

Minutes of the meeting of Planning and regulatory committee held at Council Chamber, The Shire Hall, St Peter's Square, Hereford, HR1 2HX on Wednesday 23 January 2019 at 2.45 pm

Present: Councillor PGH Cutter (Chairperson)
Councillor J Hardwick (Vice-Chairperson)

Councillors: BA Baker, CR Butler, PJ Edwards, DW Greenow, KS Guthrie, MD Lloyd-Hayes, FM Norman, AJW Powers, NE Shaw and SD Williams

In attendance: Councillors WLS Bowen, H Bramer and BA Durkin

105. APOLOGIES FOR ABSENCE

Apologies were received from Councillors EL Holton, TM James and WC Skelton.

106. NAMED SUBSTITUTES

None.

107. DECLARATIONS OF INTEREST

None.

108. CHAIRPERSON'S ANNOUNCEMENTS

None.

109. 181523 - CASTLE FARM, UPTON BISHOP, ROSS-ON-WYE, HR9 7UW

(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, and 4) production waters treatment plant.)

The Principal Planning Officer gave a presentation on the application, and updates/additional representations received following the publication of the agenda were provided in the update sheet, as appended to these minutes.

In accordance with the criteria for public speaking, C Rusby, of Upton Bishop Parish Council spoke in opposition to the Scheme. Mr M Rusby, a local resident, spoke in objection. Mr J Lambe, the applicant, and Mrs V Simpson, the applicant's agent, spoke in support.

In accordance with the Council's Constitution, the local ward member, Councillor BA Durkin, spoke on the application.

He made the following principal comments:

- The applicant's company was ethical, well-run, contributed to economic prosperity and he supported its expansion. He agreed with the comments of the cabinet member – economy and communications supporting the application as set out in the schedule of updates.
- The local community wanted the company to prosper. However, there was concern about the volume and weight of traffic the proposal would generate and the highway impact on the U70004. He highlighted the provisions of policy MT1 (1). He referred to differences of opinion over road usage statistics between the applicant and objectors. The C1286 servicing the site was marked unsuitable for HGVs.
- Paragraph 6.24 of the report referred to the requirement that the applicant produce a travel plan and the requirement that passing bays be created. A draft travel plan had been produced but had not been progressed since October 2018 and no detail had been agreed on proposed passing places. Although there was good communication between the applicant and the community, the production of this document and consultation on it with the local community would quite possibly have led to an acceptable outcome.
- There was a concern as to whether passing places would be in keeping with the area which was in the open countryside.
- It had to be born in mind that the U70004 was also used by large farm vehicles.
- Objectors supported the business but wanted measures to control traffic levels. A travel plan was therefore required to ensure mitigation was provided.

In the Committee's discussion of the application the following principal points were made:

- Reference was made to the provisions of policy RA6 that development should not cause unacceptable adverse impacts to the amenity of nearby residents by virtue of design and mass, noise, dust, lighting and smell; and should not generate traffic movements that cannot safely be accommodated within the local road network.

Potential traffic and noise nuisance were identified as the key issues. Several members commented on the importance of a travel plan being in place. It was proposed that officers should be authorised to grant permission subject to an acceptable travel plan and assurance that noise levels associated with the waste water treatment plant would not affect the amenity of neighbouring properties.

- The economic benefits of the proposal were noted. It was registered that there were issues where the success of companies encouraged expansion that became out of keeping with their location bringing economic objectives into conflict with development control and this might require more consideration in future. However, it was acknowledged that that did not appear to be the case in this instance.
- The PPO commented that a draft travel plan had been received. Some of the measures had been trialled as referred to in the schedule of updates. These had resulted in a significant reduction in traffic volumes. The proposed water treatment package would reduce movements. The proposed conditions would include the ability to monitor performance and amend the plan as necessary.
- The Lead Development Manager clarified that the application stated that working hours would be 7am until 6pm. No complaints regarding noise had been received and the Environmental Health Officer (EHO) had assessed the potential noise nuisance from the proposed water treatment plant and had had no objection to the application. If an issue arose there were powers available to address the situation. In relation to travel it would be an option to make a pre-commencement condition that

no works should commence on site until a travel plan had been agreed. Applicants had to agree to pre-commencement conditions, hence a delegated authority to grant planning permission subject to that agreement was sought. If the applicant did not agree to this the application would be brought back before the Committee. The size of vehicles to be used would form part of the travel plan discussions.

- There appeared to be conflicting evidence on traffic volumes and how much traffic was attributable to the applicant's business and would therefore be controlled by a travel plan.

The Lead Development Manager commented in conclusion that the benefit to the rural economy had to be weighed against other factors as set out in policy RA6. He noted that the Transportation Manager considered the highway network could accommodate the development with a travel plan. He reiterated that the EHO had no objection and had powers to address an issue if it arose.

The local ward member was given the opportunity to close the debate. He sought assurance that the ability of the treatment plant to operate within acceptable noise levels would be ensured. The road was used by farm vehicles. The draft travel plan would require further work. In particular the proposed passing places were not fully explored. He did not consider the business had outgrown the site, the transportation issues being the sole concern. It was to be hoped that these could be addressed by the travel plan.

The Lead Development agreed to provide further information to the local ward member on the noise assessment.

Councillor Edwards proposed and Councillor Greenow seconded a motion that officers be authorised to grant planning permission subject to the applicant agreeing to a pre-commencement condition for a travel plan acceptable to the authority would be agreed, and subject to the conditions as set out in the printed recommendation. The motion was carried with 12 votes in favour, none against and no abstentions.

RESOLVED: That officers be given delegated authority to grant planning permission, subject to the applicant agreeing that a prior to commencement condition is acceptable for a travel plan and also subject to the following conditions and any further conditions considered necessary by officers named in the scheme of delegation to officers:

1. **A01 - Time limit for commencement (full permission)**
2. **B02 - Development in accordance with approved plans and materials**
3. **The recommendations for species and habitat enhancements set out in the recommendations of the ecologist's report from Elizabeth Breakwell dated February 2015 and the enhancement plan dated April 2018 should be followed unless otherwise agreed in writing by the local planning authority and the scheme shall be carried out as approved.**

Reasons: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (with amendments and as supplemented by the Countryside and Rights of Way Act 2000), the Natural Environment and Rural Communities Act 2006 and the Conservation of Habitats and Species Regulations 2010 (and 2012 amendment).

4. **Prior to commencement of the development, an appropriately qualified and experienced ecological clerk of works should be appointed (or consultant engaged in that capacity) to inspect the site and implement any reasonable avoidance measures recommended to ensure there is no impact upon**

protected species by development of the buildings and clearance of the area. The results and actions from the inspection and survey shall be relayed to the local planning authority upon completion.

Reason: To comply Herefordshire Council's Policies LD2 Biodiversity and Geodiversity, LD3 Green Infrastructure of the Herefordshire Local Plan Core Strategy 2013 – 2031 and to meet the requirements of the National Planning Policy Framework (NPPF).

5. H09 - Driveway gradient
6. H13 - Access, turning area and parking
7. H17 - Highway improvement/off site works
8. H20 - Road completion in 2 years
9. H27 Parking for site operatives
10. H30 - Travel plans
11. Clarification of the orifice size required to restrict the flows from the proposed attenuation tank to 1l/s shall be provided to the Local Planning Authority prior to the installation of the drainage facilities for written approval and thereafter maintained as approved.

Reason: To ensure the drainage arrangements are of an appropriate specification and to comply with Herefordshire Core Strategy policies SD3 and SD4.

12. The buildings hereby approved shall be used for agricultural and B1 use only and for no other purpose (including any other purpose in Class B of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: The local planning authority wish to control the specific use of the land/premises, to align with previous planning permissions on the site to which the development hereby approved relates and in the interest of local amenity and to comply with Policy SS1, LD1, RA6 and SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

INFORMATIVES:

1. IP1 - Application approved without amendment
2. HN01 - Mud on highway
3. HN04 - Private apparatus within highway
4. HN05 - Works within the highway
5. HN10 - No drainage to discharge to highway
6. HN24 - Drainage other than via highway system
7. HN28 - Highways design guide and specification

8. **HN16 - Sky glow**
9. **HN25 - Travel plans**
- 10 **HN07 - Section 278 agreement**

110. 181908 - LAND AT LOVERS WALK, GORSLEY, ROSS-ON-WYE

(Outline planning application for 9 proposed dwellings with all matters reserved except access and layout.)

The Principal Planning Officer (PPO) gave a presentation on the application, and updates/additional representations received following the publication of the agenda were provided in the update sheet, as appended to these minutes.

An appeal decision dismissing an appeal against refusal of permission, as referred to at paragraph 3.1 of the report, had been previously circulated as a supplement to the agenda papers.

With reference to a road traffic accident resulting in a death adjoining the site referred to in the update the PPO clarified, in response to a question, that this had occurred in a nearby layby. He commented that the Highways team had been mindful of this in its assessment alongside the other highway considerations. One of the mitigation measures proposed was the closure of the layby.

In accordance with the criteria for public speaking, Mr A Reeves of Linton Parish Council spoke in opposition to the Scheme. C Reeve, the applicant's agent, spoke in support.

In accordance with the Council's Constitution, the local ward member, Councillor H Bramer, spoke on the application.

He made the following principal comments:

- He referred to the comments of Gorsley and Kilcot Parish Council, a neighbouring Parish, reiterated in the schedule of updates, quoting its concerns about highway safety (page 8/9 of the update paragraphs 6 ("We believe...") to 10 "In June 2014...").
- He also referred to the appeal decision dismissing an appeal in relation to a previous application on the site on highway safety grounds and significant harm and impact on the character and appearance of the area. He quoted paragraphs 16 and 17 of the decision letter in relation to footway widths in the context of highway safety.
- He could see no reason for supporting the application in view of the objections expressed.

In the Committee's discussion of the application the following principal points were made:

- Account should be taken of the dismissal of the appeal in relation to a previous application on highway safety grounds. The Transportation Manager at paragraph 4.4 of the report did not robustly state that he had no objection.
- There were significant concerns about pedestrian safety in seeking to access facilities, noting the narrowness of the footways and the road.
- The proposal should be refused on the grounds that it was contrary to policies SS4 and MT1.

- Traffic speed was a significant issue. If approved, a reduction in the speed limit would not be sufficient. Additional traffic management measures would be needed.
- Noting the Planning Inspector's comments about impact on the character of the area a smaller development might be considered preferable, although this would not address the highway safety concerns.
- Development of the site would be compliant with policy RA2. The site was suitable for development if appropriate traffic management measures were taken. The stretch of road by the site did not have a significant history of traffic accidents.
- Reference was made to the representations from Linton Parish Council at paragraph 5.1 of the report. It was noted that the minimum Core Strategy target for housing growth in the area was 14%. This had been exceeded. Clarification was sought on the Parish Council's question as to what constituted a limit to incremental growth. The application also raised the issue of housing mix and what mix an area needed to be provided as opposed to what developers argued was viable.

The Lead Development Manager commented that having reached the minimum target one of the considerations in assessing further growth would be the impact on social cohesion. He did not consider that the proposed growth in this case would have sufficient impact to represent a ground for refusal that would be defensible at an appeal. A significant number of additional dwellings would have to be involved to meet this test. The argument in respect of social cohesion had been successfully advanced in relation to development proposals at Bartestree. Condition 16 would require the proposed housing mix of the development to comply with the Housing Market Assessment.

The Transportation Manager commented on the 20 year accident history. Aside from the recent fatality in the layby near the access, there were some reasonably recent collisions at the staggered crossroads adjacent to the site, and quite a significant cluster at the Roadmaker Inn, quite a few of which predated the installation of a pelican crossing. He noted that data was not held on the road beyond the county boundary which was at the junction just to the east of the site. The proposed design aspects of the access would meet all the relevant standards. The proposed pedestrian crossing facility appeared satisfactory, subject to the detailed design. The narrowness of the footway on the northern side was of some concern, was like others in the village, but perhaps not ideal for connecting to the school and that might be a consideration.

The Lead Development Manager commented that if the Committee was minded to refuse the application on highway safety grounds they had to have regard to the severity of that impact in accordance with the provisions of paragraph 109 of the NPPF.

The local ward member was given the opportunity to close the debate. He commented that pedestrians would have to use the narrow footpath to access the proposed crossing. The application would pose a significant danger to road users as well as those entering and leaving the site.

Councillor Greenow proposed and Councillor Guthrie seconded a motion that the application be refused on the grounds that it was contrary to policies SS4 and MT1 and paragraph 109 of the NPPF. The motion was carried with 9 votes in favour, 2 against and 1 abstention.

RESOLVED: That planning permission be refused on the grounds that the application was contrary to policies SS4 and MT1 and officers named in the scheme of delegation to officers be authorised to detail the reasons for refusal.

111. 180403 - 21 THE MALTINGS, DORMINGTON, HEREFORD, HR1 4FA

(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.)

(Councillors Lloyd-Hayes and Norman had left the meeting and were not present during consideration of this application. Councillor Hardwick fulfilled the role of local ward member and accordingly had no vote on this application.)

The Principal Planning Officer gave a presentation on the application.

It was noted that the application had been considered by the Committee on 25 July 2018 when the Committee had declined to determine it.

In accordance with the criteria for public speaking, Mr D Lloyd, of Dormington and Mordiford Parish Council, spoke in opposition to the Scheme. Mr A Allen, a local resident, spoke in objection. Mr E Wilson, the applicant, spoke in support.

In accordance with the Council's Constitution, the local ward member, Councillor J Hardwick, spoke on the application.

He made the following principal comments:

- The applicant had a history of ignoring planning law requirements over some 10 years by making alterations to the annex, resulting in the current situation.
- The local community had not objected retrospectively to the initial conversion to an annex, without planning permission, because of sympathy for the applicant's unfortunate personal circumstances. However, the current additional development had represented a step too far.
- The parking and delivery arrangements had caused problems over the past 2 years. Even though the report suggested that the proposed solution to the parking issues would be effective the evidence of the past two years proved that it would be unsustainable and unworkable. He noted that 21A had been vacant in recent months masking the extent of the problems.
- He considered the application should be refused. The proposal was detrimental to neighbouring residents and contrary to policy SD1.

In the Committee's discussion of the application there was consensus that the application would be detrimental to the amenity of neighbouring residents. Some delivery vehicles had also had to reverse onto the highway because of lack of turning space. An alternative was to reverse in but this was also dangerous. The proposal should therefore be refused on the grounds it was contrary to policies SD1 and MT1 and contrary to paragraph 124 of the NPPF.

The Lead Development Manager indicated that he considered determination of the application to be the right course and that the grounds for refusal were sound.

The local ward member was given the opportunity to close the debate. He had no additional comments.

Councillor Edwards proposed and Councillor Baker seconded a motion that the application be refused on the grounds that it was contrary to The motion was carried with 9 votes in favour, none against and 1 abstention.

RESOLVED: That planning permission be refused on the grounds that the application was contrary to policies SD1 and MT1 and paragraph 124 of the NPPF.

112. 183678 - IVY GREEN COTTAGE, ABBEYDORE, HEREFORD, HR2 0AD

(Proposed garage.)

(Councillors Lloyd-Hayes and Norman had left the meeting and were not present during consideration of this application.)

The Development Manager gave a presentation on the application.

Councillor WLS Bowen had fulfilled the role of local ward member for this application and in accordance with the Council's Constitution spoke upon it. He expressed support for the application, noting that it complied with the Neighbourhood Development Plan and there were no objections to it.

Councillor Edwards proposed and Councillor Baker seconded a motion that the application be approved in accordance with the printed recommendation. The motion was carried with 9 votes in favour, none against and 1 abstention.

RESOLVED: That planning permission be granted subject to the following conditions:

- 1. A01 Time limit for commencement (full permission)**
- 2. B02 Development in accordance with approved plans and materials**
- 3. F07 Domestic use only of garage**
- 4. Ecological mitigation (2 bat boxes and 2 bird boxes)**
- 5. I16 Restriction of hours during construction**

INFORMATIVES:

- 1. Application Approved Without Amendment**

113. DATE OF NEXT MEETING

The committee noted the date of the next meeting.

Appendix - Schedule of Updates

The meeting ended at 5.32 pm

Chairman

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

