

<b>MEETING:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>12 MAY 2010</b>
<b>TITLE OF REPORT:</b>	<p><b>DMSE/100298/O - LIGHT INDUSTRIAL UNITS B1 USE AT LAND OPPOSITE CATTLE MARKET, NETHERTON ROAD, ROSS ON WYE, HEREFORDSHIRE, HR9 7QQ.</b></p> <p><b>For: Mr T Barnett per Mr M.F. Freeman, Ruardean Works Varnister Road, Near Drybrook, Gloucester, GL17 9BH.</b></p>

**Date Received: 11 February 2010    Ward: Ross-on-Wye East    Grid Ref: 360540,225736**

**Expiry Date: 13 May 2010**

Local Members: Councillor BA Durkin, Councillor AE Gray and Councillor PGH Cutter

## **1. Site Description and Proposal**

- 1.1 The site is located on the northern edge of the Overross Industrial Estate, and on the northern side of Netherton Road, opposite the cattle market. UK Select Car Sales is to the west. A watercourse flows along the northern boundary of the site which is also defined by a row of willow trees. The site extends to approximately 1.6ha. It is located within the settlement boundary for Ross-on-Wye and within the Wye Valley Area of Outstanding Natural Beauty. Farmland is to the north. Public footpath BA11 is to the north of the site from where Overross Industrial Estate and the application site can be seen.
- 1.2 The site comprises a steep north facing embankment slope, which falls away from the highway barrier along Netherton Road down some 4metres to level ground bordering the watercourse on the northern boundary of the site. A number of trees within the site have been felled, leaving the trees along the immediate stream corridor only.
- 1.3 This is an outline planning application for the erection of light industrial units. The application reserves all matters; layout, scale, appearance, access and landscape for future consideration. However, a suggested layout plan has been submitted that shows 5 buildings with a gross floor area of 1008square metres will be positioned close to the road frontage, with 3 entrances off Netherton Road and an access roadway that will run along the rear of buildings B, C and D that will lead to units A and E. The plan also shows the area of fill that will be required to create a level area for the development. The area of land between the retaining wall and the watercourse will be graded to provide a wildlife corridor. Tree planting is proposed along the northern boundary of the site and on the east side of unit E.

## **2. Policies**

### **2.1 Planning Policy Statements**

- PPS1 - Delivering Sustainable Development  
PPS4 - Planning for Sustainable Growth

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Further information on the subject of this report is available from Mr D Thomas on 01432 261974

- PPS9 - Biodiversity and Geological Conservation
- PPG13 - Transport

## 2.2 Herefordshire Unitary Development Plan

- S1 - Sustainable Development
- S2 - Development Requirements
- S4 - Employment
- S6 - Transport
- S7 - Natural and Historic Heritage
- DR1 - Design
- DR2 - Land Use and Activity
- DR3 - Movement
- DR4 - Environment
- E7 - Other Employment Proposals within and around Hereford and the Market Towns
- E8 - Design Standards for Employment Sites
- T8 - Road Hierarchy
- NC1 - Biodiversity and Development`
- NC6 - Biodiversity Action Plan Priority Habitats and Species
- NC7 - Compensation for Loss of Biodiversity
- NC8 - Habitat Creation, Restoration and Enhancement
- NC9 - Management of Features of the Landscape Important for Fauna and Flora
- LA1 - Areas of Outstanding Natural Beauty
- LA2 - Landscape Character and Areas least Resilient to Change
- LA3 - Setting of Settlements
- LA5 - Protection of Trees, Woodlands and Hedgerows
- LA6 - Landscaping Schemes
- SPG - Landscape Character Assessment
- SPG - Biodiversity

## 3. Planning History

3.1	SH860642PO	10 small industrial units and use of lands as a plating field	-	Approved 20.10.1986
	SH860644PF	Distribution depot and provision of access roads	-	Approved 20.10.1986
	SH881098PM	Industrial unit with service yard and car parking	-	Approved 26.8.1988
	SH890966PF	Car body repair workshop and showroom	-	Approved 14.6.1989
	DCSE2009/0682/O	Light industrial units, B1 and B2 Uses with earth bund	-	Withdrawn

## 4. Consultation Summary

### 4.1 Statutory Consultations

Highways Agency directs that planning permission not be granted as insufficient information has been provided in support of the planning application to ensure that the A40/A449 trunk roads continue to serve their purpose as part of a national system of routes for through traffic in accordance with Section 10 (2) of the Highways Act 1980 by minimising disruption on the trunk road resulting from traffic entering and emerging from the application site and in the interests of road safety.

4.2 Welsh Water has no objection subject to conditions.

### Internal Council Advice

- 4.3 The Traffic Manager recommends refusal. Further information required; access details, layout and parking areas.
- 4.4 Conservation Manager – Landscape cannot support this application. The proposal will cause harm to the character of this part of the Wye Valley Area of Outstanding Natural Beauty.
- 4.5 Conservation Manager – Ecology requires additional information to assess the impact of the proposal on the ecological interests of the site.
- 4.6 Economic Regeneration Officer supports the application.

### **5. Representations**

- 5.1 A Design and Access Statement has been submitted with the application. In summary it is said:
- The site is adjacent an existing commercial/light industrial landscape known as Overross Industrial Estate.
  - There is an overall strategy the now derelict site and rebuild the site into beneficial employment use. The proposal is intended to provide beneficial employment use, retail uses and provide visual amenity.
  - It is intended to provide 5 new build B1: light industrial units with parking together with disabled parking facilities. The new build will be toward the front of the site.
  - There is a range of in size of the units which will accommodate a good range of businesses.
  - The site has already 2 prospective tenants.
  - The site will require 4metres of fill to establish a useable level site.
  - It is intended together with the improvement of the development to tidy up the entrance to the development with new planting and signs.
  - Soft landscaping has been added which similar in size to the previous treed area.
  - A clearzone is provided onto the stream.
  - The site is in a natural hollow. The proposed buildings are protected by the natural crest of a hill immediately off site.
  - The main access is off Netherton Road.
- 5.2 An Employment Land Statement and Planning Statement has been submitted with the application. In summary it is said:
- The proposal is being driven by the needs of 2 local businesses, Wye Garden Services and UK Select, who will occupy 2 of the proposed units.
  - The development is critical to the future success of these businesses which provide local jobs and are important to the Ross-on-Wye economy.
  - An Employment Land Study for the Council found there was a demand for industrial units of less than 3,000 square feet.
  - The study found 55,000 square metres of vacant premises in the Eastern Corridor area, similar to our findings for the Herefordshire “south” property register area.
  - The study finds that existing sites are available to meet forecast demand.
  - Sustainable economic development is clearly a driver of planning policy. New employment development should be encouraged at Ross-on-Wye to achieve strategic planning aims, planning aims, improve the local economy and create a jobs/homes balance.

- The UDP also recognises the need to meet the expansion of requirements of existing businesses. The application is in line with this aspiration and will help retain the businesses in the local area and provide additional employment opportunities.
- 5.3 An Ecological Assessment has been provided with the application. In summary it is said mitigation measures will be put in place to protect legally protected species and prevention of pollution of the adjacent watercourse.
- 5.4 Ross Rural Parish Council has no objection.
- 5.5 Brampton Abbots Parish Council – Despite the findings of the application's Transport Statement, the Parish Council remains concerned over the extra traffic the development will generate at Overross Roundabout. The Council also believes it is imperative that the proposals in the Design and Access Statement relating to the development's appearance, scale, screening and landscaping, all be implemented without compromise.
- 5.6 An objection has been received from Mr J Hiram, Netherton House, Netherton, Ross-on-Wye:
- It is sited on land which is designated for important landscaping on an earlier consent. The area is therefore protected and granting permission would set a very dangerous precedent. The necessity for the landscaping buffer between town and country has not diminished.
  - The removal of the planted landscaping was illegal, damaging local flora and fauna and carried out without consultation with the appropriate bodies, including Natural England, Defra etc. It should be reinstated without further delay.
  - The existing use (vacant land) is incorrectly stated on the application. It should state: landscaping.
  - Is it light industrial? or B2? It cannot be both.
  - The land is currently steeply sloping to the nearby watercourse, which runs into the River Wye. The levels will have to be artificially altered and raised. The subsequent ridge level of the buildings on the raised ground will be visually obtrusive to the surrounding countryside to the north.
  - DTZ refer to the office market which is irrelevant. They also state that the industrial supply exceeds demand. Why are 5 buildings proposed when only 2 are apparently required? Why should the 40% of the site "drive" its development? There are numerous empty commercial buildings in Ross and further sites with extant planning consent yet to be constructed. Vehicle preparation does not have to take place in an adjoining building and could be undertaken elsewhere in the town.
  - The Design and Access Statement is inaccurate as it refers to retail use and does not refer to the historic landscape value to previous planning consents.
  - DTZ state PPS7. This is not a rural area as it is within the settlement boundary of Ross-on-Wye.
  - DTZ also state in their planning statement that the proposal "respects the open countryside to the north". This is patently untrue as landscaping has been illegally removed without permission or prior consultation exposing the existing development to the North. The new structures on the raised land will exacerbate the effect of the development into the rural landscape to the North and the adjoining AONB.
  - PPS4 paragraph EC6.1 states that any development should ensure that the countryside is protected etc. These proposals do not meet this policy's requirements.
  - In summary, irrespective of the flawed nature of much of the application which is justification in itself to refuse permission.
- 5.7 Letters in support of the application have been received from Dayla Liquid Packing Limited, Overross Industrial Park, Ross-on-Wye; Walford Timber Limited, The Sawmills, Walford and Wye Commercials Limited, Overross Industrial Estate, Ross-on-Wye:
- it will enhance job prospects

- it will tidy up the area
- it has good access.

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 This is an outline application to establish the principle of light industrial development. The application reserves all matters for future consideration.
- 6.2 Although this site is located in the town boundary of Ross-on-Wye as shown on Inset Map ROSS1 in the Herefordshire Unitary Development Plan it is not allocated for any particular use. Policies E7 and E8 are considered appropriate to the determination of this application. The policies are criterion based. These policies permit proposals for employment generating uses provided there are no suitable sites or premises available within existing and proposed employment areas and the proposal is of a scale and character appropriate to the settlement or locality.
- 6.3 The applicant has not provided evidence as to why this development cannot be located on vacant industrial allocated land in Ross-on-Wye, there is vacant land in Alton Road and Model Farm has outline planning permission for B1, B2 and B8 Uses. Notwithstanding this, the Economic Regeneration Officer considers "the proposal would appear to make more efficient use of this part of the estate, increase the type of accommodation available, whilst improving the overall appearance of this established commercial area. It is understood that two of the five units proposed would be occupied by existing businesses currently located on the estate, UK Select Car Sales and Wye Garden Services, one needing to expand and one needing to relocate. Where possible on existing employment sites, we wish to ensure a good range of units, safeguard existing jobs and encourage new ones accordingly."
- 6.4 While, the site is within close proximity to land allocated for employment purposes it is adjacent to the settlement boundary of Ross-on-Way, farmland adjoins the site on its northern side within the Wye Valley Area of Outstanding Natural Beauty (AONB). The impact and affect of the proposal on this part of the AONB needs to be considered. In this respect the Conservation Manager – Landscape comments this undeveloped site on the northern edge of Netherton Road currently allows views out from the public highway to the north, into the adjacent countryside designated as Principal Settled Farmlands in the Council's SPG Landscape Character Assessment. Distant views to the north are restricted by the undulating nature of the landform and intervening trees along the stream, and include partial views of buildings at Netherton. There are no views of the village of Brampton Abbots. Views to the west, south and east are restricted by the existing industrial development.
- 6.5 While, a 7 metre buffer zone is proposed, this does not overcome the landscape objection to the development of this site. The principle objections are that the proposed development would detract significantly from the character of the site – a stream corridor and that the stream corridor site needs to be preserved in its entirety to act as an effective buffer between the industrial estate and landscape to the north, which falls within the AONB.
- 6.6 Insofar as the issue of the change to the appearance and character of the stream corridor is concerned, the proposal does not work in harmony with the existing topography and stream corridor character – it works against it, as demonstrated by the fact that it would be necessary to make up levels by 4 metres. This infilling would detract significantly from the stream corridor character and the proposed buildings would preclude reinstating the area of trees that were originally on the site.

- 6.7 The screening effect of trees on the site has already been significantly weakened by the removal of many of the trees on the site. The removal of these trees also degraded the quality of the wildlife habitat, as stated in the Ecological Report submitted with this application
- 6.8 Insofar as the visibility of the site is concerned, it is acknowledged that distant views in and out of the site are restricted by landform. However, a negative factor is that the proposed development of buildings adjacent to the road would impinge on the current open views from Netherton Road towards the rural countryside and would restrict views of what was formerly an attractive steam corridor from Netherton Road and the inner industrial estate; views which are of value to both occupiers and users of the industrial estate. In relation to functional issues, the proposed infilling raises practical concerns about the future stability of a high steep bank close to a watercourse, particularly before it is vegetated and about the difficulties of maintaining planting on a steep sided bank.
- 6.9 The existing land form demonstrates the site is not suitable for development. It will require raising the ground level adjacent to Netherton Road by importing soil up to 4metres in depth to create a development platform and access off Netherton Road. The proposed site layout plan indicates that the base of the proposed embankment slope would extend up to the edge of the stream across part of the site. The embankment will require a retaining wall to be constructed along the length of the raised ground. The retaining wall and grading of the side will appear as a non-natural feature in the landscape.
- 6.10 The site is located in an ecologically sensitive area, adjacent to a watercourse that is a tributary to the River Wye SSSI and SAC. While, an Ecological Assessment has been provided with the application concluding pollution of the watercourse will be minimal subject to appropriate best practice mitigation measures are put in place to stop this occurring. The Assessment also comments mitigation measures will be put in place to protect a range of legally protected species, potentially dormice, badgers, common reptiles and nesting birds. However, further information is required regarding mitigation strategies for dormice, badgers, protection of the watercourse, reptiles and ensuring against the spread of Japanese knotweed. Further surveys will be required to ensure that the mitigation strategies proposed are appropriate.
- 6.11 Insofar as means of access is concerned, and notwithstanding the recommendation of refusal from the Traffic Manager, this is a reserved matter and will need to be considered as part of an application of reserved matters in the event of outline planning permission being granted. However, the proposal will lead to an increase in traffic exiting onto the A40 at Overross. While, the additional information required by the Highways Agency has now been received, their further comments are awaited. An update will be provided at the Committee meeting.
- 6.12 Mention is made of the tree felling that has taken place. The application site was originally planted as part of an approved landscape buffer to applications SH860642PO and SH881098PM. Other than requiring a 5 year maintenance period of planting that may fail during this period the planning permissions were not subject that protected the trees beyond this period. The tree felling took place after this 5 year period. Accordingly, it is considered there has been no breach of the planning permissions and there is no requirement for the reinstatement of the tree planting.
- 6.13 In conclusion it is considered in the absence of need for the development of this site for industrial purposes the proposal will cause harm to the acknowledged visual qualities of the area and is contrary to policies S2, S7, DR1, LA1 and LA2.

## **RECOMMENDATION**

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

- 1 Insufficient information has been provided to demonstrate there are no other sites**

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Further information on the subject of this report is available from Mr D Thomas on 01432 261974

or premises available within existing and proposed employment areas of Ross on Wye. Consequently the proposal conflicts with policies S2 and E7(1) of the Herefordshire Unitary Development Plan.

- 2 The proposed development and associated ground works required to create a development platform would form a conspicuous and prominent development in this part of the Wye Valley Area of Outstanding Natural Beauty in which the site is located. Accordingly, the proposal conflicts with policies S2, S7, DR1, E7, E8, LA1 and LA2 of the Herefordshire Unitary Development Plan.
- 3 Insufficient information has been provided to ensure the development of the site, including the extensive ground works, would not result in the loss of ecology on the site. Accordingly, the proposal conflicts with policies NC1, NC6, NC7, NC8 and NC9 of the Herefordshire Unitary Development Plan and to the advice contained in PPS9: Biodiversity and Geological Conservation.
- 4 Upon the direction of the Highways Agency insufficient information has been submitted in support with the application to ensure that the A49 trunk road continues to serve its purpose as part of a national system of routes for through traffic. Consequently, the proposal conflicts with policies S2, S6 and DR3 of the Herefordshire Unitary Development Plan.

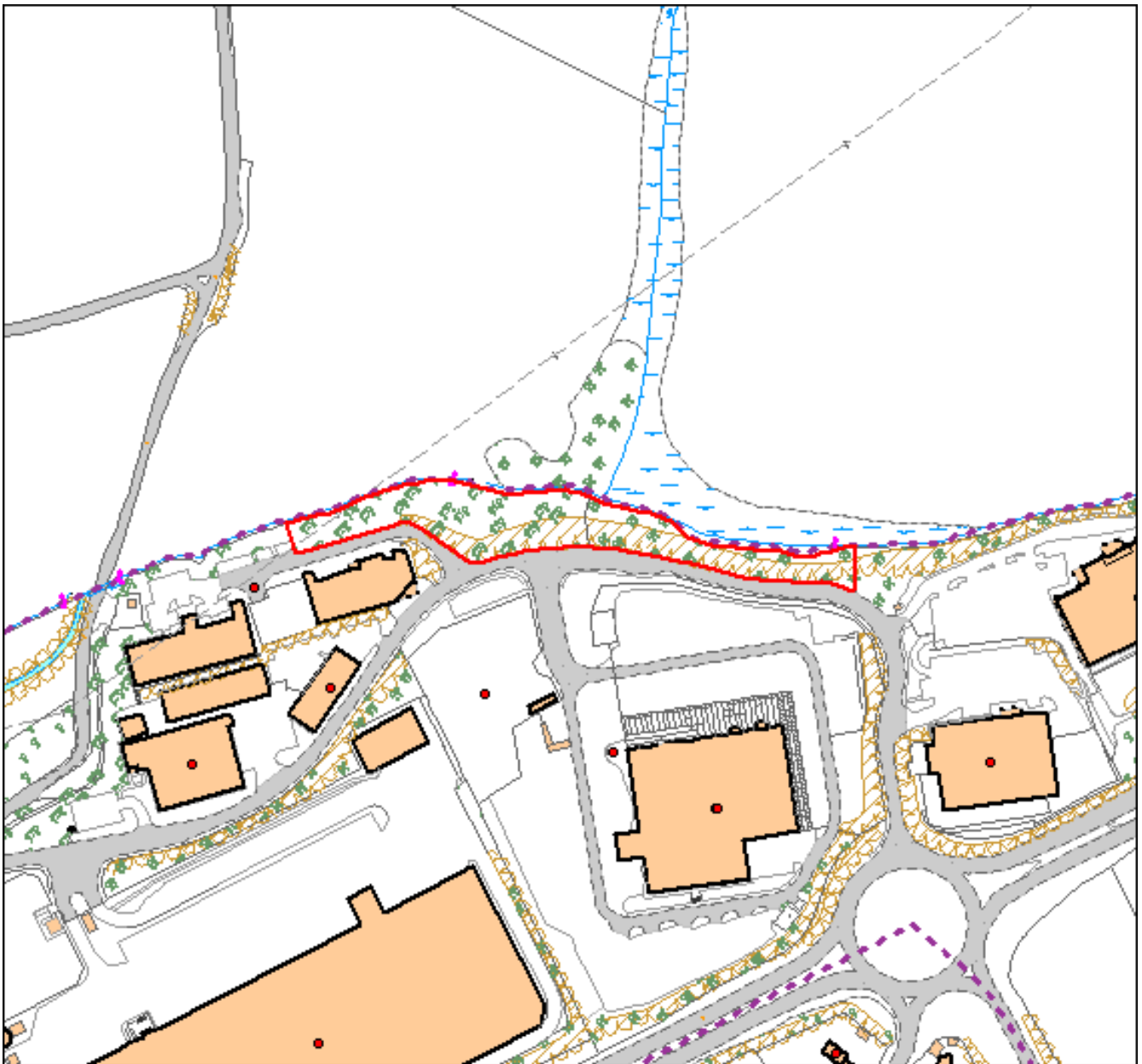
Decision: .....

Notes: .....

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### **Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DMSE/100298/O

**SITE ADDRESS :** LAND OPPOSITE CATTLE MARKET, NETHERTON ROAD, ROSS ON WYE,  
HEREFORDSHIRE HR9 7QQ

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