs and in turn, spend within Herefordshire.

The comments from the Cabinet Member for Economy and Communications reflects both Herefordshire Council's planning policies and its wider aims and objectives set out in its Corporate Plan.

NO CHANGE TO RECOMMENDATION

181908 – OUTLINE PLANNING APPLICATION FOR 9 PROPOSED DWELLINGS WITH ALL MATTERS RESERVED EXCEPT ACCESS AND LAYOUT AT LAND AT LOVERS WALK, GORSLEY, ROSS-ON-WYE

For: Mr Hickton per Mr Gareth Sibley, Unit 6 De Sallis Court, Hampton Lovett, Droitwich, WR9 0QE

ADDITIONAL REPRESENTATIONS

Gorsley and Kilcot Parish Council *would like to retaliate our comments in our letter dated 3rd July 2018 as set out below but with the addition of two further comments:*

- 1) Gorsley & Kilcot Parish Council do not feel that there is a need for any new bus stops.
- 2) Gorsley & Kilcot Parish Council feel that the death of a Gorsley Herefordshire parishioner crossing the B4221 near to the proposed site entry should be considered in the Committee's deliberations.

Gorsley and Kilcot Parish Council (GKPC) wishes to object strongly to the above application.

The Parish of Gorsley & Kilcot lies within the Forest of Dean District and is the neighbouring Parish to Linton Parish. The two Parishes are on the County boundary and residences within the village of Gorsley fall within one or other of the two parishes. As such our parishioners who live in Gorsley, and indeed those who live within the neighbouring village of Kilcot, share the same facilities as the parishioners of Linton and we are in effect one community. The proposed development on land situated between the B4221 and Lovers Walk, Gorsley will therefore affect our parishioners to the same degree as the parishioners of Linton.

The village of Gorsley is entirely rural in nature. Dwellings in the village are widely dispersed, surrounded by agricultural land and services are limited. This development will have a detrimental impact upon the rural character and appearance of the area.

In the Herefordshire Local Plan, the 2013 paper on Rural Housing Background states that growth throughout the County should be proportional to its towns, villages and settlements. Furthermore any such development should be sited within or adjacent to the main settlement area (RA1 in this case). In the Ross Housing Market Assessment the proportional growth for the period 2011 to 2031 is set at 14%.

Gorsley's requirement to meet the minimum target growth of 14% has already been achieved with 13 years of the plan period still to go. The village is growing steadily with small developments of 1 or 2 houses.

This site adjacent to the County Boundary adjoins Gorsley; it is not within or closely adjacent to the existing settlement as indicated by the settlement boundary plan.

Whereas the Council may have issues generally with demonstrating a 5 year supply of housing land, this is not the case in Gorsley.

The Herefordshire Strategic Housing Assessment in 2015 identified various sites within the settlement boundary with potential for development during the plan period. Gorsley has a number of sites that offer “medium suitability” for development, but this particular site is identified as having “no suitability during the Plan period.”

It has been previously recognised the Gorsley is a settlement that is predominantly to the South of the B4221 and is an irregular mixture of scattered dwellings with some small clusters along a network of country lanes.

Development along the B4221 is sparse in nature and as such this proposal would create a long frontage which would entirely change the character of the area. No doubt should this proposal be approved it will lead to many more along the B4221 which will create a straggly ribbon development that will stretch from the County Boundary to the M50 Motorway.

We note that the Land to the east of The Old Post Office, Gorsley Road, which is opposite the site, has just had its application for erection of two dwellings rejected for two reasons that are relevant to this application. Firstly, “The proposal by reason of its density, layout, design and landscaping, is not considered to represent an appropriate informed response to its landscape setting and context and as such does not represent a positive contribution to the surrounding environment and its landscape setting resulting in an adverse impact on the character and setting of Gorsley and the countryside” and secondly “The proposal does not respond to local housing need or provide a suitable mix of housing”.

The necessary removal of the roadside hedge and many of its trees to provide the access vision splays, will again have a serious impact on the visual amenity and will destroy the rural feel to the approach to the village. Although proposals to replace the hedge further back from the carriageway, this will take many years to mature, by this time the harm has been done.

We believe that the creation of any further access points on to the B4221 as it passes through the villages of Gorsley and Kilcot is irresponsible bearing in mind the road safety issues arising from the speed of traffic and volume of HGV's. Any development which would result in an increase in the number of cars using the B4221 as an entrance and exit to and from a site is wholly inappropriate in the circumstances.

The 2014 traffic data whilst providing useful information to a degree, its results are somewhat distorted by the disruption to through traffic by vehicles parking at the village shop and post office which were open at the time of the survey. The data was recorded at a point some 85 metres from the shop and post office.

A speed survey undertaken by Gloucestershire Constabulary in February 2014, over an 11 day period, on a similar open stretch of the B4221, approximately 1.5 miles from the proposed site established an 85th percentile speed of 60mph (173 vehicles in excess of 90mph, 24 of which were recorded at over 100mph)

Whereas the site entrance may be designed for the 85% percentile speeds it cannot mitigate the risk posed by those who continue to drive at reckless speed along the B4221

In June 2014, The Planning Inspectorate upheld a refusal by Forest of Dean District Council to allow a development adjacent to the B4221, some ¼ mile from the proposed site, because the proposed access would pose “a significant danger for road users on the B4221 as well as those entering and leaving the site.”

Furthermore Forest of Dean District Council when consulted on application P153661/0 objected and held the view that development of this site would “create a long frontage altering the character of the area”.

Such a development would be almost entirely car-dependent, with the situation having been made worse in recent years due to significant reductions in the frequency of the bus service. There is no provision for cyclists and the footway on the north side of the B 4221 is narrow, (as little as 0.5 of a metre in places) overgrown and extremely dangerous for pedestrians, given the sheer size and speed of passing vehicles.

In addition we have grave concerns regarding drainage systems on this site. Properties to the East of the site at present have issues with a degree of flooding in their gardens. We believe the creation of a SuDS with a pond at the eastern corner of the site will pose a severe risk to these properties and any SuDs would require a long-term maintenance agreement.

In summary, allied to the valid points made by Linton Parish Council in their response, Gorsley & Kilcot Parish Council is of the strong opinion that this application should be rejected –

- 1) It is not needed - In the first 7 years of the plan period, Gorsley has more than achieved it's target growth in a controlled and appropriate manner within it's settlement boundary, and will continue to do so.
- 2) It is in the wrong place - The site is on the extreme eastern fringe of Gorsley away from the main settlement and if approved will set a precedent for further sporadic development along the B4221 with an adverse impact on the rural character of the area.
- 3) It creates risk to highway safety and potential flooding of existing properties.

OFFICER COMMENTS

The bus stops form part of the overall package of highways mitigation and was discussed by the applicant with the relevant public transport operators.

The tragic death adjoining the site reaffirms Officers' position the full highways mitigation proposed is essential, and without which, the recommendation would be refusal. One of the measures proposed is the closure of the layby where the incident occurred.

The other comments are already detailed and considered in the Committee Report.

NO CHANGE TO RECOMMENDATION

PLANNING AND REGULATORY COMMITTEE

23 January 2019

PUBLIC SPEAKERS

Afternoon

APPLICATIONS RECEIVED

Ref No.	Applicant	Proposal and Site	Application No.	Page No.
5	Mr & Mrs Lambe Per Mrs Vicky Simpson	Proposed extension and expansion of existing b1 facility comprising of: 1) change of use of grain store to new production facility 2) extension to provide additional office space and research and development facilities 3) additional car parking provision 4) production waters treatment plant at Castle Farm, Upton Bishop, Ross-on-Wye	181523	11
	PARISH COUNCIL	CHLOE RUSBY (UPTON BISHOP PC)		
	OBJECTOR	MR M RUSBY (Local resident)		
	SUPPORTER	MR J LAMBE (Applicant) and MRS V SIMPSON (Applicant's agent)		
6	Mr Hickton Per Mr Gareth Sibley	Outline planning application for 9 proposed dwellings with all matters reserved except access and layout at Land at Lovers Walk, Gorsley, Ross-on-Wye	181908	25
	PARISH COUNCIL	MR A REEVES (Linton PC)		
	SUPPORTER	CAROLINE REEVE (Applicant's agent)		

7	Mr Wilson Per Mr J. S Brearley	Retention of residential use of former converted carport for ancillary accommodation and retention of the non-material conversion works required to be reversed by Enforcement Notice EN2017/002562/ZZ at 21 The Maltings, Dormington, Hereford	180403	45
PARISH COUNCIL		MR D LLOYD (Dormington and Mordiford)		
OBJECTOR		MR A ALLEN (Local resident)		
SUPPORTER		MR E WILSON (Applicant)		

8	Mr & Mrs Bowen Per Mr Mark Owen	Proposed garage at Ivy Green Cottage, Abbeydore, Hereford	183678	55
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