

MEETING:	PLANNING COMMITTEE
DATE:	2 NOVEMBER 2011
TITLE OF REPORT:	<p>DMN/111554/F - DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF A CLASS A1 (RETAIL) STORE, CAR PARKING, LANDSCAPING AND ASSOCIATED WORKS AT LEDBURY WELDING & ENGINEERING LTD, NEW MILL INDUSTRIAL ESTATE, LEADON WAY, LEDBURY HR8 2SR.</p> <p>For: Tesco Stores Ltd per Mr Gary Sutton, DPP, 14 Windsor Place, Cardiff, CF10 3BY.</p>

Date Received: 15 June 2011

Ward: Ledbury

Grid Ref: 370088,237745

Expiry Date: 16 November 2011

Local Members: Councillor PJ Watts, Councillor EPJ Harvey and Councillor PL Bettington

1. Introduction, Site Description and Proposal

Introduction

- 1.1 Ledbury is an historic Market Town set immediately to the west of the Malvern Hills Area of Outstanding Natural Beauty and bounded by the river Leaddon to the west. It has a population of approximately 9,800 persons. Ledbury has a central north – south axis that comprises the High Street, The Homend and The Southend. The Ledbury Conservation Area is defined upon the Herefordshire Unitary Development Plan Proposals Map 2007. Its extent is shown on the plan attached as **Annex 1** to this report. Within this Conservation Area and also shown upon the Plan attached as **Annex 1** is the extent of the defined Town Centre.
- 1.2 The character of Ledbury Conservation Area consists of several factors. However, central to its character is its status as a market town with retail activity at its heart. It is worth noting that the first market charter was granted by King Stephen to Bishop Robert de Bethune in 1138. This confirmed the transition of Ledbury to a market economy (which is likely to have started earlier). The intrinsic nature of retail/commercial activity to the character of Ledbury as a market town is well documented in the books by Sylvia Pinches entitled ‘Ledbury – people and parish before the Reformation’ and ‘A Market Town and its Tudor Heritage’. This has remained the case from the twelfth century to the current day.
- 1.3 Ledbury has two major transport nodes – the railway station and the bus terminus in the High Street in close proximity to the Ledbury Market Hall within the Town Centre. The plan attached as **Annex 1** marks the location of the railway station. At present Ledbury has two edge of centre (i.e. within 300 metres of the defined Town Centre) supermarkets. These are the existing Co-op store on the southern side of New Street and the existing Tesco store on the western side of the Homend accessed off Orchard Lane.

Site Description

- 1.4 The application site is physically divorced from Ledbury Town Centre, being at the western periphery of Ledbury. The site lies upon the New Mills Industrial Estate immediately south of the loop road that is accessed off a roundabout upon Leadon Way, the A417, to the west. The site of approximately 1.8 hectares comprises land currently actively used for employment purposes by Ledbury Welding and Engineering and a triangular area of land to the east which comprises scrub and ruderal vegetation. The existing business is a general industrial (B2) use which manufactures tanks and storage vessels. The industrial process essentially involves guillotining/cutting of metal, fabrication, welding, testing and then shot blasting, painting, pipe work and fitting pumps together with ancillary equipment. It is understood that the business is successful and employs forty full-time local people. It is understood that the site is good in terms of location but there is constraint with regard to the existing buildings on-site (not the site itself) as the entire process cannot be carried out in a single building; as a consequence mid-way through the production process the tanks/vessels need to be lifted to another building which is a time consuming and hence costly process. This constraint is in many respects an accident of history. The buildings upon the site have increased in number on a piecemeal basis as the business has grown and the size of tanks/vessels being produced has increased.
- 1.5 The existing site is rather devoid of landscaping and the on-site buildings are functional in terms of their design. The existing site has 42 car parking spaces and a covered bike rack that can accommodate 8 bicycles.

Proposal

- 1.6 The proposal involves demolishing the existing buildings on-the site and erecting a retail shop with a gross floorspace of some 5,069 square metres. It is understood that the net sales area would be 3,084 square metres of which 2,315 square metres would be for the sale of convenience goods (i.e. everyday essential items, including food, drinks, newspapers/magazines and confectionary) and 568 square metres for the sale of comparison goods (i.e. items such as clothing, footwear, household and recreational goods). It is proposed that the applicant would permanently close their existing edge of centre store which has a gross floorspace of 2,162 square metres. It is understood that that store has a net sales area of 1,175 square metres of which 903 square metres is used for the sale of convenience goods and 174 square metres is used for the sale of comparison goods. Therefore the applicant is effectively seeking to increase their level of gross floorspace at Ledbury by 2,907 square metres. The net sales area would be increasing by 1,909 square metres with an increase in convenience goods floorspace of 1,412 and an increase in comparison goods floorspace of 394 square metres.
- 1.7 The proposed building would be sited to the south of the site with the vehicular means of access being in its current position albeit modified with a right hand turn facility being provided into the site. The front of the building would face north. The service yard would be located to the east of the proposed building. 291 car parking spaces would be provided of which 16 would be disabled spaces. Parent and child bays are to be provided together with cycle parking.
- 1.8 The building would have a width of some 82 metres at its frontage, a depth of some 55 metres and a height of some 8 metres. The plans detail a variety of materials. The frontage of the building would predominantly be framed glazing. There would be cladding to parts of the building including the use of horizontal larch panels.
- 1.9 Whilst it has been stated that proposals are being developed to redevelop the existing Tesco site at Orchard Lane for residential purposes, no pre-application discussions in relation to such a scheme have taken place and no application deposited. Similarly it has been stated that

proposals would be forthcoming with regard the relocation of Ledbury Welding and Engineering but again no specific proposals have been forthcoming.

- 1.10 Attached as **Annex 3** are the Draft Heads of Terms in relation to a Planning Obligation that the agent for the applicant has submitted. This offers, amongst other matters, a sum (to be agreed) to provide sustainable infrastructure to serve the proposed development and a sum (to be agreed) towards subsidising and/or improving the 600 bus service in Ledbury for a period not exceeding five years. As an alternative to subsidising and/or improving the existing bus service, Tesco offer to provide their own such service for a period of 5 years. However, in both cases they would want the service to be the subject of review at their own request to consider the route, frequency, timing and the continuation of the service with the overall intention of ensuring that the bus service is environmentally sustainable.

2. Planning History

- 2.1 Whilst the site has planning history associated with it none is considered relevant to the proposal under consideration.
- 2.2 There is, however, a recent appeal decision relating to the Homebase Car Park site immediately to the west that is considered to be of relevance. The proposal was for the siting of a catering unit. A copy of that decision is attached as **Annex 2**.

3. Policies

3.1 Central Government advice

Regional Planning Strategy for the West Midlands – January 2008
Planning Policy Statement 1 – ‘Delivering Sustainable Development’ and Planning Policy Statement: ‘Planning and Climate Change’ Supplement to Planning Policy Statement 1
Planning Policy Statement 4 – ‘Planning for Sustainable Economic Growth’
Planning Policy Statement 5 – ‘Planning for the Historic Environment’
Planning Policy Statement 9 – ‘Biodiversity and Geological Conservation’
Circular 06/2005 – ‘Bio-diversity and Geological Conservation – Statutory Obligations and their impact within the planning system’
Planning Policy Statement 12 – ‘Local Spatial Planning’
Planning Policy Guidance Note 13 – ‘Transport’
Planning Policy Statement 25 - ‘Development and Flood Risk’
Draft National Planning Policy Framework – July 2011
Circular 05/05 – Planning Obligations

3.2 Herefordshire Unitary Development Plan 2007

Part I

S1 – Sustainable Development
S2 – Development requirements
S4 – Employment
S5 – Town Centre and Retail
S6 – Transport
S7 – Natural and historic heritage

Part II

Development Requirements

DR1 – Design

DR2 – Land Use and Activity
DR3 – Movement
DR4 – Environment
DR5 – Planning Obligations
DR7 – Flood risk
DR10 – Contaminated Land
DR13 – Noise
DR14 – Lighting

Employment

E5 – Safeguarding employment land and buildings

Town Centres and Retail

TCR1 – Central shopping and commercial areas
TCR2 – Vitality and viability
TCR9 – Large scale retail and leisure development outside central shopping and commercial areas

Transport

T6 – Walking
T7 – Cycling
T8 – Road hierarchy
T11 – Parking provision
T16 – Access for all

Natural and Historic Heritage

LA6 – Landscaping Schemes
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

3.3 Supplementary Planning Guidance

Planning Obligations SPD (April 2008)

4. Consultation Summary

External Consultees

- 4.1 The Ramblers Association do not object to the proposal.
- 4.2 Welsh Water do not object to the proposal
- 4.3 The Environment Agency is not fully satisfied with the Flood Risk Assessment that has been submitted. They have considered the Flood Risk Assessment but require clarification regarding flood risk and surface water drainage.
- 4.4 English Heritage state:-

“English Heritage has considerable experience of new retail proposals in historic centres in the West Midlands and we have advised in favour of and against proposals in different circumstances. This is also the case in other regions in England. Normally our consideration is restricted to the local effects of proposals on identified historic assets. This is because of the nature of the tests in PPS5 but also, more pragmatically, because the organisation does not have the specialised expertise necessary for detailed retail analysis. However, we do sometimes seek to make a case on the basis of the location of a proposal in relation to an existing centre, the local retail environment or sequential test considerations. In our historic area grant scheme programmes, furthermore, we have been very concerned with the retail health of historic town centres and its consequences for management of historic buildings.

We note the objectives set out in paragraph 7 of the Introduction to PPS5 which include the sustaining of viable uses for historic assets and the integration of the historic environment into planning policies and place shaping more generally. Our understanding of the current Government's position is that they do not wish to see any weakening of the protection afforded to the historic environment by PPS5.

The protection of the retail health of town centres is a planning policy objective regardless of the historic nature of the centre. However, we note the letter to you of 6 October from Drivers Jonas Deloitte (DJD) and in particular paragraphs 114 and 115 of the letter. In paragraph 115 DJD submit that additional policy weight might be placed on a proposal that affects prospects for continuing and new uses for historic assets over and above the weight given to general retail planning considerations. This appears to us to be consistent with paragraph 7 of PPS5.

It follows that, if the Council, or your consultants, conclude on the basis of evidence that a proposal may harm prospects for the continuing or new viable economic use of historic assets then that would be a historic environment consideration that may fall to be assessed under the tests in PPS5 as well as a retail planning consideration under PPS4. I would have to say that in proposing this view I have not sought advice from the English Heritage legal team.

Ledbury is an important asset in itself as one of the West Midlands' outstanding historic towns and it contains many other assets particularly individual listed buildings. If there were a proposal that might harm its significance by prejudicing economic use of historic buildings that would be a concern for English Heritage and we would support the Council in thoroughly examining the evidence of the likely effects of the proposal and acting on the conclusions of that examination.”

Internal Consultees

- 4.5 The Traffic Manager makes a number of detailed comments. However, in summary they do object on the basis that:-
- The location of the site will increase reliance upon the use of the private motor vehicle;
 - The location of the site means that the propensity of linked trips to the town centre is likely to be low;
 - The location of the store remote from the railway station and bus terminus is such that trips to the store by certain public transport users further afield from Ledbury is likely to be low as their journeys would necessitate a change onto another bus;
- 4.6 The Environmental Health Manager does not raise objections. The issue of contaminated land could satisfactorily be dealt with by way of a planning condition.
- 4.7 The Area Rights of Way Officer has no objections to the development.
- 4.8 The Conservation Section state:-

“English Heritage compiles an annual survey of the condition of England’s key heritage assets (high grade listed buildings, scheduled monuments, registered parks & conservation areas) and the most recent 2010 Heritage at Risk Register notes in relation to conservation areas:

‘The risks to conservation areas are difficult to address as they cover large areas of land and involve many different owners. Looking after them is thus a responsibility we all share – those of us who visit them to work or for enjoyment, those of us who own homes and businesses in them, those of us whose job it is to manage the spaces between the buildings and make decisions about their future.

Conservation areas are designated by local authorities and are areas of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance...There are currently some 9,300 conservation areas in England...[and] they form the historic backcloth to national and local life and are a crucial component of local identity and community cohesion.

English Heritage has asked every local authority in England to complete a survey of its conservation areas, highlighting current condition, threats and trends, identifying those that are expected to deteriorate, or are in very bad or poor condition and are not expected to change significantly in the next three years, being defined as at risk.

549 (7.4%) of the conservation areas that English Heritage have information for are at risk, 51 (8.3%) of them in the West Midlands region.’

There are currently four (out of 64) conservation areas in Herefordshire included on the 2010 Heritage at Risk register, and it is significant that three – Kington, Bromyard & Ross-on-Wye – of the county’s five market towns are included. The assessment is made on the basis of the condition of the conservation areas’ physical environment but it also takes into account wider factors which impact on this, and it is clear that the common denominator is lack of investment. Ledbury is something of an exception to the rule as it has a generally well-maintained built environment, with low vacancy rates, few buildings in poor condition and healthy levels of new build and conversion activity. However as the other market towns illustrate, this situation is finely balanced and dependent upon maintaining the vitality of the town centre.”

5. Representations

5.1 The CPRE (Herefordshire) object on the following summarised planning grounds:-

- There is no need for the scale of development proposed;
- The proposal would adversely affect the viability and vitality of the Town Centre resulting in a loss of jobs;
- Concern with regard potential traffic congestion;
- The proposal would have an adverse impact upon the historic buildings within the Town Centre;
- The proposal is in an unsustainable location increasing reliance on the car;
- The proposal would have an adverse impact on the local food web;
- The existing Tesco store could be expanded and improved upon their existing site

5.2 The John Masefield Society object on the following summarised planning ground:-

- The proposal would adversely affect the viability and vitality of the Town Centre;

5.3 The Ledbury Civic Society, after surveying their membership found that 95% of their membership objects, on the following summarised grounds:-

- The proposal would give rise to changes in Ledbury which are contrary to the Society's objectives of securing "the preservation, protection and improvement of features of historic, natural and public interest in Ledbury and the surrounding district";
- The proposal would adversely affect the viability and vitality of the Town Centre;
- The proposed location is not conducive to the use of modes of transport other than the private motor vehicle;
- The proposal would have a secondary affect of reducing the viability of town centre shops and hence the upkeep of listed building. This would lead to a deterioration to the appearance of the area adversely affecting the attractiveness of the town to visitors;
- The scale of the store appears to be so great that it appears to be designed to attract shoppers from outside the area. This would cause traffic congestion, particularly from shoppers coming from the east where traffic into Ledbury is particularly problematic;
- Supermarkets have national purchasing policies while local traders are much more likely to have local purchasing policies, especially in food retailing; where retailers purchase locally much of the money spent stays in the local economy and has a significant local multiplier effect. The economic benefits of large supermarkets tend to be dissipated outside the area. Local produce is one of the tourist attractions of the area;
- Ledbury Town Centre has been acclaimed in Radio Four's recent 'Today' programme survey came out as one of the top four favourite high streets in the country.

5.4 The Ledbury Town Council object to the application on the same grounds as the LOTS (Ledbury Opposes out of Town Superstores) Group do.

5.5 Putley Parish Council objects to the proposal. They state:-

"This application for a superstore is unanimously unapproved by Putley Parish Council for the following reasons:

- the anticipated impact on the existing Ledbury high street retail businesses and the wider community (e.g. small local produce growers).
- the size of the development is clearly disproportionate to the size of Ledbury.
- the existing Tesco store and status quo meets the current needs of the Ledbury and surrounding areas."

5.6 Wellington Heath Parish Council object on the following summarised grounds:-

- The proposed development would adversely affect the vitality and viability of the Town Centre;
- The proposed development is likely to have an adverse impact upon the conservation area, the listed buildings and tourism;
- The Parish Council would support proposals to increase the floorspace of upon the existing Tesco site which is closer to the Town Centre;
- Concerns as to the impact of the proposal upon the local economy;
- The loss of employment land.

5.7 Pixley and District Council state:

"The Parish Council believes that there is a need for a larger supermarket in Ledbury in principle but DO NOT SUPPORT this present application because of its adverse effect on the town centre (including the loss of the existing Tesco car parking facilities for town centre shoppers) and independent retailers which is a major attraction for visitors."

5.8 The Ledbury Fair-trade Town Steering Group expresses concerns as to the impact of the proposal upon the Town Centre.

- 5.9 The North Herefordshire Constituency Green Party object to the proposal and draw attention to the impact of the Morrison's store upon the viability and vitality of Leominster Town Centre.
- 5.10 The Ledbury Area Cycle Forum makes the following observations:-
- The planning application documentation state that staff accommodation in the store would include lockers and showers for those cycling longer distances but these do not appear on the plans
 - The customer cycle parking provision proposed and conflicts in the various documents;
 - The traffic generation upon the local highway network could cause danger to cyclists. A number of detailed points are made as to how the safety of cyclists could be improved.
- 5.11 The operators of the Amcor factory to the south are concerned as to the proximity of the store to their general industrial use. For example their processes result in dark spoor growth on the exterior of their buildings, predominantly on the north side. They regularly pressure wash this area and are concerned that a food handling store close to their boundary may lead to them having to change their regime. They also have concerns with regard security and traffic generation. In summary they always foresaw their location as being upon an industrial estate surrounded by other general industrial users without the conflict that may arise from the introduction of other uses.
- 5.12 Three hundred and forty seven letters from both local residents and others who reside further afield have been received expressing objections to the proposed development on the following summarised planning grounds:-
- The proposal would adversely affect the viability and vitality of the Town Centre;
 - The employment benefits stated to be accrued are not as great as advanced. There is the likelihood that jobs would be lost from existing retail businesses in the Town Centre;
 - Supermarkets have national purchasing policies while local traders are much more likely to have local purchasing policies, especially in food retailing; where retailers purchase locally much of the money spent stays in the local economy;
 - Customers would not walk from the proposed store into the Town Centre;
 - The proposal would have a secondary effect of reducing the viability of town centre shops and hence the upkeep of listed building. This would lead to a deterioration to the appearance of the area adversely affecting the attractiveness of the town to tourists and detrimentally affecting the local economy;
 - The local highway has inadequate capacity to cope with the amount of traffic that such a store would generate. There is particular concern with regard to traffic that may be generated from the east using the Worcester Road/High Cross and Knapp Lane;
 - The proposal is principally a "car led" proposal
 - It remains unclear as to whether Ledbury Welding would remain in the locality;
 - No estimate has been provided with regard job losses from existing retail establishments in the Town Centre;
 - The full time equivalent worker figure for Tesco's additional staff is not stated nor the proportion of skilled staff;
 - Concern that if approved the store would become a "one stop" experience (destination in its own right);
 - The proposed store is too far from the Town Centre unlike the existing Tesco store;
 - The access road is often of a restricted width and congested due to buses parked on the road from the neighbouring depot;
 - Regardless of distance the pedestrian walk to the proposed store would not be pleasant ;
 - The existing Tesco store is relatively accessible from the railway station;
 - Evidence suggests that the potential job losses in the local economy would vastly outweigh the number of full-time equivalent jobs being offered by Tesco;

- The amount of floorspace proposed is excessive and contrary to the Council's own assessment as to the residual capacity;
- The existing Tesco store could be enlarged;
- Research by the 'National Retail Planning Forum' found that on average there is a net loss of 276 full-time jobs within a 15km zone around a new superstore;
- The recent CPRE survey of Ledbury's Food Web estimates 260 jobs are created by the High Street shops which would be in jeopardy from this proposal;
- The CPRE 'From Fields to Fork' study of Ledbury estimates that the retailers and producers support around 680 jobs in the area directly;
- The location of the current Tesco supermarket with 3 hours free parking enables shoppers to walk into the High Street;
- Attention is drawn to the recent appeal decision relating to a genuinely small scale catering van that was proposed to be sited in the car park of Homebase;
- Ledbury was voted up there in the top four best High Streets in the country (Radio 4 Today programme);
- Many of the letters cite examples of Town Centres across the country that have in their opinion been adversely affected by such out-of-centre stores;
- The store is too far away for non-car owners. The promise of a free bus service is not an adequate alternative to walking and how long would the bus service last;
- Concern with regard food security;
- Concern with regard the carbon footprint – supermarkets transport food over larger distances, meaning more traffic, longer trips and greater CO2 emissions including from packaging;
- Loss or reduced rental income arising from premises in the Town Centre. Consequent issues of maintaining the large stock of listed buildings in Ledbury;
- Loss of safeguarded employment land;
- The proposal goes against the spirit of localism;
- Noise and light pollution;
- The proposed store is not only distant from the Town Centre but at a lower level such that it would be uphill to walk into the Town Centre;
- The proposal would result in less footfall in the town centre and shop closures;
- The proposed store would lead to the demise of local businesses that supply fresh local food to existing retail shops in the Town Centre;
- Particular attention is drawn to the impact of the Morrison's supermarket in Leominster upon the vitality and viability of that Town Centre;
- The sequential testing is inadequate;
- The proposal would not be easily accessible to the aged and disabled persons;
- The proposal is contrary to policy S5 of the UDP and PPS4 policies E16 and E17;
- Tesco only make mention of linked trips to adjacent residential areas and not to the town centre;
- If permission is given consideration should be given to closing the road at its southern end where it meets Lower Road; and
- The proposal would increase reliance on the private car and links trips would be unlikely

5.13 LOTS (Ledbury Opposes out of Town Superstores) Group object to the proposed development on the following summarised grounds:-

- the proposal would have an adverse impact upon the vitality and viability of the Town Centre;
- the proposal would harm the heritage asset that is the Ledbury Conservation Area and the listed buildings within the Town Centre;
- the precise full-time equivalent jobs being created by Tesco remains unclear;
- there remain no definitive proposals with regard the relocation of Ledbury Welding & Engineering;
- the proposal is likely to lead to a loss of existing jobs in the local economy;

Further information on the subject of this report is available from Mr R Close on 01432 261803

- concern as to traffic congestion and the capacity of local highway network;
- concern that the proposed subsidised bus service can be withdrawn at a future date

5.14 The LOTS submission includes a detailed retail impact assessment that they commissioned from Dalton Warner Davis. That report questions whether the Ledbury catchment has sufficient surplus expenditure to support the proposal and states that the location is unsustainable increasing reliance on the private motor vehicle.

5.15 A petition with 3,255 signatories has been received objecting to the proposed development on the following summarised grounds:-

- Ledbury currently has a highly unusual and greatly treasured High Street renowned for its interesting independent shops and its vibrant community life. Evidence shows that out of town superstores cause independent shops to shut and town centres to die.
- The jobs lost from shop closures, which will extend to suppliers' businesses in the local countryside, will far exceed the jobs created, which by definition are mainly part-time and low-paid. Ledbury's unique historic and architectural heritage will be threatened as shops close and buildings cannot be adequately maintained.
- There will be additional problems with increased traffic in narrow and already congested streets.

5.16 Four letters of support have been received on the following summarised grounds:-

- Ledbury requires a larger store with a wider range of groceries;
- We cannot see how the current store could be expanded;
- The proposal is unlikely to have a negative impact on the specialist town centre shops;
- Tourism will not suffer as visitors do not come to visit shops;
- It would increase customer choice;
- There would not be any traffic problems;
- It would create jobs;
- It would erase traffic congestion in the town centre;
- There is a need for value items (e.g. kids' clothes).

5.17 The full text of these letters can be inspected at Hereford Customer Services, Franklin House, 4 Commercial Road, Hereford, HR1 2BB and prior to the Committee meeting.

6. Officer's Appraisal

6.1 At the pre-application stage advice was supplied to the applicant that the proposal was contrary to both Central Government advice and Development Plan policy. Nevertheless, upon submission of the planning application independent advice was sought especially with regard the potential impact of the proposed development upon the viability and vitality of the Ledbury Town Centre. A full copy of the advice received is attached as **Annex 4**. This report will therefore provide a less technical and briefer summary of the retail impact issues and address the other relevant planning issues.

Sequential Testing

6.2 The Central Government advice currently contained within PPS4 and the relevant Development Plan policy basically adopt a "Town Centre first" approach as the Government is committed to promote the vitality and viability of town centres. In addition, Town Centre sites tend to be in sustainable locations that reduce the need to travel, especially by car. Sites should be selected using the sequential process in the following order:-

- a) sites in the town centre;

- b) sites on the edge-of centre (i.e. up to 300 metres walking distance of the Town Centre);
and
- c) sites out-of centre.

- 6.3 In this case the application site is in an out-of-centre location. Policy EC14.3 of Planning Policy Statement 4 requires the applicant to submit sequential assessments in such cases. The agent for the applicant has submitted such a sequential assessment in this instance.
- 6.4 The agent has submitted a sequential assessment. Of those sites that the agent has identified, there are two sites that it is considered have not been assessed appropriately. The report deals with each site in turn.

The existing Tesco site at the corner of The Homend and Orchard Lane

- 6.5 This site is an edge-of-centre site. It is within easy walking distance of the Town Centre and Railway Station.
- 6.6 It is considered that the existing store was poorly planned at the time it was built. In essence it is an excavated big, flat bottomed hole with the store built at the lowest level set back from the Homend. A simple level site with parking to the front and the store built to the rear. The development makes no positive contribution to the townscape and historic fabric of Ledbury. The building fails to address The Homend. Furthermore it appears that even from an operational point of view the development was poorly designed. The service yard was located poorly vis-à-vis neighbouring properties, only one delivery bay was created and there is not adequate room for another lorry to wait without at least partially waiting upon the public highway. It is understood that the delivery bay is not a proper docking bay and as such goods need to be unloaded using metal cages.
- 6.7 It is considered that this site could be redeveloped by excavating the existing site by say a further 60cm, creating a parking area at that lower ground level including upon the site of the existing store and building a store, effectively on stilts, above that fronts the Homend such that it appears as a single storey store from the Homend. Vehicular entry to the store could be achieved from the existing vehicular access. The service yard, with two delivery docks, could then be moved back (north) further into the site away from Orchard Lane and shielded by the present high wall at the rear of the site.
- 6.8 Entry to the store from the car park would be by lift or travelator or stair or walking up the present ramping pavement of Orchard Lane to an entrance at the corner of the Homend. An entrance at this corner would allow people to see the High Street and Town Centre. The goods would reach the store by way of large lifts. There may even be the ability to create a further floor over part of the building at its south-eastern corner.
- 6.9 The agent submits that a larger store is not capable of being accommodated on this site for the following summarised reasons:-
- a) The site is not large enough to achieve the required parking for a standard 30,000 sq ft store, therefore, it would require two floors of parking;
 - b) The servicing arrangement is already compromised on the existing site. The service yard of any re-development would also be compromised as it would more than likely be located at car parking level and require lifts to main sales floor. This is not normal for any food store operator;
 - c) The circulation routes for pedestrians would also be compromised as the site is not wide enough to accommodate a full width atrium with travelators. The outcome would mean that instead of customers being able to move between the car park and the store on one travelator, they would have to use a half landing arrangement (i.e. two travelators). This would significantly compromise the circulation routes for customers and would do little to

solve the store circulation/queuing issues highlighted by the store manager and existing Tesco Ledbury customers;

- d) Ledbury has a wealth of cultural heritage and there are a number of listed buildings within close proximity to the Orchard Lane site. 1-2 Home Lawn, both Grade II Listed Buildings, abut the site to the north east and the site lies immediately adjacent to, Ledbury Conservation Area. We do not consider an 'on stilts' format, however sensitively designed, could respond positively to the context of the site or preserve or enhance the character and appearance of the Conservation Area.
- e) Taking the above into account, the redevelopment of the existing site to create a larger store would result in a building considerably taller than the Tesco store. This may result in significant amenity issues for the residential properties to the rear of the site.

6.10 It is considered that these requirements forwarded by the agent for the applicant are flawed and fail to take proper regard to the Central Government advice contained within policy EC15.1 (d) of Planning Policy Statement 4 which states that Local Planning Authorities should ensure that in considering sites in or on the edge of existing centres, developers and operators have ensured flexibility in terms of:-

- (i) scale: reducing the floorspace of their development – *in this regard the agent for the applicant only states that the existing site cannot accommodate the standard size store his client wishes to pursue and has failed to address what level of floorspace could satisfactorily be achieved upon the existing site. It is considered that it would certainly be physically possible to increase the net sales area from 1,175 square metres to a figure in excess of 2,075 square metres;*
- (ii) format: more appropriate site layouts and store configurations such as multi-storey developments with smaller footprints – *in this regard the agent for the applicant again fails to demonstrate flexibility and merely states that this is not normal practice. With regard goods reaching the sales floor from a lower delivery yard, it is understood that at Waitrose in Malvern, goods reach the sales area via two large lifts;*
- (iii) car parking provision: reduced or reconfigured car parking areas: *it is considered that a lower ground level one could create a car park with in excess of 200 car spaces thus allowing the provision of a store with a significantly greater level of floorspace than currently exists;*

6.11 Interestingly the agent does not claim that re-development of the existing Tesco store would be financially, as opposed to physically, unviable.

6.12 Furthermore one needs to recognise that this site is available to Tesco. Therefore the reasoning forwarded by the agent for the applicant in dismissing this site is not considered to be robust. In fact, the site is considered to represent an opportunity for the provision of additional retail provision within Ledbury on a site well linked to the Town Centre whilst providing Ledbury with a new development that would genuinely enhance the Townscape.

Car Park west of Lawnside Road, off Bye Street

6.13 This is another genuinely edge-of-centre site. The agent for the applicant describes the site as a car park only with an inadequate size to accommodate a store of the scale proposed. However, one could view the car park as part of a potentially much larger site which accommodates a number of uses (i.e. swimming pool, youth centre, ambulance station, fire station, community hall, BT exchange building, and a couple of commercial businesses). The current development upon this site is of a low density.

6.14 It is considered that this wider site could easily accommodate a two storey development. The landowners may not wish to sell the site and may wish to secure appropriate relocation of the existing uses (e.g. relocation of the swimming pool with associated fitness gym and meeting room to the John Masefield School site). This may take time and as such that the site may not

be capable of becoming genuinely available within a reasonable time period (say five years) but there is no evidence whatsoever that this possibility has been investigated. Whilst the site is not currently being marketed, this does not necessarily mean that it may not be available. For example there is no evidence that the application site itself (ie the Ledbury Welding site) was being actively marketed prior to the submission of this planning application.

6.15 The agent has argued that this site would not be acceptable as:-

- a) there would be serious concern as to the impact upon the residential flats to the east ;
- b) the proposal could have a serious impact upon listed buildings to the east;
- c) the proposal would result in a loss of parking;

6.16 In response to the above three points it is considered that:-

- a) a scheme could be designed that would not adversely affect the amenities of the occupiers of the flats to the east;
- b) a scheme could be developed that would not cause harm to the setting of the listed buildings to the east; and
- c) one would envisage any proposal for a retail store upon this site to include car parking provision that would enable persons using the store to park and have sufficient time to have a linked trip into the Town Centre. In fact, one could envisage the number of car parking spaces increasing.

6.17 Interestingly the agent for the applicant does not see any issues with regard the adequacy of the local highway network.

6.18 Therefore I do not consider the submitted sequential assessment to be robust and as such is considered to be contrary to the Central Government advice contained within Policies EC15 and Policy E17 of Planning Policy Statement 4 and policies TCR1, TCR2 and TCR9 of the Herefordshire Unitary Development Plan 2007.

Impact upon the vitality and viability of the existing town centre

6.19 The agent has submitted a Retail Assessment. This has been examined in detail and attention is drawn to the expert advice received by the Council at **Annex 4**. Therefore rather than repeat that analysis in this Committee Report, it is relied upon.

6.20 In essence Ledbury and its catchment have a certain expenditure capacity. It is considered that the retail assessment is not robust in respect of the expenditure capacity findings principally in respect of:-

- the assumed increase in the retention rate of expenditure attracted to Ledbury arising from implementation of the proposal, which appears to be over-optimistic. It makes no allowance for expanded and improved shopping facilities elsewhere. This is particularly relevant in Hereford City where the Edgar Street Grid/Livestock Market scheme will bring about major new convenience and comparison shopping facilities;
- the high proportion of existing store turnovers judged by the agent for the applicant to be drawn from outside the catchment area (inflow);

6.21 Both of these factors would reduce surplus expenditure to less than required to support the application proposal.

6.22 In addition, it is considered that the additional convenience turnover to which the agent estimates the proposed new store would give rise to is unrealistically low, and because of this it is considered that one cannot rely on their assessment of trade impact.

6.23 Therefore it is concluded that the proposed development would have a significant adverse impact upon the viability and vitality of Ledbury Town Centre contrary to the Central Government advice contained within policy EC17 Planning Policy Statement 4 and policies S5, TCR1, TCR2 and TCR9 of the Herefordshire Unitary Development Plan 2007.

“Linked –trips”

6.24 Whilst later in this report is a section entitled transportation, the issue of linked trips is so intrinsically linked to the issue of impact upon the viability and vitality of the Town Centre that it is addressed at this stage of the report.

6.25 The existing Tesco store is located less than 300 metres from the Town Centre boundary, approximately 500 metres from the railway station and approximately 550 metres from the Market House in the centre of the Town Centre. The route from the existing store to both the Town Centre and the railway station is not tortuous in any way.

6.26 This is in sharp contrast to the proposed site, which is a walking distance of approximately 900 metres from the Town Centre boundary, in excess of 1km from the Market Hall in the centre of the Town Centre and approximately 1.5km from the railway station. The route is also rather convoluted and not particularly safe in that pedestrians are likely to have personal security concerns.

6.27 It is considered that the walking distance is such that people are very unlikely to make linked trips with the Town Centre. Whilst a financial contribution may be made via a Planning Obligation under Section 106 of the Act that may make these routes more attractive, they could never bring the site closer to the Town Centre.

6.28 Therefore it is considered that the store would become a destination in its own right with shoppers unlikely to visit the Town Centre. If they were to visit the Town Centre it is considered that such a trip is likely to be a separate car trip which is in itself unsustainable. In this regard attention is drawn to paragraphs 5 and 6 of the appeal decision attached as **Annex 2**.

Impact upon Heritage Assets

6.29 As described earlier, the existing Town Centre lies within the heart of the Ledbury Conservation Area. Intrinsic to its character are the retail uses. Given the view formed above that the proposal would have an adverse impact upon the viability and vitality of Ledbury Town Centre, it is submitted that there would be a secondary negative impact upon the character of the Ledbury Conservation Area. Clearly to retain retail uses within existing premises, many of which are listed (see plan attached as **Annex 5**), the businesses must remain viable. Given the limited expenditure capacity of the Ledbury catchment there is a prospect of existing retail businesses ceasing trading. This would lead to the vibrancy of Ledbury Town Centre declining. If one does not have viable uses for listed buildings they are likely to fall into disrepair. Whilst alternative uses may be found, these would be of a fundamentally different character. Clearly one would not wish the Ledbury Conservation Area to become a heritage asset which is at risk. It is considered that such erosion in the character of the Ledbury Conservation Area is likely to lessen its attractiveness to tourists.

Transportation

6.30 From a highway capacity point of view it is considered that the local highway network can satisfactorily accommodate the proposed development. Similarly it is considered that the vehicular means of access and associated visibility splays are adequate.

- 6.31 However, good planning involves the proper integration of land-use planning and transportation planning. It is now a fundamental of the planning system reflected in both Central Government advice and Development Plan policy that such developments should be located so as to reduce the need to travel especially by way of the private motor vehicle. Such sustainable patterns of development also respond to issues of climate change. Ideally one should locate such developments in close proximity to the existing commercial core and transport nodes.
- 6.32 The proposed development is located in a position that is not readily accessible by modes of transport other than the private motor vehicle. Those persons living outside of Ledbury and arriving at the railway station or bus terminus would then have to take a separate bus trip to the proposed store. The mere need for a change is likely to deter many public transport users.
- 6.33 Other than from the New Mills residential estate to the north of the site, it is difficult to envisage residents living in the north-east of the Town, east of the Homend (e.g. Homend Crescent area) and the south-east of the Town (Deer Park residential estate) walking to the proposed store. It is considered that it is likely that people would use their car and travel around the town on the by-pass (A417). It is submitted that the existing store lies within easy walking distance of more residential properties than the proposed store and certainly is better linked to the Town Centre as outlined earlier.
- 6.34 With regard to a cycling perspective, the location of the proposed store is not considered to be readily accessible from the south-east of the town and again the likelihood of linked trips is low.
- 6.35 Attention is drawn to paragraph 4 of the appeal decision attached as **Annex 2**.
- 6.36 As a consequence it is considered that the location of the proposal is such that it would increase reliance upon the private motor vehicle contrary to the Central Government advice contained within Planning Policy Statement 1, Planning Policy Statement 4, Planning Policy Guidance Note 13 and policies S1, S5, S6, DR2 and DR3 of the Herefordshire Unitary Development Plan 2007.
- 6.37 Detailed matters that are not fundamental to consideration of the application and could be overcome by way of negotiation are:-
- it would be preferable that the controlled crossings near the new store were toucans rather than puffins;
 - the existing cycle way should be extended from New Mills Roundabout to the roundabout and then to the proposed store; and
 - the submission appears to be contradictory in terms of the amount of cycle parking proposed.

Loss of employment land & other employment issues

- 6.38 The site is currently actively used for employment purposes. It has a good vehicular access and is divorced from residential properties to such a degree that a general industrial use can satisfactorily take place. It is well located in terms of access to the wider road network.
- 6.39 The existing on-site business employs some 35 full-time staff and it is understood that it remains successful. Whilst the buildings upon the site may be somewhat restrictive, the site itself is not. The company informs me that ideally they would wish to have a single building 38.5 metres wide and 110 metres long with vehicle manoeuvring at both ends of the building of 18.288 metres. It is considered that this could be achieved upon the site by erecting a new building along an east – west alignment parallel to the southern boundary of the site whilst avoiding the sewer easement.

- 6.40 Such a building would impinge on the southern end of the existing complex of buildings but I do think that with careful phasing of such a development it would be achievable whilst minimizing the disruption to the business.
- 6.41 It is understood that the existing Tesco store employs 125 staff of which 45 are full time and 80 are part time. The full time equivalent (FTE) number of existing staff is 95. It is anticipated that the proposed store would generate a further 75 jobs however the precise split of full time and part time staff can not be supplied at this stage because it would be dependent upon local demand. However given the appraisal above which concluded that the expenditure capacity of the catchment is less than that required to support the proposed store, it is logical to assume that there would be a degree of employment loss within the existing Town Centre and associated local suppliers.
- 6.42 Notwithstanding the issues surrounding the existing business, the land is safeguarded employment land by virtue of policy E5 of the Herefordshire Unitary Development Plan 2007. In addition, Policy S4 (2) seeks to ensure a suitable range of quality employment land. The proposed development would be contrary to this statement as it would represent a loss of good quality employment land that is immediately available. The real issue is to ensure that Ledbury has an adequate supply of employment land from both a quantitative and qualitative perspective.
- 6.43 Supporting documentation with the planning application states that there are 12.2ha of employment land available in Ledbury north of the viaduct. The Council's Employment Land Study (July 2010) does not concur with this finding stating that only 1.59ha is available in the short-term which is of moderate quality. The remaining 10.68ha is of moderate – poor quality and is only available as a long-term option.
- 6.44 As such the application is contrary to policy S4 (2) of the Herefordshire Unitary Development Plan 2007. Policy E5 Safeguarding employment land and buildings seeks to only permit loss of employment land where there would be substantial benefits to residential or other amenity in allowing alternative forms of development. The current use of the application site for general industrial purposes does not cause any harm. Notwithstanding the above, the agent for the applicant's statement states that approval of an alternative use would allow the relocation of the existing use. However, there is no certainty that this relocation would be delivered, resulting in loss of employment.
- 6.45 The Core Strategy is currently undergoing consultation on a revised preferred options policy. Specifically for Ledbury, there has been no change to the housing requirement and the current UDP employment land designation north of the viaduct site is identified for residential development. The viaduct employment allocation was identified in the previous two development plans covering Ledbury (Herefordshire Council UDP and Malvern Hill District Council Local Plan) but has not come forward due to difficulties for access by heavy goods vehicles. Accordingly the site has been classed as moderate – poor in its quality as employment land. The issue of access is unlikely to be overcome prior to the adoption of the Core Strategy (Spring 2013) and accordingly the figures quoted on available employment land in Ledbury within the King Sturge report do not represent the contents of the evidence base (Herefordshire Employment Land Study, July 2010).
- 6.46 Planning Policy Statement 4 – Planning for Sustainable Economic Growth, policy EC2 (d) seeks that Local Authorities take account of business requirements including the quality of land. As stated Herefordshire Council's evidence base identifies that the application site is good quality, of which there is a significant limitation in Ledbury (table 9.11 of Herefordshire Employment Land Study update July 2010). The loss of such land would be contrary to PPS4.

- 6.47 The Draft National Planning Policy Framework is capable of being a material consideration in the decision making process but the weighting of the document is a judgement to be made by the decision maker. Notwithstanding this the supporting documentation with the application refers to the principles of the NPPF including the default answer of “yes” to sustainable development.
- 6.48 From information contained within the King Sturge report, it appears that the development proposed would not constitute sustainable development. Firstly the King Sturge report identifies that “*Ledbury has a high level of economic activity amongst its population, although resident workers are more likely to commute to other areas of the region than those in any other town in the County*”. The loss of employment land to non-employment purposes would increase the need of outmigration for employment purposes, thus resulting in increases in use of private motorised transport and therefore contrary to the principles of sustainable development.
- 6.49 The NPPF states that Local Authorities should avoid the long term protection of employment land and alternative uses should be judged on their merits (para 75). However the NPPF notes that the planning system is plan led (para 62). The plan, in this case the UDP, does not support the loss of employment land as set out in chapter 2. Paragraph 78 states that applications for retail use should be assessed for their suitability. As the site is already identified as suitable for employment use and is currently in occupation for employment generating purposes then there are no planning barriers to investment (paragraph 73).
- 6.50 Core indicator E(3) of Herefordshire Council’s Annual Monitoring Report (AMR) 2009/2010 identifies the loss of employment land to alternative uses. The AMR 2009/2010 identifies that 0.18ha of employment land was lost to alternative uses. This primarily consisted of a number of small-scale planning applications for the conversion of above ground floor offices into residential units. The current application would represent a ten-fold increase on this figure. As noted in the AMR (paragraph 4.25) such significant loss of existing employment land would lead to increase pressures on greenfield land development.
- 6.51 Current work is ongoing to complete the AMR for the monitoring period 2010/2011. Despite this, early indications are that a significant decrease in employment land completions has taken place. This is not uncommon and represents the significant economic pressures being experienced at a broader level.
- 6.52 Furthermore a number of planning permissions, and therefore identified as commitments in previous AMRs, have subsequently lapsed. This leaves an approximate 3.43ha of employment land with planning permission in Ledbury.
- 6.53 The emerging Core Strategy is currently undergoing consultation on a revised preferred options policy. Specifically for Ledbury, there has been no change to the housing requirement and the current UDP employment land designation north of the viaduct site is identified for residential development. As stated earlier within this report, the viaduct employment allocation was identified in the previous two development plans covering Ledbury (Herefordshire Council UDP and Malvern Hill District Council Local Plan) but did not advance to application stage due to access difficulties for heavy goods vehicles. A replacement site of 12 ha is proposed off Little Marcle Road to the west of the bypass in the Revised Preferred Option exemplifying the need for employment land in this market town.
- 6.54 Therefore on the issue of employment, it is considered that the proposal represents the loss of high quality employment land contrary to the Central Government advice contained within Planning Policy Statement 4 and policies S4 and E5 of the Herefordshire Unitary Development Plan 2007.

Flooding

Further information on the subject of this report is available from Mr R Close on 01432 261803

6.55 The Environment Agency have raised concern that the submitted Flood Risk Assessment contains inadequate information to demonstrate to their satisfaction that there would not be an increase in flood risk and as such the proposal is considered to be contrary to the Central Government advice contained within Planning Policy Statement 25 and policy DR7 of the Herefordshire Unitary Development Plan 2007.

Design & Landscaping

6.56 Whilst the design of the building is functional, the planning of the development and specifically the landscaping is considered poor for the following reasons:-

- With regard the northern boundary, the existing narrow hedge is proposed for retention. Half of the boundary is to have a narrow strip of additional cover planting – this is considered to be a very weak contribution to green infrastructure and will do little to improve either the aesthetic or biodiversity of the site. The other half will include a native shrub mix and tree planting which is welcome.
- South – no access point is defined onto the existing public footpath, which would aid pedestrian integration and access to the site.
- East – the service yard would have a 4 metre high acoustic fence along half of this boundary with no landscaping proposed. Furthermore there does not appear to be any space available within the applicant's control to soften the visual impact of this fence with landscaping. It is considered that the siting and design of this acoustic fencing would be so visually intrusive that a ground of refusal is justified. The visual intrusion of this acoustic fencing arises from the inappropriate siting of the entire service/delivery yard. One would normally attempt to locate such a facility discreetly to the rear of the building so that it is not readily visible from the public realm. Any persons approaching the site from the south would be greeted by this acoustic fencing.
- The submitted scheme provides no detail of internal planting. Landscaping within car parks is important to create a comfortable environment for pedestrians and should be designed as a legible external space. Planting also assists in reducing the negative visual impact of large expanses of car parking and contributes to green infrastructure. The planting and hard landscaping details should define this space and give a sense of human scale and shelter for pedestrians. It seems that vehicular requirements have driven the design, however providing more detail of the landscape framework would help to integrate it with the surrounding area and make the area more comfortable for all range of users.

6.57 As a consequence it is considered that the siting and height of the acoustic fence together with the unrelieved expanse of vehicle parking would represent a visual intrusion. The lack of landscaping proposed along the northern and eastern boundaries and the lack of landscaping within the site contributes to this negative impact. As such the proposal is considered to be contrary to policies S1, S2, S7, DR1 and LA6 of the Herefordshire Unitary Development Plan 2007.

Ecology

6.58 The application includes an ecological assessment of the site. The following comments are made with regard to that submitted assessment.

- The assessment of the site was undertaken in May and June 2011 which is an appropriate time of year for this type of survey. The assessment of the habitats present on the site is broadly satisfactory, although there is no mention of the ditch along the southern boundary hedgerow.
- The reptile survey showed that slow worms are present on the site. A mitigation strategy is proposed including supervised clearance of the eastern corner of the site and provision of refugia and grasslands for reptiles to use. The grasslands will need to be managed un-

intensively i.e. not mown weekly as amenity grassland; there is no indication on the landscaping plan where these grasslands or refugia will be provided and as such, there is a net loss of reptile habitat. If mitigation is proposed offsite, a Section 106 agreement will need to be secured to ensure that it is delivered.

- There is no evidence that bats are roosting in the building on the site and it would appear to be sub-optimal for roosting purposes. Nevertheless, the Ledbury area has a number of lesser horseshoe bat records, a nationally rare species, as well as populations of other bat species. The report recommends avoidance of light spillage into the mature vegetation to the west, but there is no indication of how this is to be achieved. The hedgerow along the Herefordshire Trail provides a foraging and commuting corridor for bats (as well as other species); the proposed building and car parking limit the provision of a buffer to this corridor.
- There is no specific evaluation section of the site for bats as there is for other fauna
- No other protected species were recorded on the site although it should be noted that the River Leadon and stream corridor to the west of the site could also be used by otter.
- The only area of habitat value on-site (the eastern corner) will be lost entirely and there is very limited enhancement of habitats elsewhere on site. The parking will be in close proximity to the vegetation along the western boundary of the site. The shrub and tree planting along the northern and eastern boundaries is minimal – there is none adjacent to the deliveries area.
- The proposed planting mixes are broadly acceptable, although one would question whether alder is suitable, apart from along the western boundary; field maple would be a good alternative. Use of the ground cover mix along the western boundary is not appropriate – native species such as ivy, honeysuckle and dog rose would be more appropriate or other species from the native shrub mix. The hedgerow mix is rather limited and could include a greater diversity.
- Nesting birds are present on the site; no compensation or enhancement measures are proposed and one would recommend provision of nesting boxes where possible. In tall structures such as this, there would also be opportunities for provision of swift boxes.
- It will be important to ensure that adjacent habitats are protected during and post-construction, in particular hedgerows, trees and watercourses. A Construction and Environmental Management Plan would need to be followed.
- The presence of Japanese knotweed and cotoneaster on the site is a concern. These will need to be eradicated from the site following an approved method statement.

- 6.59 There is currently insufficient information with this application regarding ecological mitigation, compensation and enhancement measures; in particular in relation to reptiles as well as including an appropriate management strategy As such the proposal is considered to be contrary to PPS9 and Herefordshire's UDP Policies NC6, NC7, NC8 and NC9.

Residential Amenity

- 6.60 The location of the site, physically divorced from residential properties is such that it is not considered that any occupiers of residential properties would suffer an undue loss of amenity.

Contaminated Land

- 6.61 The issue of contaminated land could satisfactorily be dealt with by way of a planning condition.

Draft Heads of Terms

- 6.62 The Draft Heads of Terms submitted by the agent for the applicant is attached as **Annex 3**. For information, *if* planning permission were to be granted the normal formula applied by this Authority would require the sum in clause 1 to be £810,749 (index linked).

- 6.63 However, given the recommendation is for refusal, a further reason for refusal is required on the ground that there is no completed legal agreement under Section 106 of the Town and Country Planning Act 1990 and as such the proposal is contrary to policy DR5 of the Herefordshire Unitary Development Plan 2007 and the Local Planning Authority's adopted Supplementary Planning Document entitled 'Planning Obligations' (April 2008).

Other Matters

- 6.64 With regard the views expressed by the adjoining industrial user (Amcor); it is the view of the Environmental Health Manager that it is Amcor's responsibility to ensure that any chemicals are safely stored, in a secure compound if appropriate.

Conclusion

- 6.65 In the light of the above appraisal it is considered that the proposal is contrary to both Central Government advice and Development Plan policy. The fundamental objections to the proposal as outlined in recommended grounds of refusal 1-5 (inclusive) cannot be overcome by way of an amendment to the submitted scheme or through negotiation.

RECOMMENDATION

THAT Planning Permission be REFUSED on the following grounds:-

- 1. The Local Planning Authority do not consider the submitted sequential assessment to be robust and as such is considered to be contrary to the Central Government advice contained within Policies EC15 and E17 of Planning Policy Statement 4 and policies TCR1, TCR2 and TCR9 of the Herefordshire Unitary Development Plan 2007.**
- 2. The proposed development would have a significant adverse impact upon the viability and vitality of Ledbury Town Centre contrary to the Central Government advice contained within policy EC17 Planning Policy Statement 4 and policies S5, TCR1, TCR2 and TCR9 of the Herefordshire Unitary Development Plan 2007.**
- 3. Given reason for refusal 2 above, the Local Planning Authority consider that the proposed development would be likely to adversely affect the character of the Ledbury Conservation Area contrary to the Central Government advice contained within Planning Policy Statement 5 and policy S7 of the Herefordshire Unitary Development Plan 2007.**
- 4. The proposal would result in the loss of high quality employment land contrary to the Central Government advice contained within Policy EC2 of Planning Policy Statement 4 and policies S4 and E5 of the Herefordshire Unitary Development Plan 2007.**
- 5. The location of the proposal in an unsustainable location is such that it would increase reliance upon the private motor vehicle contrary to the Central Government advice contained within Planning Policy Statement 1, Planning Policy Statement 4, Planning Policy Guidance Note 13 and policies S1, S5, S6, DR2 and DR3 of the Herefordshire Unitary Development Plan 2007.**
- 6. The submitted Flood Risk Assessment contains inadequate information to demonstrate to their satisfaction that there would not be an increase in flood risk and as such the proposal is considered to be contrary to the Central Government advice contained within Planning Policy Statement 25 and policy DR7 of the Herefordshire Unitary Development Plan 2007.**

7. The siting and height of the acoustic fence together with the unrelieved expanse of vehicle parking would represent a visual intrusion. The lack of landscaping proposed along the northern and eastern boundaries and the lack of landscaping within the site contributes to this negative impact. As such the proposal is considered to be contrary to policies S1, S2, S7, DR1 and LA6 of the Herefordshire Unitary Development Plan 2007.
8. There is insufficient information with this application regarding ecological mitigation, compensation and enhancement measures, in particular in relation to reptiles as well as including an appropriate management strategy. As such the proposal is considered to be contrary to PPS9 and policies NC6, NC7, NC8 and NC9 of the Herefordshire Unitary Development Plan 2007.
9. The proposed development would necessitate a planning obligation (which complies with the criteria set out in the Supplementary Planning Document on 'Planning Obligations' which was adopted in April 2008) securing contributions towards sustainable transport infrastructure (including enhanced pedestrian and cycle links to the Ledbury Town Centre), to mitigate against the impact of the development together with the requisite legal costs in preparing such an Agreement and the requisite monitoring costs . A completed Planning Obligation has not been deposited and as such the proposal is contrary to Policy DR5 of the Herefordshire Unitary Development Plan 2007 and the Council's Supplementary Planning Document entitled 'Planning Obligations' (April 2008).

INFORMATIVES

For the avoidance of any doubt the documents to which this decision relates are:-

- **Application Form received 15 June 2011;**
- **Location Plan – Drawing number 12125 CAR 05 (Scale 1:1250) received 1 June 2011;**
- **Existing Site Layout / Topographical Survey – Drawing number AP01-A (Scale 1:500) received 15 June 2011;**
- **Proposed Site Layout – Drawing number AP202-D (Scale 1:500) received 15 June 2011;**
- **Proposed Site Layout – Drawing number AP200-E (Scale 1:500) received 15 June 2011;**
- **Proposed Floor Plans – Drawing number AP203 (Scale 1:200) received 15 June 2011;**
- **Proposed Roof Plan & Typical Section – Drawing number AP204A (Scale 1:200) received 15 June 2011;**
- **Proposed Elevations – Drawing number AP210A (Scale 1:200) received 15 June 2011;**
- **Proposed Site Sections – Drawing number AP211A (Scale 1:500) received 15 June 2011;**
- **DPP Design & Access Statement received 15 June 2011;**
- **Indigo public affairs – Statement of Community Involvement received 15th June 2011;**
- **DPP Planning and Retail Assessment received 15 June 2011;**
- **King Sturge – Statement of loss of Industrial Land 31 May 2011 received 15th June 2011;**
- **Pinnacle – Flood Risk Assessment received 15 June 2011;**
- **ADL -Transport Assessment received 29 June 2011;**
- **DPP – Energy & Sustainability Statement received 15 June 2011;**

- **Aspect Ecology - Ecological Assessment received 20 June 2011;**
- **Aspect landscape planning – Landscaping Supporting Statement received 20 June 2011; and**
- **ADL – Framework Travel Plan received 29 June 2011.**

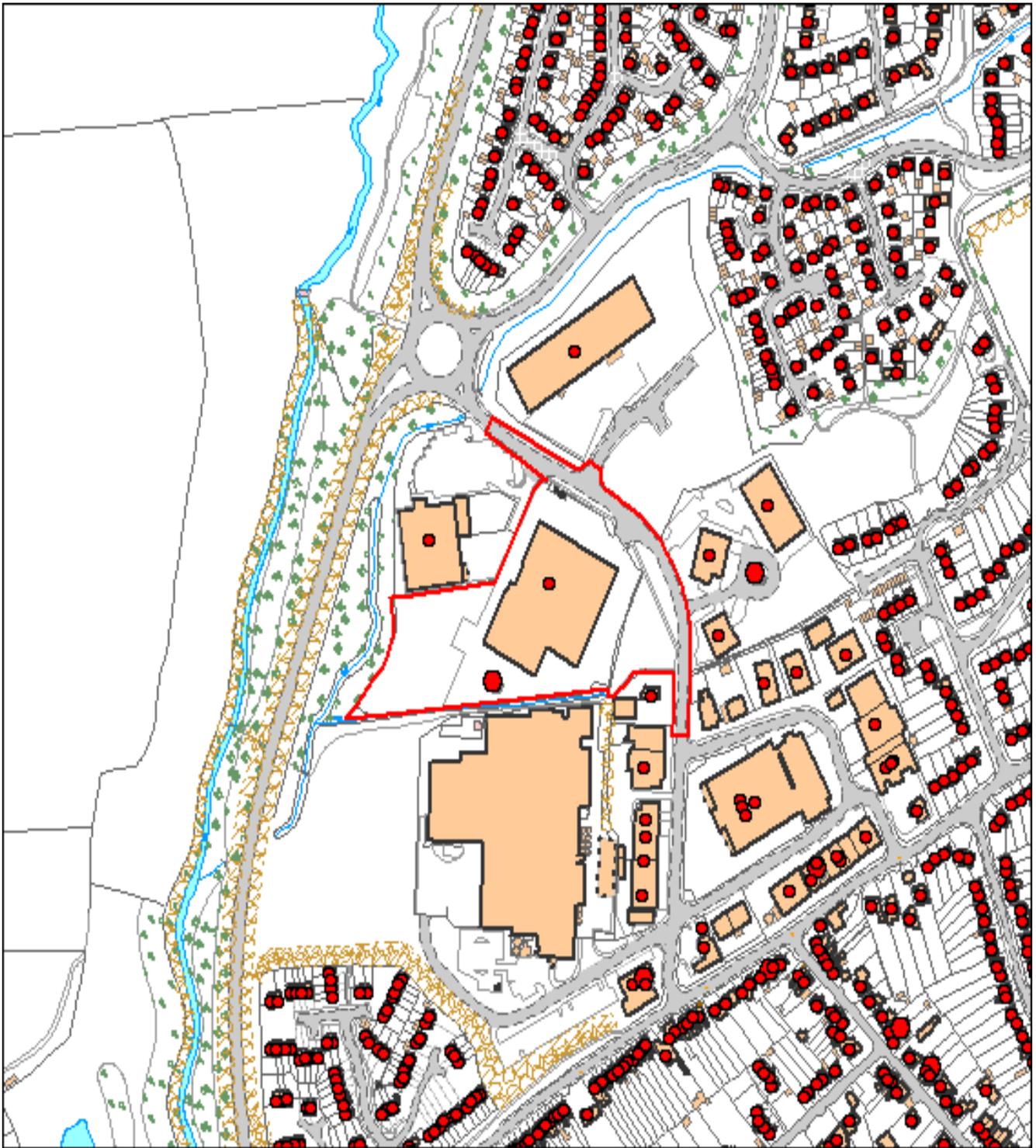
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DMN/111554/F

SITE ADDRESS : LEDBURY WELDING & ENGINEERING LTD, NEW MILL INDUSTRIAL ESTATE,
LEADON WAY, LEDBURY, HEREFORDSHIRE, HR8 2SR

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Further information on the subject of this report is available from Mr R Close on 01432 261803