

**10 DCCE2008/1613/F - PROPOSED CONSTRUCTION OF STEEL FRAMED INDUSTRIAL UNIT AND ACCOMPANYING OUTSIDE SURFACING FOR JOINERY WORKSHOP, BUILDERS STORES AND OFFICE. UNIT 14B, THORN BUSINESS PARK, ROTHERWAS, HEREFORD, HEREFORDSHIRE, HR2 6JT**

**For: Mr P Collins, Collins Engineering Limited, Unit 5 Westwood Industrial Estate, Pontrilas, Hereford, HR2 0EL**

**Date Received: 20 June 2008**

**Ward: Hollington**

**Grid Ref: 52460, 38443**

**Expiry Date: 15 August 2008**

Local Member: Councillor GFM Dawe

**1. Site Description and Proposal**

- 1.1 The site known as Thorn Business Park is located on the western boundary of Rotherwas Industrial Estate bordering the railway line to the west, and surrounded by existing industrial buildings to the north, east and south. Access is gained via the B4399 (Holme Lacy Road) which runs in a northerly direction towards the site also serving all other industrial units in the area. Levels rise from south to north within the site although the site generally is relatively flat and is currently laid out to hardstanding and used for general storage purposes. In the south western corner is a mature oak tree. The site is safeguarded within the Herefordshire Unitary Development Plan as employment land forming part of Rotherwas Industrial Estate and also falls within Flood Plain - Flood Zone 2 and 3.
- 1.2 Planning permission is sought for the construction of a new industrial building sited in the north eastern corner of the site. The building measures 30 metres in length by 18.8 metres in width by 8 metres in height to the pitch of the roof. The building will be constructed from a steel frame with a 2.5 metre high brick face on the front elevation, the remainder of the walls and roof will be clad with box profile sheet composite panel. The building will be used for mixed general industrial and storage also containing a reception area, offices, toilets and tea room areas.

**2. Policies**

2.1 Herefordshire Unitary Development Plan 2007:

S1	-	Sustainable development
S2	-	Development requirements
S4	-	Employment
DR1	-	Design
DR2	-	Land use and activity
DR3	-	Movement

DR4	-	Environment
DR5	-	Planning obligations
DR7	-	Flood risk
E1	-	Rotherwas Industrial Estate
E8	-	Design standards for employment sites
T6	-	Walking
T7	-	Cycling
T8	-	Road Hierachy
T11	-	Parking provision

Other Guidance:

Planning Policy Guidance Note 13 – Transport

Supplementary Planning Document – Planning Obligations

### **3. Planning History**

- 3.1 CE2000/2257/U - Use for heavy industry, foundry and machining including paint spraying - mainly in Units 5 & 6. Manufacture, assembly and storage - remaining buildings. Application withdrawn 20 June 2001.
- 3.2 CE1999/2920/A – Boards for land for sale (non-illuminated). Approved 20 December, 1999.

### **4. Consultation Summary**

#### Statutory Consultations

#### 4.1 Environment Agency:

##### Flood Risk

Parts of the site are located within Flood Zone 3 based on the latest indicative flood zone mapping but lies outside of the 1960 flood boundary based on existing flood records. The flood management strategy for Rotherwas is in the process of being reviewed with Herefordshire Council which when complete will finalise design flood levels for the estate and options for surface water management. Based upon the latest information, the proposed unit will be located just outside of the 1% plus climate change flood plain ie within Flood Zone 2/1.

##### Sequential Test:

Planning Policy Statement 25 requires a sequential risk based approach to determining the suitability of land for development with the aim of steering new development to areas with the lowest probability of flooding (Zone 1). As this proposal is not a major development, it is the responsibility of the Planning Authority to consider the sequential test.

Providing the Planning Authority are satisfied with the sequential test we recommend that finished floor levels are set no lower than 600mm above 1% plus climate change flood level (51.15 AOD) or flood proofing techniques are employed to that level of protection and we recommend a condition to cover this requirement.

We acknowledge that the Rotherwas Acces Road is now in operation and this enables access to and from the site during a flood event.

#### Drainage

We note that sustainable surface water drainage is proposed. Surface water runoff should not increase flood risk to the development or third parties with runoff attenuated to green field runoff and where possible, achieving betterment in surface water runoff. Further allowance for climate change should be incorporated along with the residual risk should any drainage feature fail or be subjected to an extreme flood event.

#### Pollution

The burning of waste wood would require an exemption to be registered with the Environment Agency and the development should incorporate pollution prevention measures to protect ground and surface water.

#### Internal Council Advice

- 4.2 Traffic Manager: The proposal has been assessed in line with the Supplementary Planning Document on Planning Obligation adopted in April 2008. Two options have been put to the applicant.

Firstly a financial obligation calculated in line with the SPD. The required contribution is £17,100 based upon the office floor space identified on the plans with the remainder being split between B2 general industrial and B8 storage and warehousing. This contribution would be used for the provision of new and enhancement of existing sustainable transportation infrastructure to serve the development. This being primarily the provision of new cycle and pedestrian links to the site including the proposed Sustrans Connect 2 cycle link and/or the proposed Park and Ride schemes

Alternatively, a non-financial contribution for sustainable transport facilities in the form of a transfer of two strips of land forming part of the desired Connect 2 route from Bartonsham to Rotherwas has been suggested.

In the absence of any substantive reason or information to justify why the SPD should not apply or the alternative option accepted we have to recommend refusal of the application.

## **5. Representations**

- 5.1 Lower Bullingham Parish Council: No objection.

## **6. Officer's Appraisal**

- 6.1 The site falls within Rotherwas Industrial Estate being safeguarded for employment purposes within the Herefordshire Unitary Development Plan. As such, the principle of new employment development is acceptable and satisfactorily addresses the sequential test identified within Planning Policy Statement 25. The proposed building has been sited to avoid the loss of the existing mature tree within the site whilst achieving an efficient use of the site in terms of the layout. The general scale in terms of footprint and height is commensurate with the size of the site and other buildings in the locality and the design and materials will harmonise with other recent development including the development adjoining (immediately east) of the site. The Traffic

Manager is satisfied that adequate parking and lorry space is proposed to serve the size of the unit and mix of uses and a safe access can be provided along with secure cycle parking. As such, the general use, layout, scale, design and material proposed are considered acceptable in accordance with Policy E8 of the Unitary Development Plan.

- 6.2 The site falls within Flood Zone 2 and 3 and therefore the flood risk of the development must be considered in accordance with Policy DR7 of the Unitary Development Plan. In this regard, the Environment Agency raises no objection to the development subject to the floor level of the building being constructed above the 1% flood risk plus climate change level calculated from the latest flood modelling and actual flood data. This flood level can be achieved within the site. Surface water drainage can be controlled by way of condition to ensure sustainable drainage techniques are incorporated where possible. As such the flood risk proposed to, and created by the development can be satisfactorily mitigated.
- 6.3 As the proposal entails the construction of new B1, B2, B8 floorspace the development must be assessed against the Supplementary Planning Document on Planning Obligations adopted in April this year. Where an employment development generates direct impact on community infrastructure this impact must be mitigated. In this instance the principal impact, which will include a cumulative impact alongside other recent and proposed developments in the area is on the transport network. The direct impact of the development in this instance will be mitigated through a financial contribution totalling £17,100 (calculated in accordance with the SPD) which would be utilised either in its own right or pooled towards improvements to sustainable transport infrastructure to serve the development. In essence, the provision and enhancement of sustainable transport infrastructure will assist in mitigating the direct impact on the highway network and its associated capacity.
- 6.4 Even prior to the submission of the application, the applicant who is also the landowner expressed concerns regarding provision of a financial contribution. In recognition of this, an alternative proposal has been suggested involving the freehold transfer of two parcels of land falling within the applicants ownership to the council at nil consideration. The strips of land lie in close proximity to the site and form part of the Lottery funded Sustrans cycle link running from Bartonsham north of the River Wye through to Rotherwas and beyond to Holme Lacy. In addition, part of this land also forms an integral and essential part of the flood protection for the whole of this part of Rotherwas. Therefore, the transfer of this land would have the added benefit of ensuring that the flood risk to this part of Rotherwas Industrial Estate could be satisfactorily managed and controlled by Herefordshire Council in partnership with the Environment Agency.
- 6.5 The applicants response to both proposals is appended in to this Committee Report. In terms of the first option relating to the provision of a financial contribution, the SPD does allow for contributions to be reduced or even removed if the contribution would render a proposal unviable and this is supported with detailed financial information on an "open book" basis to support the viability argument. None of this information has been provided in this instance. Furthermore, whilst the proposed purchaser of the site may not have fully taken into account the requirements of the Supplementary Planning Document in negotiating the purchase of the site, it would appear that the ownership remains with the applicant and therefore the value of the land could be amended to reflect the need for a contribution. If the council were to remove the requirement for a contribution simply because it had not been factored into the land purchase

negotiations at an early stage, this would set a dangerous precedent undermining the objectives of the SPD.

6.6 In terms of the alternative option, this would not incur any potential financial encumbrance on the future landowner and occupier of the site. The strips of land requested to be transferred to the council are an integral part of the Sus-trans cycle and pedestrian link and the transfer of land would greatly assist in bringing the scheme forward in so much as there would be one less land ownership issue to resolve and one less potentially compulsory purchase order to negotiate. The applicant has again provided no specific case to justify against this alternative option.

6.7 It is considered that either of the above requests are fully in accordance with Supplementary Planning Document and associated Circular in so much as they are relevant to planning and necessary to make the proposed development acceptable in planning terms, are directly related to the impact of the development, are commensurate in scale to the development and reasonable in all other respects. Therefore, whilst concerns of the applicant in respect of creating new employment opportunities are acknowledged, the application must ultimately be considered in accordance with the adopted policy which the Supplementary Planning Document forms part of. In the absence of a planning obligation to mitigate the impact of the development the application is therefore recommended for refusal.

**RECOMMENDATION**

**That planning permission be refused for the following reason:**

- 1 In the absence of a planning obligation to mitigate the direct impact of the development on the transport network the proposed development is considered unacceptable and contrary to the Council's Supplementary Planning Document on Planning Obligations, Policies S2, DR3, DR5, T7 and T8 of the Herefordshire Unitary Development Plan 2007 and advice contained within Planning Policy Guidance Note 13.**

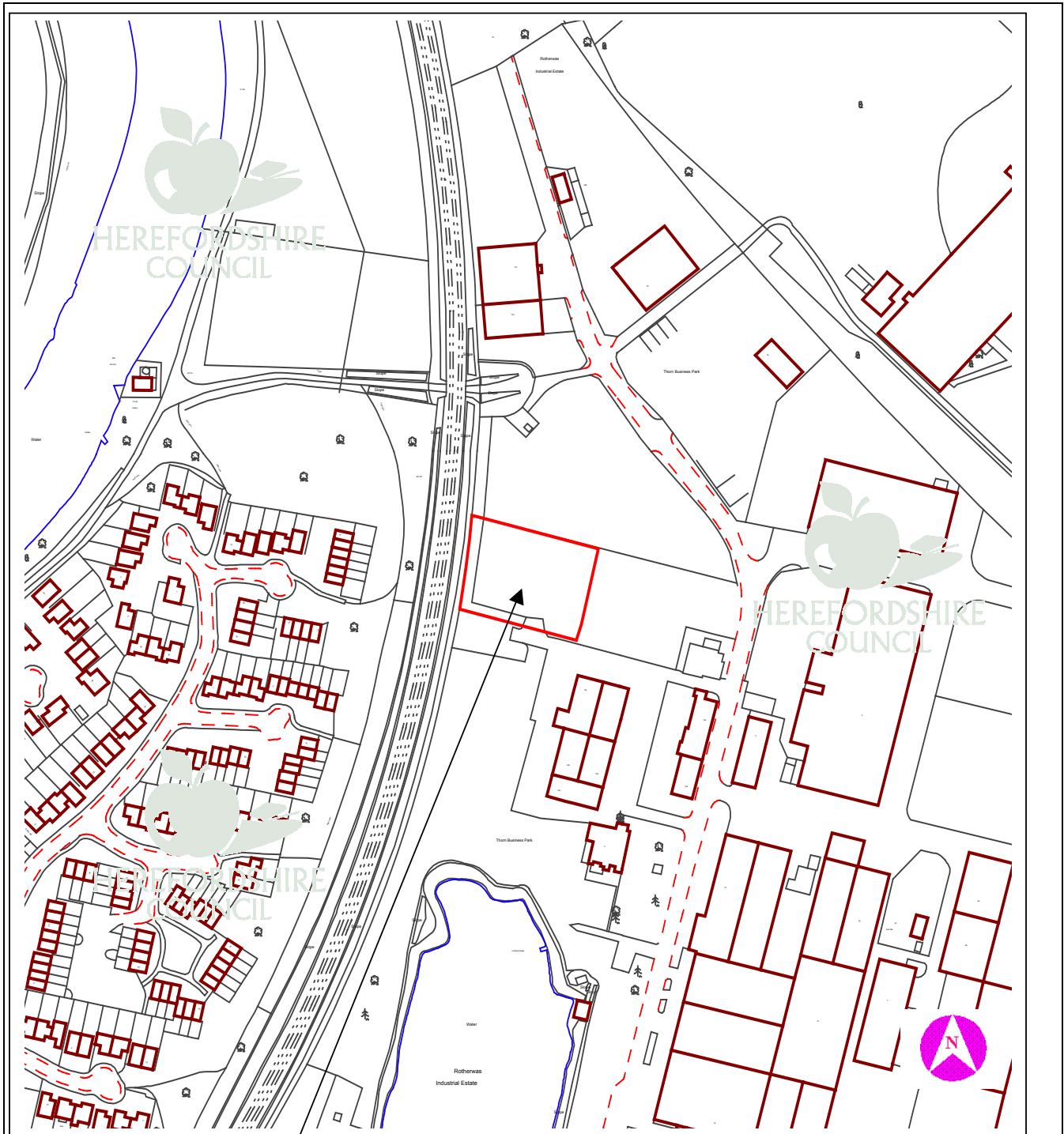
Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.



This copy has been produced specifically for Planning purposes. No further copies may be made.

**APPLICATION NO:** DCCE2008/1613/F

**SCALE :** 1 : 2500

**SITE ADDRESS :** Unit 14b, Thorn Business Park, Rotherwas, Hereford, Herefordshire, HR2 6JT

Based upon the Ordnance Survey mapping with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Herefordshire Council. Licence No: 100024168/2005