

CE05/4036/0

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Mr A Guest
Planning Officer
Herefordshire Council
Planning Services
PO Box 230
Hereford HR1 2ZB
10th February 2004

CE 2002/1868/F

Dear Mr Guest,

Swiss Cottage, Bartestree, Hereford

As you are aware I represent Mr & Mrs Gregory at the above address.

Planning permission was granted on the 23rd. August 2002 for a re-placement dwelling for Swiss Cottage but no reference was made at the time to the possibility of any changes to the rail network or any potential impact on the proposal in respect of the expectation that 'quiet enjoyment' of the property could be expected. Clearly with Herefordshire Council now promoting the re-opening of Withington Station and the development of a freight terminal at the same location, and with the possibility of a Park and Ride facility being introduced to Withington, all in the UDP, my clients are loathe to commit a considerable financial investment into the development of a new dwelling adjacent to such a major development proposal.

I would ask you to consider whether the LPA, had this situation prevailed when planning permission was being considered, would have granted consent for a dwelling adjacent to a potential major infrastructure project, as clearly the impact on the quiet enjoyment of the property would prevent the implementation of the project unless it was known that the site would have to be acquired by the Council at full market value. Clearly this would also apply to the existing site, which does not appear to have been considered, as there is no reference in any of the studies, or subsequent policy documents, in respect of land acquisition. In other words there has been no consideration of the financial, environmental or personal impacts of any of the proposals.

An objection has been submitted in respect of the rail proposals in the UDP but the 2nd. draft deposit plan, to be presented to the Councils Cabinet on the 13th. February, shows no change to the 1st deposit draft plan.

Prior to the public inquiry into the objections to the UDP, my clients now wish to suggest an alternative proposal which will enable the council to pursue its aspirations for a transport interchange at Withington but will also allow my clients to have a replacement dwelling which will not prevent the implementation of the Council's aspirations. Should my clients implement the existing planning permission this will have a significant impact in respect of the implementation of the councils proposal due to the severity of the

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environmental impacts. (It is acknowledged that this could be overcome by the Council implementing Compulsory Purchase Order procedures but this may not result in a satisfactory conclusion for all parties.)

On behalf of my client I am now proposing a relocation of the replacement dwelling on land to the east. The enclosed plan illustrates a potential relocation, along with a layout for a station car park, platform and passenger waiting/rest facility. Alterations to the existing drive are included. Should you indicate that a proposal should be submitted for planning permission this will not include any rail facilities, but in the eventuality that the rail development proposal does not proceed, my clients are willing to offer a planning obligation not to apply for planning permission on the existing site, and to agree to a revocation of the existing planning permission for a replacement dwelling in the present location. This offer also applies should permission be granted for the alternative location regardless of the UDP proposal. Clearly any acquisition of my clients land for the rail proposal will be subject to usual market considerations.

I now wish to refer to the proposal in the UDP for a freight transfer depot on the opposite side of the road. My clients currently have the ownership of this site and operate a distribution business from the site. It is proposed that this business be relocated to the proposed station side of the lane close to the railway. This will allow my client to continue to operate a very important business from Herefordshire without the short/medium/long term worry that the Council will seek to acquire his premises to implement their proposals.

Prior to my client continuing to implement his existing planning permission I would appreciate your views on the proposal as outlined above. As you will appreciate they are presented on the basis that all options for the future development of the site are kept open and fully comply with the land use aspirations of the Herefordshire Council in the emerging UDP.

I would appreciate your observations on the above as soon as possible.

Yours sincerely,

Paul Bainbridge MRTPI

Cc. Councillor P Edwards, Councillor M Wilson
Dr. D Nicholson