

**11 DCNW2005/1819/F - USE OF LAND AND ERECTION OF WORKSHOP AND OFFICE FOR COACH HIRE BUSINESS AT PAYTOE LANE, LEINTWARDINE, HEREFORDSHIRE****For: Mr Taylor per The Land Use Consultancy, 141 Bargates, Leominster, Herefordshire, HR6 8QS****Date Received:****1st June 2005****Expiry Date:****27th July 2005**

Local Member: Councillor Mrs O Barnett

**Ward:****Mortimer****Grid Ref:****40473, 73584****INTRODUCTION**

This proposal was originally presented to Committee on 13<sup>th</sup> July 2005 at which Committee resolved that the Officers named in the scheme of delegation to Officers be delegated to approve the application, subject to the applicant first satisfying the requirements of the Environment Agency and the Environment Agency withdrawing its objection to the application. The applicant subsequently submitted a Flood Risk Assessment to the Environment Agency. In a letter dated 19<sup>th</sup> September 2005 they have stated that they maintain their objection to the proposed development on the grounds that a proper assessment of flood risk has not been undertaken, as required by Planning Policy Guidance 25 to demonstrate that the site can be developed and occupied safely and to ensure that flooding is not exacerbated elsewhere.

The Agency also state concerns about the proposed method of foul drainage as insufficient information has been provided.

Committee are reminded that Planning Policy Guidance 25 on Development and Flood Risk advises that the Agency should be re-notified to explain why material considerations outweigh the objection and to give the Agency the opportunity to make further representations.

The original report included three reasons for refusal, however committee accepted that other than the flooding issue, these other policy matters were not sufficient to justify refusal.

**1. Site Description and Proposal**

1.1 The site lies outside of the designated development limits of the settlement as indicated in the Leominster District Local Plan, identified as Flood Zone 3 and therefore liable to flooding during the 1 in 100 year flood event. The site is also designated in the Local Plan as a Landscape Protection Area therefore Policy A9 on Safeguarding the Rural Landscape in the Local Plan is relevant to this application.

- 1.2 The site is a green field site, located adjacent to a heavy industrial equipment site. Access is via the unclassified public highway that runs along the westerly boundary. There are commanding views over the surrounding countryside from the site.
- 1.3 The application proposes the erection of a steel framed maintenance building and attached office and toilet block and use of the land for parking of coaches in connection with an existing business that operates on another site.

## **2. Policies**

Planning Policy Guidance Note 25 – Development and Flood Risk  
Planning Policy Guidance Note 4 – Industrial and Commercial Development and Small Firms.

### **Leominster District Local Plan**

A1 – Managing the District’s Assets and Resources  
A6 – Sites of Local Importance for Nature Conservation  
A9 – Safeguarding the Rural Landscape  
A15 – Development and Watercourses  
A23 – Creating Identity and an Attractive Built Environment  
A24 – Scale and Character of Development  
A25 – Protection of Open Areas or Green Spaces  
A35 – Small Scale New Development for Rural Businesses within or around Settlements  
A41 – Protection of Agricultural Land

### **Herefordshire Unitary Development Plan (Deposit Draft)**

S1 – Sustainable Development  
S2 – Development Requirements  
S4 – Employment  
DR1 – Design  
DR2 – Land Use and Activity  
DR4 – Environment  
DR7 – Flood Risk  
E8 – Design Standards for Employment Sites  
E11 – Employment in the Smaller Settlements and Open Countryside  
E15 – Protection of Greenfield Land  
LA5 – Protection of Trees, Woodlands and Hedgerows  
LA6 – Landscaping Schemes  
NL1 – Biodiversity and Development  
NL4 – Sites of Local Importance  
HBA9 – Protection of Open Areas and Green Spaces

## **3. Planning History**

- 3.1 There is no record of any planning history on the application site.

## **4. Consultation Summary**

Statutory Consultations

- 4.1 Environment Agency object to the proposed development stating that the site is located within Flood Zone 3 and may therefore be at risk of flooding during the 1 in 100 year flood event. They further state that no sufficient flood risk assessment has been submitted in line with PPG25 - Development and Flood Risk and the Agency's Flood Risk Standing Advice (FRSA). The response also states concerns with regards to the proposed method of foul drainage and that a graduate risk assessment may be required for the method of foul drainage from the site is proposed.

Internal Council Advice

- 4.2 The Environmental Health Manager has no observation.
- 4.3 Highways Manager recommends that any permission include conditions with regards to visibility splays, turning and parking. Junction improvement/off site works, and notes to be attached with regards to mud on highway, works within the highway, Section 278 Agreements, Section 38 Agreement details, no drainage to discharge on highway and works adjoining highway.
- 4.4 Forward Planning Manager has responded to the application with concerns about the proposed development with regards to environment issues and that the location is outside the development limit of the Settlement, however the response does stress that the site is well related to existing employment generating schemes in close proximity. The response further states that any application of this nature needs to demonstrate that the level of development can be clearly related to the employment needs of the local economy and should clearly demonstrate that there are no other suitable sites readily available within the Settlement Boundary for the proposed development.

**5. Representations**

- 5.1 Leintwardine Parish Council have no objections to the proposed development and state in their response:

"Whilst there is no objection the meeting felt there should be a safety check for access and egress with perhaps an entrance 'splay'. Furthermore the application involves a change of use from agricultural to industrial and appropriate authority should be sought."

- 5.2 One letter in support accompanied the application from Mr R F Batt, 28/30 Watling Street, Leintwardine, Craven Arms, Shropshire, SY7 OLW. This letter can be summarised stating that he and his wife Heather own and run the village shop and that the village needs small businesses which provide employment in the area in order to help it from becoming a retirement area only.
- 5.3 The full text of these letters can be inspected at Northern Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

**6. Officers Appraisal**

- 6.1 The application proposes change of use of land and erection of a workshop and office for a coach hire, business on land that is undesignated for any particular use and is located outside the recognised development limits of the settlement as stated in the Leominster District Local Plan.
- 6.2 The site is also within Flood Zone 3 as indicated on the Environment Agency's data maps and as such the Environment Agency has responded to the application with an objection stating that no flood risk assessment has been submitted in line with PPG25 – Development and Flood Risk and the Agency's Flood Risk Standing Advice (FRA), to ensure that the site can be development and occupied safely. They further state that the site is 'operational development' within Flood Zone 3.
- 6.3 Planning Policy Guidance Note 25 on Development and Flood Risk states with reference to proposed development in paragraph 20
- “Providing an assessment of whether any proposed development is likely to be affected by flooding and whether it will increase flood risk elsewhere and of the measures proposed to deal with these effects and risks; and
- Satisfying the Local Planning Authority that any flood risk to the development or additional risk arising from the proposal will be successfully managed with the minimum environmental effect, to ensure that the site can be developed and occupied safely.”
- 6.4 PPG25 advises Planning Authorities if mindful to approve such application that the Agency should be re-notified to explain why material considerations outweigh the objection and to give the Agency the opportunity to make full representations. These comments are contained in the Agency's response to this particular application.
- 6.5 Policy A35 on Small Scale Development for Rural Businesses within or around Settlements in the Leominster District Local Plan states that proposals for new sites accommodating employment generating uses and rural businesses within or around settlements will only be permitted where there are no suitable sites within the existing Settlement Boundary and where they comply with the criteria listed in Policy A1 which in this particular instance refer to environmental policies. Policy E10 of the emerging Herefordshire Unitary Development Plan also requires that applicants for development of this nature demonstrate that the level of development can be clearly related to the employment needs of the local economy and that no other suitable sites are readily available within the development limits.
- 6.6 The application gives no indication to measures taken to seek out alternative sites within the development boundary. The proposed development is not within or adjacent to the boundary and is located on an existing Greenfield site, that is not designated for employment use. There are commanding views from the site of the surrounding countryside and although the applicants propose to introduce random formal tree plantings around the perimeter of the application site, the proposal development will have a significant visual detrimental impact on the surrounding countryside, the site designated as Landscape Protection Area in the Leominster Local Plan and also located within close proximity (160 metres to the north east) of a SSSI site.
- 6.7 Members considered that the concerns set out in paragraphs 6.5 and 6.6 do not warrant refusal.

## RECOMMENDATION

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

- 1 - The application site is within Flood Zone 3 as indicated on the Environment Agency's Flood data maps and no adequate flood risk assessment has been submitted with the application. Therefore the application is contrary to guidance given in Planning Policy Guidance Note 25 on Development and Flood Risk and Policy A15 on Development and Watercourses in the Leominster District Local Plan.**

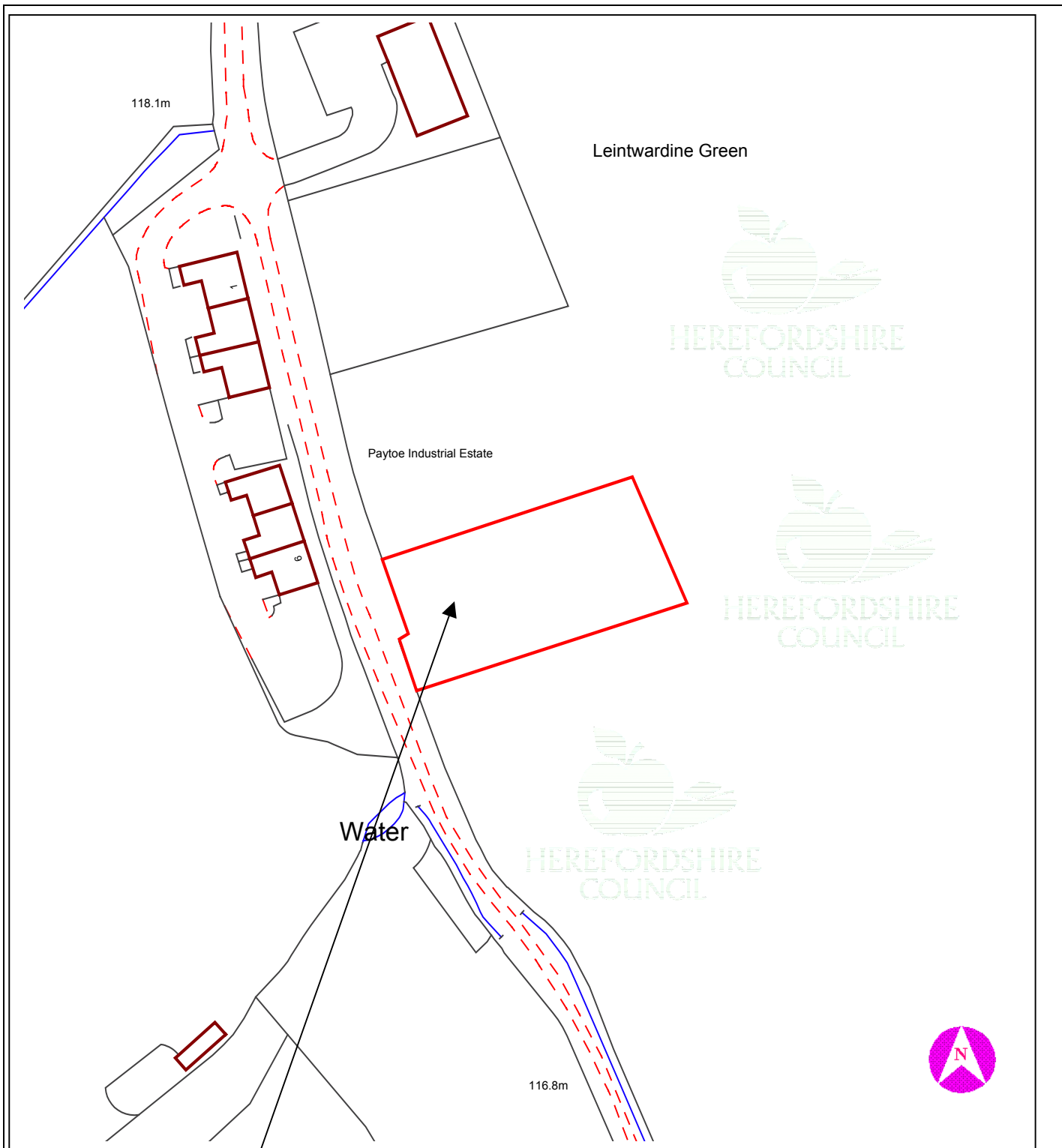
Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCNW2005/1819/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** Paytoe Lane, Leintwardine, Herefordshire

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**For: Mr Taylor per The Land Use Consultancy, 141  
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**Expiry Date:**

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Satisfying the Local Planning Authority that any flood risk to the development or additional risk arising from the proposal will be successfully managed with the minimum environmental effect, to ensure that the site can be developed and occupied safely."

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**RECOMMENDATION**

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

- 1 - The application site is within Flood Zone 3 as indicated on the Environment Agency's Flood data maps and no flood risk assessment has been submitted with the application. Therefore the application is contrary to guidance given in Planning Policy Guidance Note 25 on Development and Flood Risk and Policy A15 on Development and Watercourses in the Leominster District Local Plan.**
- 2 - The application lacks sufficient evidence on attempts made to secure alternative sites within the designated settlement boundary and that the level of development can be clearly related to the employment needs of the local economy. The proposal is therefore contrary to Policy A35 in the Leominster District Local Plan on Small Scale New Development for Rural Businesses within or around Settlements and Policy E10 on Employment proposals within or adjacent to main villages in the emerging Herefordshire Unitary Development Plan.**
- 3 - It is considered that the proposal will have a detrimental impact upon the visual amenity of the area and therefore contrary to Policy A9 of the Leominster District Local Plan.**

Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.