

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

Local Member: Councillor Mrs O Barnett

INTRODUCTION

This proposal was originally presented to the Northern Area Planning Sub-Committee on 13th 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 19th 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.

The application was subsequently presented to the Northern Area Planning Sub-Committee on 5th October 2005 and once again recommended for refusal this time solely on floodplain grounds. The Sub-Committee resolved that it was minded to grant planning permission.

The Head of Planning Services has considered the proposal and refers the application on the grounds that an approval would be contrary to statutory planning policy and the advice of the Environment Agency and, therefore, a crucial policy issue is at stake. Furthermore, in the event that the Committee was minded to grant planning permission the application needed referring back to the Environment Agency for them to make further representations.

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.
- 1.4 In response to the Environment Agency's objection the applicant commissioned a flood risk assessment which has been referred to the Environment Agency for comment.

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 has considered the applicant's flood risk assessment but has maintained its objection 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. 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. The Environment Agency has also drawn attention to Planning Policy Guidance 25: Development and Flood Risk, paragraph 65 which requires that, if the local planning authority is minded to grant planning permission, then they be given the opportunity to comment further.

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:

"The Parish Council wish to place on record their support for the above application. The application concerns a legitimate local business which provides a useful amenity and local employment. Currently the business is operated within the village and this application would take the business to a much more suitable place, adjacent to other businesses.

There may be concern that the location is a flood plain but of course this is not residential and the business would be in the same position as the other firms which operate from that area."

- 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 Planning Policy Guidance Note 25 on Development and Flood Risk requires developers to:
- “Provide 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
- Satisfy 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.”
- 6.3 The Environment Agency has considered the submitted flood risk assessment but still object, stating that the site is ‘operational development’ within Flood Zone 3 and would be unacceptable development in the floodplan.
- 6.4 Planning Policy Guidance 25 paragraph 65 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 further representations.
- 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 tree planting 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.

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 flood risk assessment which has been submitted with the application does not meet the requirements of Planning Policy Guidance Note 25 on Development and Flood Risk sufficiently to demonstrate that the site can be developed and occupied safely and to ensure that flooding is not unacceptably exacerbated elsewhere. The proposal is also contrary to the following policies:**

**Hereford & Worcester Country Structure Plan 1993, Policy CTC-9
 Leominster Local Plan 1998, Policy A15
 Herefordshire Unitary Development Plan (Revised Deposit Draft) 2004, Policies S2 and DR -7**

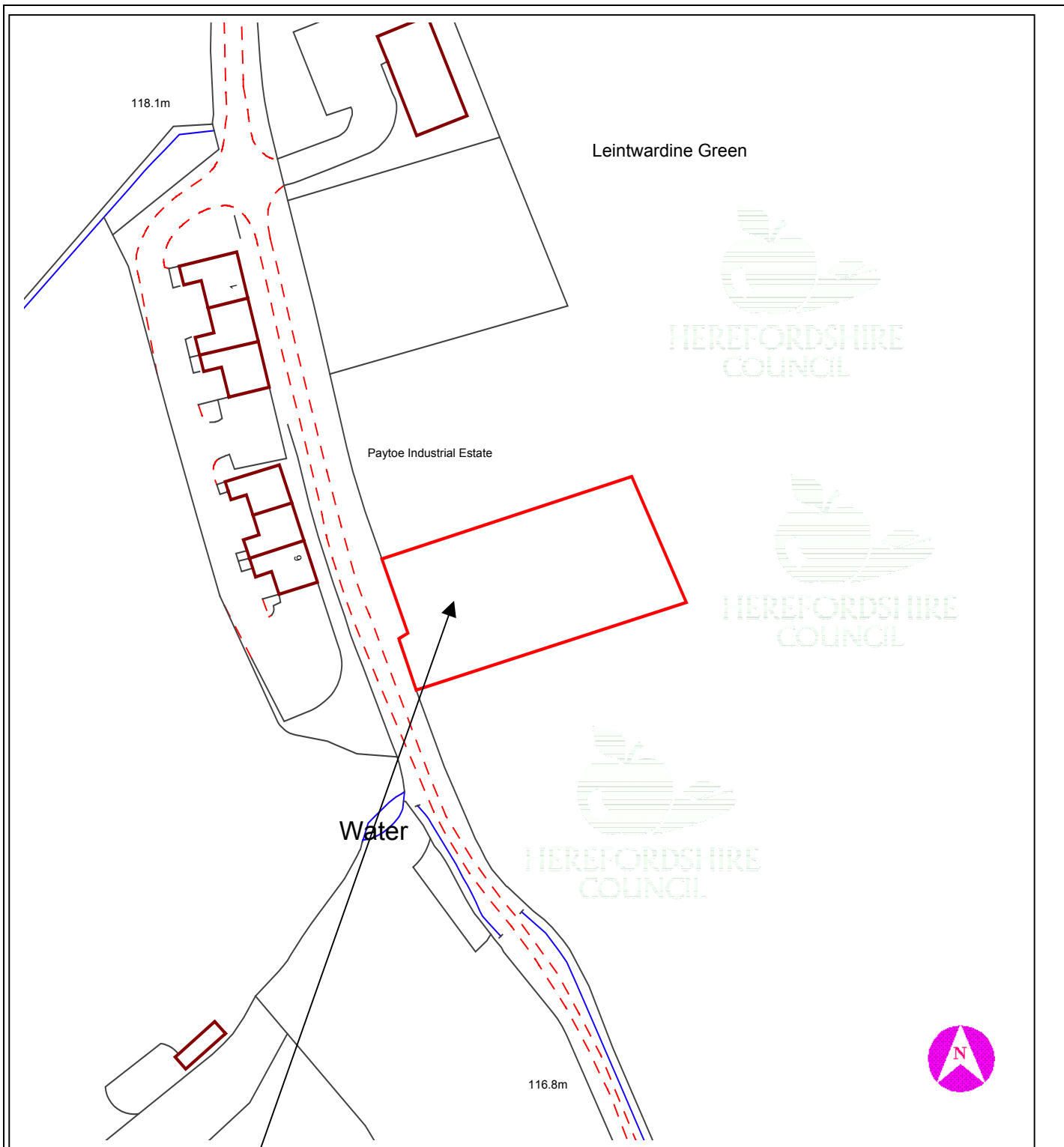
Decision:

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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