

<b>MEETING:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>12 JANUARY 2011</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 Barnett per Mr MF 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: Councillors PGH Cutter, AE Gray and BA Durkin [adjoining ward]

## **Introduction**

This application was deferred by Planning Committee at last month's meeting following the receipt of a plan that indicated at least half the length of the watercourse that flows along the northern boundary of the site was culverted. Previously, the application was considered by Planning Committee at its meeting on 12 May 2010 when Members resolved to defer determination pending further discussions with the applicant in respect of the possible implication for the biodiversity value of the site and the availability of other sites as outlined in refusal reasons 1 and 3 of the Officer's report.

This report is an updated version of the report to the meeting on 12 July 2010.

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

- 1.1 The site is located on the northern edge of the Overcross 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 Overcross 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 4 metres 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 1008 square 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
- 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
- DR8 - Culverting
- E7 - Other Employment Proposals within and around Hereford and the Market Towns
- E8 - Design Standards for Employment Sites
- 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 playing 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 has no objection.

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: Cannot support this application. The proposal will harm 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 for the now derelict site to 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 in size of the units which will accommodate a good range of businesses.
- The site has already 2 prospective tenants.
- The site will require 4 metres 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, 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 updated Ecological Assessment has been provided. 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**

Update

6.1 This application was deferred at the last meeting of Planning Committee following the late submission of a plan that indicated at least half the length of the watercourse that flows along the northern boundary of the site was a "culverted stream". The plan did not state if the culvert existed or was proposed. Officers have returned to the site and walked along the stream. It is overgrown by a tangle of fallen trees, bushes and brambles. Following this visit it was noted a small section, 2metres or thereabouts, of the stream has been culverted. The applicant has been requested to submit accurate plans that confirms this. At the time of this report the plans had not been received. A verbal update will be given at the meeting.

Original report

6.2 This is an outline application to establish the principle of light industrial development. The application reserves all matters for future consideration.

6.3 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.

6.4 At the time of the original report to Members, the applicant did not provide sufficient evidence as to why this development cannot be located on vacant industrial land elsewhere in Ross-on-Wye; there is vacant land in Alton Road and Model Farm has outline planning permission for B1, B2 and B8 Uses. The applicant has provided further information in the way of a land availability study that concludes there is no land available to accommodate the proposal in Ross-on-Wye, vacant premises currently available are not suitable for the requirements of the two businesses and the overall supply of vacant premises is not sufficient to meet short medium term demand in Ross-on-Wye. The development is required in order to meet the immediate requirements of the two businesses and to secure their future success. The development is critical to the future success of these businesses which provide local jobs and are important to the Ross-on-Wye economy. The Economic Regeneration Manager confirms the proposal will safeguard existing jobs as well as providing other job opportunities.

Consequently, it is considered the proposal will assist in the economic well being of Ross-on-Wye.

- 6.5 While the site is within close proximity to land allocated for employment purposes it is adjacent to the settlement boundary of Ross-on-Wye, 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 Abbotts. Views to the west, south and east are restricted by the existing industrial development.
- 6.6 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.
- 6.7 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.
- 6.8 The screening effect of the site has already been significantly weakened by the removal of many of the trees. The removal of these trees also degraded the quality of the wildlife habitat, as stated in the Ecological Report submitted with this application
- 6.9 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 stream 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.
- 6.10 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. Consequently, from a landscape perspective, fundamentally, this stream corridor site is not a suitable site for built development, regardless of the form of the built development or the type of landscape scheme proposed. To retain the whole of this area as a stream corridor is the appropriate use for this piece of land, in order to provide an adequate buffer between the industrial estate and the AONB rural landscape, to maintain the spatial character of the stream corridor and to retain adequate stream side habitat. I assume these are the reasons why this area was not developed when the industrial estate was established. The removal of trees and stream side vegetation that has already

taken place is very undesirable. However, retaining this area as an undeveloped piece of land and allowing it to naturally regenerate would have a positive outcome - maintaining the spatial character, increasing the amount of screening and providing wildlife habitat.

- 6.11 The site is located in an ecologically sensitive area, adjacent to a watercourse that is a tributary to the River Wye SSSI and SAC. An Ecological Assessment was provided 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 that 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 was considered to be required regarding mitigation strategies for dormice, badgers, protection of the watercourse, reptiles and ensuring against the spread of Japanese knotweed with further surveys required to ensure that the mitigation strategies proposed are appropriate. This has now taken place. The applicant has provided additional ecology reports that comment the dormice are confined to the eastern most part of the site and there is no evidence of reptiles. The report concludes that provided appropriate mitigation and precautionary measures are taken the proposal would not harm the interests of ecology. The Council's Ecologist is satisfied with the update assessment of the site and note that further feeding evidence of dormouse was found during the summer, but that no evidence of occupation of the nest tubes was found; this indicates a low population of this species on and adjacent to the site. There is also concern that the development of the site will not retain a sufficiently wide wildlife corridor along the length of the watercourse so as to be in the interests of ecology and biodiversity. The clearance of vegetation on the site prior to the ecological assessment is unfortunate and inappropriate, especially given the nearby presence of European Protected Species. No reptiles were recorded during the survey period.

However, the Ecologist remains concerned about the capacity of this site to accommodate the proposed development whilst also retaining a nature conservation and landscape buffer zone along the stream corridor. Steep slopes will be created in order to build up the ground for the new buildings and will be extremely close to the stream. The proposed buildings at the western and eastern ends of the site (Units A and E) will lie within 5m of the stream and it is not clear how the proposed embankment can be accommodated in this narrow space whilst retaining the stream, trees and nature conservation interest of the site. The section drawing that was submitted with the application does not include a scale so it is not possible to assess whether the proposals are feasible.

- 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 trees were not subject to protection 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 Although the Traffic Manager has recommended refusal for further information insofar as means of access, layout and parking areas, this is an outline application that reserves all matters for future consideration. In the event of outline planning permission being granted, these matters will be considered as part of an application for the Approval of Reserved Matters. Consequently, it is not considered the objection raised by the Traffic Manager is a reason to refuse this application.
- 6.14 In conclusion, it is considered that the development of this site for industrial purposes will cause harm to the acknowledged visual qualities of the area and harm the ecology and biodiversity of the site. The proposal is considered contrary to policies S2, S7, DR1, LA1, LA2, NC1, NC6, NC7, NC8 and NC9.

**RECOMMENDATION**

That planning permission be refused for the following reasons:

1. 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.
  
2. The proposed development of the site would not retain a sufficiently wide wildlife corridor along the watercourse along the northern boundary of the site so as to be in the interests of ecology and biodiversity. 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.

Decision: .....

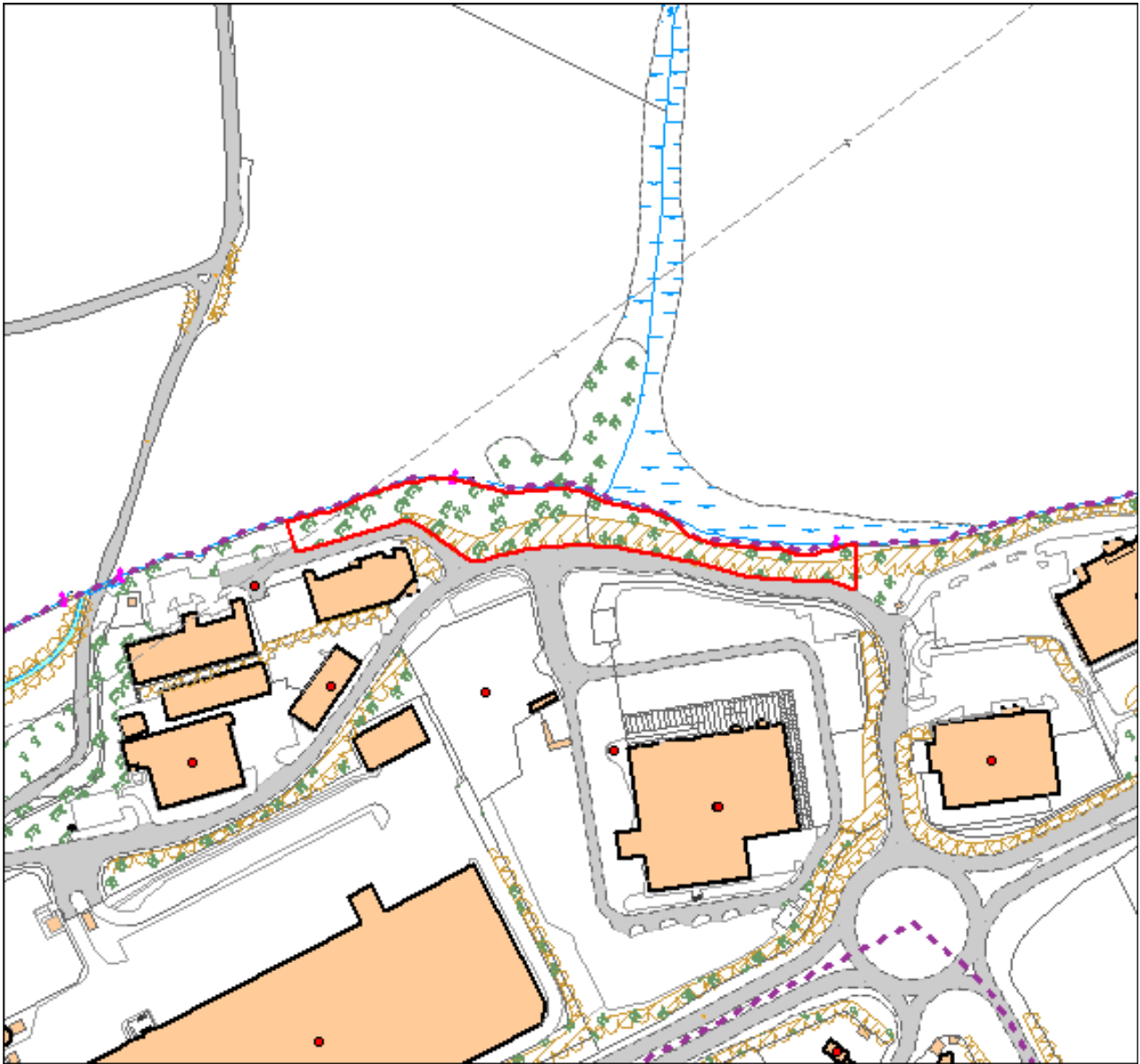
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**Background Papers**

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