

8 DCCW2003/3376/F - TEMPORARY ERECTION OF ONE METAL CONTAINER TO PROVIDE STORAGE FOR TRACTOR AND ASSOCIATED IMPLEMENTS (PREVIOUS APPROVAL NO. CW2000/0783/F) AT DONKEY SANCTUARY, BELVEDERE LANE, HEREFORD

For: Hereford Cathedral School per Jamieson Associates, 30 Eign Gate, Hereford, HR4 OAB

Date Received: 10th November 2003 Ward: St. Nicholas Grid Ref: 50229, 39565

Expiry Date: 5th January 2004

Local Member: Councillor Mrs. E.M. Bew

1. Site Description and Proposal

- 1.1 The application concerns a site on the east side of Belvedere Lane which runs south towards the River Wye from Broomy Hill. The site comprises an area of some 0.5 ha of grassland used as a cricket pitch in association with the school. There are a number of trees to the eastern boundary of the site, beyond which runs the Great Western Way. The rear gardens of dwellings on Broomy Hill adjoin the northern edge of the site.
- 1.2 The proposal is for the retention of a single metal container in the north-east corner of the site which was granted a temporary permission for a period of three years in 2000. The container is painted dark green and is 12 metres long with a width and height of 2.45 metres.

2. Policies

2.1 Planning Policy Guidance:

PPG1	-	General Policy and Principles
PPG15	-	Planning and the Historic Environment
PPG17	-	Sport and Recreation
PPG25	-	Development and Flood Risk

2.2 Hereford and Worcester Structure Plan:

Policy CTC9	-	Development Requirements
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2.2 Hereford Local Plan:

Policy H21	-	Compatibility of Non-residential Uses
Policy CON12	-	Conservation Areas
Policy CON13	-	Conservation Areas – Development Proposals
Policy R5	-	Loss of Private Outdoor Playing Space

2.3 Herefordshire Unitary Development Plan (Deposit Draft):

Policy DR1	-	Design
Policy DR7	-	Flood Risk
Policy HBA6	-	New Development within Conservation Areas

3. Planning History

- 3.1 HC/870205/PF Erection of four dwellings. Refused 2nd July, 1987.
HC/970388/PF Change of use to form netball/tennis courts for Hereford Cathedral School. Approved 25th March, 1998.
CW2000/0783/F Temporary erection of 2 no. metal containers for storage. Approved 21st April, 2000 - later amended to one container with the consent of the Local Planning Authority.

4. Consultation Summary

Statutory Consultations

- 4.1 Environment Agency: "The Agency OBJECTS to the proposed development, as submitted, on the following grounds:

The proposed development lies within the historic floodplain of the River Wye. The site also lies within the Indicative Floodplain and is located within the SEction 105 modelled Floodplain of the River Wye for a 1 in 100 year flood event and therefore may be at risk of flooding in the future.

The proposed development is therefore considered to be at risk of flooding, and is likely to result in net loss of flood flow path and flood storage and could also thereby unacceptably increase the risk of flooding elsewhere.

The Agency acknowledges that an application was submitted for two metal containers in 2000 (reference CW2000/0783/F) which the Local Planning Authority approved against the Agency's advice on flood risk grounds. The Agency however, has responded to this application in line with current Planning Policy Guidance [Note] 25 - Development and Flood Risk which was released in July 2001. Paragraph 57 of PPG25 states that:

"The susceptibility of land to flooding is a material consideration in the determination of planning applications planning permission should be reviewed in the light of the latest evidence on flood risk."

PPG25 was not in existence when making the earlier decision.

...the proposed development fails to demonstrate that it will not impede flood flows or result in a net loss of floodplain storageIf you are minded to approve the application contrary to our objection, attention is drawn to paragraph 65 of PPG25 which advises that the Agency should be re-notified, for you [the Local Planning Authority] to explain why material considerations outweigh the objection, and to give the Agency the opportunity to make further representations."

Internal Council Advice

4.2 Head of Engineering and Transportation: No objection to the grant of planning permission.

4.3 Chief Conservation Officer: views awaited.

5. Representations

5.1 Hereford City Council: no objection. The Council would recommend a five year consent.

5.2 Two letters of objection have been received from the owner of 9 Broomy Hill, Hereford and Mr. G.J. and Mrs. M.W. Watkins of The Bungalow, Belvedere Lane. The content of the letters is summarised below:

- The metal container is an eyesore in the Conservation Area.
- It is sited close to the boundary with No. 9 Broomy Hill, giving the public opportunity of access to the rear garden of this property.
- The north facing elevation is often used as a public convenience.
- The floodplain is already an area for concern with local residents and continued obstruction should be avoided.
- The original permission was for a temporary period only.

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

6. Officers Appraisal

6.1 This application is for the retention of a single metal storage container to the north-eastern corner of a site to the east side of Belvedere Lane which runs south towards the River Wye from Broomy Hill. The site comprises an area of some 0.5 ha of grassland, currently utilised as a cricket pitch during the summer months. There are a number of trees around the edge of the site with dwellings adjoining to the north. The Great Western Way adjoins the eastern boundary.

6.2 The site is within a Conservation Area with one of the principal elements of this area being the largely undeveloped riverside meadows. The container is not an attractive structure but in the current location and painted dark green, it is not unduly obtrusive.

6.3 The application describes the proposal as “temporary” but is not specific as to any particular period. It is considered that the proposal does not cause significant harm to the Conservation Area but that any further permission should be limited to a period of three years. The container should not be accepted on a permanent basis.

6.4 With regard to flooding there are policies in the Development Plan that seek to protect areas liable to flooding from development unless mitigation works and protection to third parties are incorporated. The Environment Agency’s policy document and PPG25 – Development and Flood Risk reinforces this approach. Members are referred to The Agency’s objection to the retention of the container (para. 4.1).

6.5 The container has a total floor area of some 30 square metres and is sited within an area identified by the Environment Agency as being liable to flood. The container is however situated towards the northern edge of the floodplain as indicated on the

Agency's own indicative floodplain diagram. Alternative locations for the container within the site have been explored, but would either result in the same impact upon the floodplain or have a more significant visual impact upon the appearance of the Conservation Area.

- 6.6 Some attempt has been made to mitigate the impact of the container upon the floodplain with the placing of the container upon wooden bearers. As such the container is raised some distance above ground level which has led to the introduction of an access ramp.
- 6.7 It is acknowledged that the development will have an impact in the event of a flood and does not comply with the Development Plan. However the difficulty the applicants have in finding a suitable location for such storage in the locality are recognised and with the current location being towards the edge of the floodplain it is considered that the grant of a temporary planning permission is acceptable in this instance. However, the siting of the container is not deemed acceptable in the long term, and the applicants should seek a more suitable and sustainable alternative to the problem of storage.
- 6.8 It should be noted by Members that should the Local Planning Authority conclude that material considerations outweigh the objections of the Environment Agency on flooding issues, the Local Planning Authority must inform the Agency that they are minded to grant permission and the reasons for so doing.
- 6.9 This process gives the opportunity for the Agency, where they maintain their objection, to either recommend practicable improvements to the scheme or refer the application to the Secretary of State.

RECOMMENDATION

That the application be referred to the Environment Agency, and subject to them confirming that they will not be referring the application to the Secretary of State then planning permission be granted subject to the following condition and any other conditions considered necessary by the Environment Agency:

- 1. This permission shall expire on 14th January 2006. Unless further permission is granted in writing by the local planning authority prior to the end of that period, the use hereby approved shall permanently cease.**

Reason: To enable the local planning authority to give further consideration of the acceptability of the proposed use after the temporary period has expired.

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.