

MEETING:	PLANNING COMMITTEE
DATE:	8 JANUARY 2014
TITLE OF REPORT:	130616/F - HYBRID PLANNING APPLICATION (PART DETAILED/PART OUTLINE) FOR THE PART DEMOLITION OF EXISTING BUILDINGS AND STRUCTURES AND MIXED USE DEVELOPMENT OF THE SITE TO PROVIDE A RETAIL STORE, PETROL FILLING STATION, RESIDENTIAL AND ASSOCIATED WORKS. AT LAND AT MILL STREET, LEOMINSTER, HEREFORDSHIRE, For: Frank H Dale Ltd per 7 Soho Square, London, W1D 3QB
WEBSITE LINK:	https://www.herefordshire.gov.uk/planningapplicationsearch/details/?id=130616

Date Received: 1 March 2013

**Ward: Leominster
North**

Grid Ref: 349850,259630

Expiry Date: 31 July 2013

Local Members: Councillors P Jones CBE and FM Norman

1. Site Description and Proposal

- 1.1 The application site is located off the A44, known as Mill Street, which serves as the main east/west route through Leominster, and in turn connects directly with the A49(T) approximately 200 metres to the east of the application site.
- 1.2 It amounts to 6.29 hectares of flat land, part of which is given over to commercial use and contains two large factory buildings, two storey office building and associated parking which currently are the premises for Frank H Dale Ltd, a structural steel frame fabrication business. These buildings occupy a prominent position, set back but clearly visible from Mill Street. The remainder of the site is used as a service yard for the factory, with disused grassland further beyond.
- 1.3 The site is currently bounded to the north and west by residential properties on Porters Mill Close, Cheaton Close and Upper Marsh. The immediate boundary to the east is defined by a combination of the River Lugg and railway line. As referred to above, Mill Street forms the southern boundary. Notwithstanding the application site itself, the northern side of Mill Street is otherwise residential in its nature, and a Grade II listed building, known as The Poplands, immediately bounds the site at its south eastern corner. A B&Q retail outlet lies directly opposite on the southern side of Mill Street, with the Kenwater and precincts of The Priory Church further beyond.
- 1.4 The application to be considered is made as a hybrid proposal, including detailed plans for an A1 food retail store, petrol filling station (PFS) and its associated car park and service areas, and an outline proposal for residential development and an associated access. These two

Further information on the subject of this report is available from Mr A Banks on 01432 383085

aspects will be described separately in the following paragraphs. Whilst the majority of the two factory buildings are to be demolished to accommodate the development, an element of the building within the south western quadrant of the site is to be retained and will continue to be operated by the land owner as part of their steel fabrication business. The office building that fronts onto Mill Street is also to be retained, along with its parking area, and will also be used by Dales.

Food Retail Store, Car Park, Service Areas and PFS

- 1.5 This part of the application comprises a detailed proposal for the erection of a new supermarket to be operated by Sainsbury's. The plans have been amended since their original submission and now show a store with a gross floor area of 7,530 square metres; a reduction from the original submission of 7,792 square metres. It is however noted that the floor area for sales remains unchanged at 4,645 square metres. The proposals suggest that the retail floor space will be split 70/30 between convenience and comparison goods, and would also contain an ancillary customer café.
- 1.6 The supermarket is provided with car parking for 506 vehicles which include 20 parent and child spaces, 30 DDA compliant spaces and 20 staff spaces. Additionally the plans also indicate the provision of cycle parking immediately adjacent to the store entrance.
- 1.7 The proposed building is set back within the application site and towards the eastern boundary, with its service yard behind. The plans show it to have a simple rectangular form with its main western elevation predominantly glazed. Its shallow pitched roof minimises its overall height to 8.4 metres. The scheme also includes the provision of a biomass boiler. This is located on the eastern boundary, within the service area. The most prominent feature of this element of the scheme is the requisite chimney stack which rises to a height of 11 metres.
- 1.8 The petrol filling station is located closer to the Mill Street road frontage and includes a six pump facility with an associated kiosk with an internal floor area of 102 square metres
- 1.9 Amendments to the scheme also show the creation of a roundabout junction on Mill Street to gain access to the site, replacing the originally proposed traffic light junction. The roundabout will also provide a revised access to B&Q on the opposite side of Mill Street. A second roundabout is also proposed within the application site to allow access to the proposed PFS, and the movement of delivery vehicles in and out of the service yard.

Residential Development

- 1.10 The proposed residential part of the site amounts to 1.48 hectares and is roughly an L shaped piece of land extending along the northern and western boundaries. An indicative layout suggests that the site is capable of accommodating up to 50 dwellings, and that access would be provided separately to the proposed supermarket via a continuation of the access to the service yard to the rear of the factory via Porters Mill Close. The substantive part of this area is allocated specifically for housing under policy H2 of the Herefordshire Unitary Development Plan.
- 1.11 The application is accompanied by a series of supporting documents which are listed below:
 - Design & Access Statement
 - Planning & Retail Statement (incorporating a statement on economic benefits)
 - Landscape Character & Visual Assessment
 - Transport Assessment
 - Travel Plan

- Flood Risk Assessment & Drainage Strategy
- Extended Phase 1 and Phase 2 Protected Species Survey
- Noise Assessment
- Air Quality Assessment
- External Lighting Statement
- Site Waste Management Plan
- Utility Statement
- Sustainability Statement
- Contaminated Land Report
- Desk-based Archaeology Assessment
- Statement of Community Involvement
- Draft Heads of Terms Agreement

1.12 A Screening Opinion has also been completed in accordance with the Town & Country Planning (Environmental Impact Assessment) Regulations 2011 and it has been concluded that the proposed scheme does not constitute EIA development, and therefore an Environmental Statement is not required.

2. Policies

2.1 National Planning Policy Framework

Paragraph 14 – Emphasises the presumption in favour of sustainable development. In terms of decision-taking the paragraph reads as follows:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - specific policies in this Framework indicate development should be restricted

Paragraph 19 – This reinforces the Government's desire to support sustainable economic growth and reads as follows:

The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.

Paragraphs 23 to 27 – These paragraphs comment specifically on the need to ensure that town centres retain their vitality. They also comment on matters to be considered when assessing proposals for new retail proposals:

Local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in

town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale.

This part of the NPPF goes on to advise that applications should be supported by retail assessments to determine the impact of the proposal on town centre vitality and viability up to five years from the time the application is made. For major schemes where the full impact will not be realised in five years, the impact should also be assessed up to ten years from the time the application is made. It concludes by stating that where an application fails to satisfy the sequential test or is likely to have significant adverse impacts it should be refused.

2.2 Herefordshire Unitary Development Plan

S1	-	Sustainable development
S4	-	Employment
S5	-	Town centres and retail
S6	-	Transport
S7	-	Natural and historic heritage
DR1	-	Design
DR2	-	Land use and activity
DR3	-	Movement
DR4	-	Environment
DR5	-	Planning obligations
DR7	-	Flood risk
DR9	-	Air quality
DR10	-	Contaminated land
DR13	-	Noise
H1	-	Hereford and the market towns: settlement boundaries and established residential areas
H2	-	Hereford and the market towns: housing land allocations
H9	-	Affordable housing
H13	-	Sustainable residential design
H14	-	Re-using previously developed land and buildings
H19	-	Open space requirements
E5	-	Safeguarding employment land and buildings
TCR1	-	Central shopping and commercial areas
TCR2	-	Vitality and viability
TCR3	-	Primary shopping frontages
TCR9	-	Large scale retail and leisure development outside central shopping and commercial areas
TCR18	-	Petrol filling stations
T6	-	Walking
T8	-	Road hierarchy
T11	-	Parking provision
NC1	-	Biodiversity and development
NC3	-	Sites of national importance
NC4	-	Sites of local importance
NC7	-	Compensation for loss of biodiversity
NC8	-	Habitat creation, restoration and enhancement
HBA4	-	Setting of listed buildings

2.3 Herefordshire Local Plan Core Strategy – Deposit Draft

SS1	-	Presumption in favour of sustainable development
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SS4	-	Movement and transportation
SS6	-	Addressing climate change
LO1	-	Development in Leominster
RA6	-	Rural economy
H1	-	Affordable housing – thresholds and targets
OS1	-	Requirement for open space, sports and recreation facilities
OS2	-	Meeting open space, sports and recreation needs
MT1	-	Traffic management, highway safety and promoting active travel
E2	-	Re-development of existing employment land and buildings
E5	-	Town centres
LD3	-	Biodiversity and geodiversity
LD4	-	Green infrastructure
LD5	-	Historic environment and heritage assets
SD1	-	Sustainable design and energy efficiency
ID1	-	Infrastructure delivery

As part of the evidence base for the completion of the Core Strategy the Council has commissioned a Town Centres Study update and this was completed in December 2012. This is referred to in the following Officer's Appraisal and is considered to be material to the determination of this application.

- 2.4 The Unitary Development Plan policies together with any relevant supplementary planning documentation can be viewed on the Council's website by using the following link:-

<http://www.herefordshire.gov.uk/housing/planning/29815.aspp>

3. Planning History

- 3.1 A series of planning applications for extensions to the factory premises have been submitted and approved over a 15 year period and these are as follows:

NC07/3909/F – Re-location of staff car park and new fence to the rear of the site

NC07/1104/F – Extension of loading bay to east elevation, new canopy to north elevation and chimney stack to paint workshop

NC06/3638/F – Single storey extensions

NC06/0672/F – Extensions to factory and ancillary accommodation

NC01/3367/F – Alterations and extensions to factory and extension to yard

N98/0492/N – Refurbishment of site to include extension to factory, re-cladding of buildings and the erection of a new office building

4. Consultation Summary

Statutory Consultations

- 4.1 Highways Agency – Have considered the Transport Assessment that has been submitted in support of the application and comment as follows:

Given that the TA demonstrates that there is reasonable spare capacity at the A49/Mill Street junction, with development flows in future years, we are satisfied that the proposed development will have minimal detrimental impact on the Strategic Road Network

Accordingly the Highways Agency raise no objection to the proposal.

- 4.2 English Heritage – Recommend that the layout should be modified so as to define Mill Street more clearly with buildings, which would probably mean siting the petrol station further back into the site.
- 4.3 Natural England – Given the nature and scale of this proposal, Natural England is satisfied that there is not likely to be an adverse effect on the River Lugg SSSI as a result of the proposal being carried out in strict accordance with the details of the application as submitted. We therefore advise your authority that this SSSI does not represent a constraint in determining this application.
- 4.4 Welsh Water - No objection subject to the imposition of conditions to ensure that foul and surface water are drained separately from the site.
- 4.5 Environment Agency – Object to the application. The concerns raised are detailed below. With specific regard to the inclusion of a petrol filling station in the scheme their comments are as follows:

The application site falls within a water sensitive location being in a Secondary Aquifer within a groundwater Source Protection Zone 2 (SPZ 2) for a Welsh Water public drinking water supply abstraction at Midsummer Meadows. It is also adjacent to, and within hydraulic continuity of, the River Lugg (SSSI) which is a tributary of the Lugg and Wye Special Area of Conservation (SAC) further downstream.

The development falls within a Water Framework Directive (WFD) Drinking Water Protected Area. The site is within the catchment of the confluence of the Norton Brook to the River Arrow, which is currently meeting its WFD objectives. The aim is to achieve good status by 2027.

The siting of a petrol filling station (PFS) in this location, with underground fuel tanks, carries a high risk. The groundwater table is more than likely high (with the groundwater also used for drinking water supply), providing baseflows to the nearby River Lugg. The applicant should provide additional site investigation works within the footprint of the proposed petrol filling station, to determine the depth to groundwater table.

If further investigation confirms that the underground tanks must be located within the water table then we will maintain our objection to the application. The applicant may wish overcome the above concerns by utilising above ground storage tanks in a revised site layout.

Therefore we would seek confirmation that your Council deem a PFS necessary within Leominster with regard to demand and viability of the overall scheme; and that you are satisfied with such an installation in a sensitive location having considered alternative sites in areas of lower risk (even within aquifers).

The Environment Agency has also commented upon the fact that the site falls within Flood Zone 3. They also acknowledge the fact that it is also within an area that is defended by the Leominster Flood Alleviation Scheme and that their recently completed flood modelling (completed March 2013) shows that the defences along the northern boundary of the site to be below the 1% plus 20% (*allowance for climate change*) level of protection. At the present time this section of the FAS only defends against flood events up to and including the 1 in 50 year, thus putting the site at risk of flooding.

The Environment Agency are currently concerned that the submitted FRA is not sufficiently detailed. They comment that it should include information that demonstrates there will be no

adverse impact or increase in flood risk to existing properties or third party land as a result of this development. Given that flood risk, post development, will be increased for 4 properties by 100mm to 300mm during a 1 in 100 year plus climate change event, the FRA needs to include appropriate measures to confirm and ensure that the properties will not be at greater risk of flooding post development.

The FRA should also confirm safe access for pedestrians and vehicles and appropriate finished floor levels based on the outcome of the breach and overtopping assessment.

- 4.6 Network Rail - On the basis of the amended plans which show the replacement of the signalised junction with a traffic roundabout, Network Rail do not object to the application subject to the imposition of a condition to the effect that the retail store and petrol filling station will not open until the planned works to install full barriers to the level crossing by Network Rail have taken place (due to be implemented in 2015).

Internal Council Consultations

- 4.7 Transportation Manager – Objects to the proposed development because of the risk to highway users from queuing traffic at and across the Mill Street level crossing. It is noted that a roundabout is proposed at the site entrance in lieu of the traffic signals originally proposed, but it will not affect queuing traffic at busy times, as the queue is caused by down-stream congestion further into the town. The queue is often over the crossing, and the increased traffic attracted by the proposed store will only worsen the problem.

A subsidiary objection is raised by the proposed size of the supermarket. The size implies a broad range of goods for sale, which will inevitably increase traffic over the level crossing more than a more modest sized store would generate.

- 4.8 Environmental Health and Trading Standards – No objection subject to the imposition of conditions to require further assessment of the potential contaminants associated with previous uses of the site.

- 4.9 Conservation Manager

Historic Buildings – Identifies two separate issues to be considered: the direct physical impact upon adjacent heritage assets and the effect on the vitality of the historic town centre.

With regard to the first point it is noted that the existing setting of the adjacent assets is that of a large industrial building. With good design, the quality of the visual setting of the Grade II listed Poplands and the associated group of houses will not be further degraded – and could be improved. The setting of the conservation area is subject to the same considerations.

The effect on the well-being of the historic town centre is more difficult to evaluate and the application of specialist independent commercial advice to test the likely impact of the development on the town centre is vital.

- 4.10 Ecology – A screening report has been completed to determine the effects of the development on water quality within the River Wye Special Area of Conservation (SAC). It has been concluded that the proposal has no likely significant effects on the River Wye SAC.

With regard to the ecological reports submitted with the application, it is noted that there are issues to be resolved regarding the translocation of reptiles and biodiversity enhancement, but no objection is raised subject to the imposition of conditions to address these matters.

- 4.11 Archaeology – No objection subject to the completion of a field evaluation report.

4.12 Emergency Planning Officer – Notes that the site is susceptible to flooding but does not object to the proposal.

5. Representations

5.1 Leominster Town Council – Initially recommended approval subject to Network Rail objections being resolved, but recommend refusal of the amended scheme. The Town Council have also forwarded thirty three letters of objection that they have received. A number of these are duplicates that have been sent separately to the local planning authority and the issues raised are summarised later in the report.

5.2 River Lugg Internal Drainage Board – Raise no objection to the proposal but recommend that storm water run-off from the site should be at Greenfield run-off rates.

5.3 Leominster Civic Society – Objects to the application on the following grounds:

- The economic well-being of the town. Town centre shops will not be able to compete against the range and price of goods available, or the provision of free car parking, leading to shop closures and job losses.
- The heart of Leominster, together with the character of the conservation area, will be damaged because less money will be available to maintain buildings.
- Environmental concerns relating to flood risk, reduced air quality due to increased traffic movements along Mill Street, and impacts on local residents during construction and from increased lighting of the site.
- Question the findings of the revised Transport Assessment as they have witnessed traffic backed up onto the A49 on many occasions. It is also noted that the assessment makes no mention of traffic associated with Brightwells.
- Job creation associated with supermarkets often fails to fulfil the stated aims and it is noted that in 2011, whilst supermarkets increased their floor areas by 2.75 million square feet across the country, the number of people employed fell by 400.

5.4 North Herefordshire Constituency Green Party – Object to the application on the following grounds:

- ‘One-Stop-Shop’ superstores in out-of-centre locations such as this do irreparable damage to existing town centre retail areas, resulting in the closure of small businesses, empty shops and the neglect of historic buildings.
- The claim that customers will walk to town to make further purchases is not credible as the site is too far away.
- Customers driving to the superstore are unlikely to drive to the town centre and re-park, thus moving from a free car park to paid parking.
- The retail impact will be substantial and will lead to a loss of trade in the town centre, including larger traders such as the Co-Operative store which plays a pivotal role in Leominster due to its location. A significant trade diversion from this store will reduce the amount of linked trips to the rest of the town centre.

5.5 Fifty three surveys completed by independent traders in the town centre have been received. The survey asks a number of questions of those completing it, including whether they consider the proposal would have an impact on their business. Forty four of the respondents considered that the proposal would have an impact on their business, and these impacts are summarised as follows:

- Less people will visit the town centre, causing businesses to close
- Knock on effect to local producers who supply businesses
- Unable to compete with supermarket prices

- A supermarket will sell the same products that are available in town centre in direct competition
- Free parking at a supermarket will stop people using the town where they have to pay
- Tourists will be diverted out of the town with a loss of new customers, particularly if the store has a coffee shop
- The proposal would have a positive impact as it would encourage more people to shop locally

5.6 Eighty two letters of objection have been received in response to the Council's statutory consultation period. In summary the points raised are as follows:

Retail and economic impact

- Leominster has sufficient supermarket retail premises already.
- The proposal is contrary to Policy TCR9 of the Herefordshire UDP as projections show that additional retail space is not required in the next 10 years.
- The proposal will have a detrimental effect on the vitality of the town centre, contrary to Policies TCR1, TCR13 and S5 of the Herefordshire UDP and paragraphs 23-27 of the National Planning Policy Framework.
- The proposal is contrary to recent Government guidance on town centre vitality following the Portas Review.
- Trade diversion from Co-Op and Aldi will impact on the number of linked trips between these stores and independent shops in the town centre.
- Independent shops do not have the resilience to withstand the further 7% loss of business suggested by the retail assessment.
- The jobs created by the proposal will be outweighed by those lost as independent shops close, and the subsequent knock-on effects to other local suppliers and service providers.
- Supermarket customers will not walk to town due to its distance away.
- The provision of free parking represents an unfair trading advantage which shops in the town centre cannot offer.
- Untenanted business premises would lead to buildings falling into disrepair and impacting upon the town's tourist trade.

Impact on heritage assets

- The proposal will have a detrimental impact on The Poplands, a Grade II listed building adjacent to the site.
- Lack of repair of listed buildings in the town centre will impact detrimentally upon its status as a conservation area.

Flood risk and water quality

- Concerns about the increased risk of flooding, both as a consequence of ground levels being raised within the site, and from additional surface water run-off.
- The proposal will impact upon water quality within the River Lugg Special Area of Conservation (SAC). Increased run-off will add to phosphate levels in the watercourse.

Highway matters

- Questions raised about the validity of the traffic survey. Why was it not completed at a busier time of the year and why does it not account for seasonal variations of traffic movements (bank holidays/summer traffic)?
- Concerns about highway safety, particularly due to the proximity of the proposed junction to the level crossing and the possibility of traffic backing up.

- Increase in traffic congestion along Mill Street and also at the junctions with the A49 and B4361.

Environmental concerns

- Increase in noise in the local area associated with traffic and with night-time deliveries to the store.
- The Air Quality Assessment is based on low traffic flows that do not reflect seasonal variations.

Impacts of the petrol filling station

- The proximity of the petrol filling station to houses represents a health and safety concern.
- There is no need for another petrol filling station when there is an existing one that is better located in close proximity.

Other issues

- The transfer of the existing business on the site to the Enterprise Park should not be used to justify this proposal.
- The site is more appropriate for housing and should be used to provide more affordable dwellings.
- A smaller supermarket designed for the needs of the immediate locality could be more feasible.
- Herefordshire Council rejected a similar proposal by Sainsbury's in Ledbury. This proposal should result in the same outcome.

5.7 A petition with 26 signatures from residents on Porters Mill Close has been received. The signatories express concerns that additional flood defences will be required as a consequence of the development and question whether this will impede drainage elsewhere and thus increase the risk of flooding to their properties.

5.8 An objection has also been lodged by England & Lyle Planning Consultants, acting on behalf of the Co-Operative Group. In summary the points raised are as follows:

- The applicant's estimate of trade diversion from Hereford of 20% is an over-estimation and the proposed food store would compete to a greater degree with existing stores in Leominster.
- The assumption in the retail statement supporting the application that the Co-Operative is overtrading is incorrect. It is estimated that the proposal will have a trade impact of 38%, reducing turnover to a level that would make the store unviable.
- The proposal would have a significant impact upon the Co-Operative and would reduce the amount of linked trips between it and other retailers in the town centre.
- The assessed impact on Leominster town centre would have a significant impact on the overall vitality and viability of the centre, contrary to the NPPF.

5.9 An objection has also been lodged by Peacock & Smith Planning Consultants, acting on behalf of Wm Morrison Supermarkets Plc. In summary the points raised are as follows:

- The site is in an out-of-centre location. The distance of the proposal from the Primary Shopping Frontage has been calculated by measuring from the periphery of the site, and not to the store entrance. The distance of 350 metres quoted in the retail assessment is therefore inaccurate.

Further information on the subject of this report is available from Mr A Banks on 01432 383085

- The loss of employment land is contrary to Policy E5 of the Herefordshire Unitary Development Plan. There is no evidence to suggest that the site has been marketed for alternative employment use.
- The Council should satisfy itself that the site comprising Broad Street car park does not represent a sequentially preferable site that is neither suitable, available or viable for retail use.
- The proposal is likely to have a significant adverse impact on existing convenience retail facilities in Leominster, including the in-centre Morrisons store at Barons Cross Road.

5.10 An objection has also been lodged by DTS Raeburn Geotechnical and Environmental Engineering Consultants, acting on behalf of Morbaine Limited, the applicant for the site for a supermarket on Southern Avenue (123317/O). In summary the points raised are as follows:

- The Flood Risk Assessment does not demonstrate that the risk of flooding at the site and to surrounding properties can be adequately managed, given that the site is within a Flood Zone 3a.
- The site at Southern Avenue is a sequential preferable site with respect to flood risk. The proposal does not consider any other sequentially preferable sites in this regard.
- The proposal includes the provision of a petrol filling station with associated underground storage tanks. These would be located within a Groundwater Protection Zone and the applicant has failed to demonstrate that the site is suitable for the proposed use.

5.11 Representation has been submitted on behalf of B&Q Plc. They advise that they are broadly supportive of the proposal for a food store as they consider that it would increase footfall to their store directly opposite. Their only concern relates to the proposed traffic light controlled junction.

5.12 Four letters of support have been received. In summary the points raised are as follows:

- The site would be accessible from the town centre by foot via Church Street, the bridge over the Kenwater and through B&Q car park.
- The development would lessen the amount of vehicles on the A44 (Bargates).
- Increased competition for existing supermarkets in the town.
- There are limited shopping opportunities in Leominster and a development that would increase footfall would help to improve the town centre.
- The scheme will bring new jobs to the area.
- A large number of people travel to supermarkets in Hereford.

5.13 The consultation responses can be viewed on the Council's website by using the following link:-

<http://news.herefordshire.gov.uk/housing/planning/searchplanningapplications.aspx>

Internet access is available at the Council's Customer Service Centres:-

www.herefordshire.gov.uk/government-citizens-and-rights/complaints-and-compliments/contact-details/?q=contact%20centre&type=suggestedpage

6. Officer's Appraisal

6.1 In order to ensure a detailed assessment of this proposal, the Council has commissioned its own independent advice in respect of the retail impact study submitted by the applicant. This has been undertaken by Deloitte, who also completed the Town Centres Study update as part of the evidence base for the Core Strategy and have assessed the proposal for the application at Southern Avenue. Their response covers a number of aspects in relation to retail impact as follows:

- Whether there are sequentially preferable sites that could meet the identified need for additional retail floor space within Leominster;
- The impact of the proposal on the vitality and viability of Leominster town centre;
- The likely impact of the proposal upon the historic and architectural heritage of Leominster Town Centre / Conservation Area (e.g. retaining viable uses for the listed buildings within the Town Centre);
- The likelihood or otherwise of linked trips to the town centre;
- Whether the proposal delivers a sustainable pattern of development reducing the need to travel, especially by car;
- Whether the development is otherwise compliant with Central Government advice and Development Plan policy.

6.2 These matters will be considered in turn by this report. The application has generated significant public interest and other material considerations that have been raised are detailed in the representations section of this report. Matters relating to highway safety, flood risk, impacts on heritage assets, concerns relating to the provision of a petrol filling station on the site, loss of employment land and environmental issues will also be assessed.

Sequential Testing

- 6.3 The application of a sequential approach and impact tests to non-central retail proposals (and other town centre uses) remains a key policy requirement of the NPPF. It maintains a 'town centre first approach' as the Government is committed to promote the vitality and viability of town centres and in this respect Policy TCR9 of the UDP is consistent with the NPPF. In addition, town centre sites tend to be in sustainable locations that reduce the need to travel, especially by car. In this case it has been agreed by all parties that the application site is in an out-of-centre location, being 350 metres when measured as a direct line and approximately 475 metres walking distance from the closest part of the Primary Shopping Frontage as defined by Policy TCR3 of the UDP. This is an accepted method of measuring distances between a site and the Primary Shopping Frontage of a town by retail experts and Planning Inspectors. The measurement should not be taken from what is notionally considered to be the centre of the shopping area.
- 6.4 In accordance with the NPPF the applicant's retail impact assessment includes a sequential test to identify possible alternative sites within the Leominster area. The retail assessment accompanying the application looks only at a site comprising Broad Street car park, the fire station and an adjoining and existing retail premises that fronts onto Broad Street. The site has been discounted by the assessment on the basis that it has been assessed under a separate application (at Southern Avenue), and the Council has concluded that it is not currently available.
- 6.5 The site at Broad Street is identified in the Council's Town Centres Study update as one that may be appropriate for development to meet future floor area capacity. Its re-development would require the relocation of the fire station and an agreement with the owners of the retail unit that fronts onto Broad Street to purchase their building and land. It would also require an agreement from the Council to sell the land. The availability of the car park has previously been investigated and it has been confirmed that it is not currently available.
- 6.6 The sequential test accompanying the application at Southern Avenue is more comprehensive in that it looks at other sites within and on the edge of the town centre – Burgess Street Car Park and Land to the west of Dishley Street. It has previously been concluded that these are either not available or not viable as alternative sites and have therefore been discounted.
- 6.7 It is therefore your officer's view that in simple geographic terms, the site at Mill Street is sequentially the most preferable site. Although it is in an out-of centre location, it is considered

to be within walking distance of the town centre and is well related to the residential areas immediately to the north and west of it. The site is clearly available and its current occupants have secured planning permission to re-locate to new premises on the Enterprise Park, although this has yet to be constructed.

- 6.8 Matters relating to the suitability and viability of the site are also material to determining whether the site is sequentially the most appropriate for development. Concerns about flooding and highway matters; particularly in respect of the sites close proximity to a level crossing have been raised by many objectors and are acknowledged by the applicant's agent. These will be assessed later in the report.

Impact upon the vitality and viability of the existing town centre

- 6.9 The quantitative assessment of convenience goods floor space needs in Leominster town centre in the Town Centres Study update indicates that there will be a demand for additional floor space over the Core Strategy plan period as follows:

Year	Floor space capacity (net sq m)
2012	+1,483 to +3,412
2016	+1,670 to +3,842
2021	+1,938 to +4,458
2026	+2,242 to +5,157
2031	+2,571 to +5,912

These figures reflect a combination of population growth and the projected residential growth of the town that underpins the Core Strategy as far as Leominster is concerned.

- 6.10 The proposal shows that the net floor space of the retail store amounts to 4,645 square metres, falling within the margins of projected floor space demand for 2026.
- 6.11 Leominster currently has three larger food retail stores; Morrisons, Aldi and Co-Op. The applicant's retail assessment highlights the fact that all three are trading well above company benchmark averages, and that they are overtrading. It goes on to consider that the proposal will compete most directly with Morrisons and the assessment considers the trade diversion that is likely to arise if the development were to be permitted. It assesses trade diversions based on the size and anticipated function of the store, its distance from competing facilities, ease of access, existing shopping patterns and overlap in goods sold.
- 6.12 The applicant's assessment judges that the turnover from convenience goods would be £28.5m in 2018 and that 14.9m would be diverted from Morrisons, representing just under half (49.6%) of that store's projected turnover. The next highest diversion is from food stores in Hereford, being £8m, whilst Aldi and the Co-Operative in Leominster follow with respective diversions of £1.7m and £1.0m. In both cases this amounts to 16% of their projected annual turnover at 2018. With regard to other independent food retailers within the town centre, the assessment estimates that £300,000 will be diverted from them to the proposed store and that this represents 6.1% of their projected turnover. However, further interrogation of these figures suggests that this figure should be 7.1%.
- 6.13 A similar assessment of trade diversions associated with the sale of comparison goods suggests that the proposed store would see an associated turnover of £7.3m in 2018. The most significant diversion will be from Hereford city, but that the £4.8m diverted would be marginal in terms of its impact on that study area whose overall turnover exceed £330m.
- 6.14 The main diversions in this regard are again from Morrisons (£300,000 diverted from their total turnover of £4.7m showing a 5.3% impact), and from retailers in the town centre (£1.5m of a total turnover of £32m representing an impact of 4.7%).

- 6.15 The advice provided for the Council by Deloitte accepts the methodology and data contained within the applicant's retail assessment. It does however question the estimates in respect of Morrisons. It suggests that, given that comparison goods purchases in large foodstores tend to be associated with a food (convenience) shopping trip, the 4.7% trade impact is considered to be low when taken with the 50% impact in respect of convenience goods.
- 6.16 The Deloitte report acknowledges the finding of the Town Centre Study update that Leominster town centre appears to be in good health. It also highlights the fact that existing convenience food retailers are trading well and manage to limit the leakage of retail expenditure with retention rates being high at 86%. They comment that this will lessen the potential for much further clawback from other areas. Your officers consider this to be an important point as it re-emphasizes the point demonstrated by the figures above that the proposal will largely see the re-distribution of turnover from existing retailers to this proposal.
- 6.17 Deloitte's assessment acknowledges that the trade impacts on Morrison's store are very high and that, while the store is trading well, these impacts must be seen in the context of Barons Cross having 'local centre' status in the UDP, and therefore perhaps justifies a level of protection that would not otherwise be the case.
- 6.18 The retail assessment completed by the applicant largely discounts the impact on Aldi on the basis that it occupies an edge-of centre position. Whilst its status as edge-of-centre is accepted, it is your officer's view that the impacts upon it should not simply be set aside. It is well related to the town centre, is immediately opposite the town's bus station and makes a different contribution to the convenience retail market with its focus on discounted products.
- 6.19 The quantitative impacts on Aldi and the Co-Operative are quite significant and these impacts will, in the opinion of the Deloitte report, result in a reduction in shopper activity. The same consequence also applies to the Morrisons store.
- 6.20 Aldi and Co-op are both well placed in relation to the town centre and it is reasonable to conclude that their customers will undertake linked trips to other shops. A diversion of trade from both may have further implications for other independent retailers in the town centre beyond those identified in the applicant's retail assessment.
- 6.21 The Deloitte report notes that the economic recession has had a major impact on retailing, particularly in smaller centres. It concludes that, despite its relative health, there can be no doubt that Leominster is vulnerable to the changes in retailing that are taking place and goes on to say that:

"We therefore have concerns that the introduction of a second large foodstore in Leominster of the size proposed outside the town centre could significantly undermine the shopping role of the town centre."

With regard to the Morrisons store and its position as a 'local centre' the report concludes as follows:

"The estimated impact on Morrison's within Barons Cross Local Centre of just under 50% would cause shopper activity / footfall to be significantly reduced, although the store is unlikely to suffer major contraction in its offer."

- 6.22 On the basis of this clear and independent advice, it is concluded by your officers that the proposal will have a significant detrimental effect on the vitality and viability of Leominster town centre and is therefore contrary to the National Planning Policy Framework and Policies S5, TCR1, TCR2 and TCR9 of the Herefordshire Unitary Development Plan.

Linked Trips

- 6.23 The notion that customers will visit the proposed supermarket and, as part of the same trip visit other shops and/or use other services within the town centre is an important factor when determining the impact of a scheme on the vitality and viability of a town centre. This not only relates to the location of the proposed development, but also upon the diversity of the goods and services that it seeks to provide.
- 6.24 The 2012 Town Centre Study Update does, as has previously been acknowledged, indicate a demand for additional convenience retail floor space in both the short and medium term. However, the study also assumes that opportunities for provision will exist within the town centre, drawing more shoppers in and complementing existing independent shops.
- 6.25 The report prepared by Deloitte surmises that the impacts on existing convenience stores, primarily Aldi and the Co-Operative, will be significant and will result in a reduction in shopper activity. It considers the possibility of 'spin-off' trade for existing shops arising from the development of a new food store but concludes that:
- "The proposed foodstore is not in the town centre and therefore its ability to provide for existing shops in the town centre is in our view open to question. This is particularly so because of the size of the proposed store and the wide range of both convenience and comparison goods that it would offer. By way of comparison, with a net sales area of 4,645 sq.m, the proposed store is significantly larger than the existing Morrisons having 2,694 sq.m net."*
- 6.26 By virtue of its size and the wide range of convenience and comparison goods that would be on offer, whilst at 475 metres it is within a reasonable walking distance of Leominster's town centre, the proposed supermarket is likely to become a 'one-stop-shop' for customers and will not result in linked trips to it.
- 6.27 Furthermore, with very limited clawback and a significant proportion of the proposed store's turnover being diverted from Morrisons, there is no reason why residents should make additional visits to the town centre. Any 'linked trip' benefits arising would have to be from new shoppers who currently do not visit the town (mostly from outside the town's acknowledged catchment area). Hence it is considered that any benefits would be very limited.
- 6.28 It is therefore concluded that the store would become a destination in its own right with shoppers unlikely to visit the town centre. This would be to the further detriment of the vitality and viability of the town centre. In light of the fact that the site is in an out-of-centre location, this calls into question its sustainability therefore the proposal is contrary to the National Planning Policy Framework in terms of its promotion of sustainable forms of development, and to Policies S1, S5, S6, DR2 and DR3 of the Herefordshire Unitary Development Plan.

Impact upon Heritage Assets

- 6.29 The Poplands is a Grade II listed building which fronts onto Mill Street and lies immediately adjacent to the application site. It is a timber framed building and is particularly prominent when passing along Mill Street in a westerly direction.
- 6.30 The existing setting of the listed building is that of a large industrial building and its requisite hard standing areas. The closest element of the proposed scheme to The Poplands is the petrol filling station and, in comparison to the existing industrial building, it is of a very modest scale. The main mass of building that comprises the supermarket is set further back in the site and will not have an obvious visual relationship with the listed building.

- 6.31 The Council's Conservation Officer has commented that with good design, the quality of the visual setting of the listed Poplands and the associated group of houses immediately to the east will not be further degraded and could be improved. In this respect the proposal is considered to accord with Policy HBA6 of the Herefordshire Unitary Development Plan.
- 6.32 Leominster's town centre is also considered to be an important heritage asset as it is designated as a Conservation Area and contains many listed buildings. 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 Leominster town centre, it is submitted that there would be a secondary negative impact upon the character of the Conservation Area. Clearly to retain retail uses within existing premises, many of which are listed, the businesses must remain viable.
- 6.33 Chapter 12 of the NPPF relates to the historic environment. It requires that local planning authorities should take into account the desirability of sustaining and enhancing heritage assets and of new development making a positive contribution to local character and distinctiveness. Paragraph 128 of the NPPF states
"In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected..."
- It goes on to say:
"The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance."
- 6.34 The potential trade diversion from retail premises within the town centre, and the Aldi edge of centre store which promotes linked trips to independent retailers, will mean that there is a prospect of existing retail businesses ceasing trading. This would lead to the vibrancy of Leominster 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. It is considered that this would be detrimental to the Conservation Area and may lead to it becoming a heritage asset which is at risk, contrary to the National Planning Policy Framework and Policy S7 of the Herefordshire Unitary Development Plan.

Impacts of the Petrol Filling Station

- 6.35 The Environment Agency has commented in detail about this aspect of the proposal, particularly expressing concerns about the fact that it is located within a Secondary Aquifer within a Groundwater Source Protection Zone 2, and the possibility of contamination of the underlying aquifer, supply wells, boreholes and nearby watercourses.
- 6.36 The Environment Agency comments refer to guidance in their recently revised Groundwater Protection: Policy and Practice (GP3) which states that:
"We will object to storage of hazardous substances below the water table in principal or secondary aquifers"; unless:
"there is evidence of overriding reasons which indicate a) the activity cannot take place on unproductive strata (elsewhere); and b) the storage must be below ground."
- 6.37 The Environment Agency have advised that the local planning authority should confirm whether the petrol filling station is necessary within Leominster with regard to demand and the viability of the scheme, and that it is satisfied that all other alternative sites in areas of lower risk; including within aquifers, have been considered.
- 6.38 Your officers have continued to liaise with both the applicant's agent and the Environment Agency and the applicant's consultants continue to be engaged in a dialogue with the Environment Agency to ascertain whether the technical issues that have been raised are

capable of resolution. However, as the application stands, and on the basis of the advice given by the Environment Agency, your officers are not satisfied that, by virtue of the inclusion of underground storage tanks for the associated petrol filling station, the proposal ensures that the quality of groundwater supplies will be safeguarded and therefore the scheme is contrary to Policies S2 and DR4 of the Herefordshire Unitary Development Plan.

Flood Risk

- 6.39 The Flood Risk Assessment (FRA) and Drainage Strategy accompanying the application acknowledges that the site lies within a Flood Zone 3 and that the northerly part of the site is prone to ponding during periods of prolonged and extreme rainfall events. This is also highlighted in a number of the letters of objection received, particularly from residents in Porters Mill Close who are concerned about an increased risk of flooding to their properties, particularly as the plans include the raising of the ground level across the site to 71m AOD, amounting to an increase of nearly a metre in some areas.
- 6.40 The FRA attributes the ponding of water on the site to a combination of a high groundwater table and ineffective soakaways. It accepts that the drainage by infiltration is not a viable option for the proposal and therefore discounts it as a practical solution, suggesting that surface water would be dealt with either by connection to the mains sewer, or by a new outfall to the River Lugg. In either circumstance the report advises that run off would be attenuated to a mean Greenfield rate through the inclusion of a storage tank for the retail element of the scheme, designed to accommodate a 1 in 100 year rainfall event plus a 30% climate change allowance. The increase in levels across the site is required in order that the required drainage falls can be achieved.
- 6.41 The Environment Agency has not raised an objection to the application in respect of flood risk but they do comment on two particular matters. First they advise that the site lies within an area defended by the Leominster Flood Alleviation Scheme, but that their most recent flood modelling indicates that at the present time this section only defends against flood events up to and including the 1 in 50 year, thus putting the site at risk of flooding. The second matter is that the FRA does not appear to apply a sequential test to identify reasonably available sites in areas that are less prone to flooding.
- 6.42 The applicant's consultant has engaged in discussions with the Environment Agency about the possibility of improving the flood alleviation scheme in order that it would provide an increased level of protection for the site and 277 dwellings adjacent to the site in the event of a 1 in 100 plus 30% climate change flood event. A scheme is being developed by the applicant's consultant to provide for this and it would require the height of the bund to be raised. This falls beyond the application site and, if the application were to be approved, it would need to be secured as part of a Section 106 Agreement. It is work that is considered to be necessary to facilitate the re-development of the site and would provide wider public benefit by improving flood protection. The applicant's agent has confirmed that their client is content to meet the costs of these improvement works.

Highway Matters

- 6.43 The application as originally submitted was accompanied by a Transport Assessment (TA). Many of the objections originally made were critical of the fact that this relied on survey work undertaken in December and January, and that this was not a true representation of traffic conditions along Mill Street. The objectors expressed the view that traffic tends to tail back along Mill Street to the A49, particularly during the holiday season and during Bank Holidays, and that the TA did not reflect this.
- 6.44 Many objectors have also raised concerns about vehicles queuing back to the level crossing and the potential hazard that would result if they were to straddle the line as barriers were

closed. Network Rail also objected on this basis and expressed concerns that the TA did not take account of their intention to replace the barriers and increase the period that they will close from 45 seconds to 120 seconds.

- 6.45 Accordingly the applicant's transport consultant has reviewed the TA and has re-assessed on the basis of further traffic surveys undertaken during May and June (26th May until 2nd June), incorporating a Bank Holiday on 27th May. The applicant's agent has also met with representatives of Network Rail and the revised TA is based on the changes to the barrier system that are intended.
- 6.46 Notwithstanding the further survey work that has been undertaken, the principal change to the scheme has been to amend the junction layout, replacing the traffic lighted junction with a four arm roundabout that would serve B&Q as well as the proposed supermarket. The residential element of the scheme remains to be served through an extension of the existing road of Porters Mill Close. The scheme also includes a signalized pedestrian crossing on Mill Street to the west of the proposed roundabout.
- 6.47 The replacement of the traffic lighted junction with a roundabout, and the revised traffic survey have met with the approval of Network Rail who have raised no objection subject to a condition that the store and petrol filling station should not be opened until their planned improvement works are complete. They are otherwise content that the traffic modelling, based on the revised survey data, is accurate in its demonstration that a roundabout will not cause queues that would impede the safe operation of the level crossing.
- 6.48 However, the Transportation Manager's comments maintain an objection to the proposal on highway safety grounds. He has considered the traffic modelling data submitted by the applicant's transport consultant and has also visited the site himself on more than one occasion. He has advised that he has witnessed traffic queuing back along Mill Street first hand and his comments reflect the concern that, notwithstanding the installation of a roundabout which is intended to allow the free-flow of vehicles, traffic will continue to queue. In his view this will only be worsened by a development that will significantly intensify traffic movements in and out of the site.
- 6.49 In light of the differing views that have been expressed, a judgment must be made about the likely effects of the development. Although the modelling indicates that the introduction of a roundabout would not cause queuing, the first hand experience of your officers suggests otherwise and it is concluded that the proposal will result in an increase in traffic movements that are likely to increase the frequency of queuing traffic along Mill Street and to the detriment of highway safety, contrary to Policies S1, S2, S6, DR3 and T8 of the Herefordshire Unitary Development Plan.

Loss of Employment Land

- 6.50 The site has a long established employment use where Policy E5 of the Unitary Development Plan is applicable. It advises that proposals that result in the loss of employment land will only be permitted where there are substantial benefits to residential or other amenity in allowing other forms of development and that the site concerned is unsuitable for other employment purposes.
- 6.51 The current use of the site for steel fabrication has given rise to complaints about noise nuisance in the past from adjacent dwellings. The business has developed on an ad-hoc basis and is not ideally suited to its current location next to residential areas, and it is considered that its re-location would represent a benefit to residential amenity, one of the reasons outlined by Policy E5 of the Herefordshire Unitary Development Plan as justifying the loss of employment land. It is also considered that the potential improvements to the Leominster Flood Alleviation Scheme are material to this and also represent another

improvement to amenity that may further justify the loss of employment land in accordance with Policy E5.

- 6.52 The northernmost part of the site is allocated for residential use by Policy H2 of the UDP and, in isolation, the effect of this would be to introduce further housing in closer proximity to an existing industrial use where there has been a history of complaint.
- 6.53 The proposal does retain an element of employment use on the site, including a reduced element of manufacturing and the office building that fronts onto Mill Street. The retention of these elements ensures a continued employment use and the applicants have secured planning permission to re-locate their business to the Enterprise Park. On balance it is considered that the loss of employment land is justified and the proposal accords with Policy E5 of the Herefordshire Unitary Development Plan.

Other Environmental Impacts

- 6.54 Objections received also refer to the potential for nuisances to be created through an increase in road traffic noise, and noise associated with the operation of a supermarket from the site; and a reduction in air quality in the locality; primarily related to traffic. Some objections also refer to nuisance arising during construction if the development were to be permitted. Both matters are addressed by noise and air quality assessments submitted in support of the application. In each case the reports have been updated to reflect the traffic survey results of the most recent transport assessment.

Noise

- 6.55 The noise assessment has been completed in accordance with national legislation and guidance. The report identifies seven locations within the locality where the noise impacts of increased traffic movements will be most keenly felt, and models the likely increases in noise based on the projected traffic movements in the transport assessment. The report advises that for a change in road traffic noise to be audible, an increase or decrease of 3dB is typically required. The application of the modelling has not been brought into question and your officers have been given no reason to doubt its accuracy. It makes projections of noise levels from operational traffic based on anticipated traffic flows in 2018, both with and without the development. The impacts range between 0.0 and 0.6 and are deemed to be marginal.
- 6.56 With regard to stationary plant associated with the operation of the store and petrol filling station, the report advises that it should be compliant with BS4142 to ensure that its noise rating does not exceed background noise levels from residential receptors. Details of the equipment have not been submitted but it would be reasonable to address this through the imposition of conditions that require the submission of details of equipment prior to the commencement of development.

Air Quality

- 6.57 Like the noise assessment, the air quality assessment has been undertaken in accordance with national legislation and guidance and is based on the updated traffic survey. It concludes that impacts associated with development traffic are considered to be of a small to negligible magnitude.
- 6.58 The report also considers the impacts of the petrol filling station on nearby residential properties. It advises that, due to its size, it would fall under the scope of Environmental Permitting Regulations and as such emissions from the petrol station are subject to prescribed limits enforced by a permit issued by the local authority.

Nuisance during construction

- 6.59 It is acknowledged that development will sometimes give rise to nuisance during the construction phase. This can be mitigated through the imposition of conditions and the report recommends the completion of a construction method statement. This is considered to be a reasonable approach should the application be approved.
- 6.60 It is therefore concluded that matters of potential nuisance will either be within accepted tolerances, can be mitigated through the imposition of appropriately worded conditions, or would be controlled through separate environmental protection legislation. The proposal is considered to accord with Policies S1, S2, DR4, DR9 and DR13 of the Herefordshire Unitary Development Plan in this regard.

Conclusion

- 6.61 In summary, your officers are of the view that whilst there are some positive aspects to the scheme, namely the removal of an un-neighborly industrial use from a primarily residential area and the potential improvements to the Leominster Flood Alleviation Scheme that would reduce the risk of flood for existing properties adjacent to the site, these are out-weighted by the other material planning considerations that have been discussed throughout this report. By virtue of the size of the proposed retail store, the scheme will have an unacceptable impact on the vitality and viability of the town centre. The impacts on the town centre are likely to see an increase in vacant properties within the Conservation Area and your officers consider that the long-term effects of this will be to erode its character and appearance. In addition the Council's Transportation Manager objects due the potential for queuing traffic on Mill Street and the railway level crossing. Finally, the applicant has been unable to satisfy the concerns raised by the Environment Agency about the likely effect of the petrol filling station, and particularly its underground storage tanks, on the aquifer and groundwater source protection zone. The application is therefore recommended for refusal.

RECOMMENDATION

That planning permission be refused for the following reasons:

- 1. The applicant has failed to demonstrate that the proposal would not have a significant adverse impact upon the viability and vitality of Leominster Town Centre contrary to the National Planning Policy Framework and Policies S5, TCR1, TCR2 and TCR9 of the Herefordshire Unitary Development Plan 2007.**
- 2. Given reason for refusal 1 above, the Local Planning Authority consider that the proposed development would be likely to adversely affect the character of the Leominster Conservation Area contrary to the National Planning Policy Framework and policy S7 of the Herefordshire Unitary Development Plan 2007.**
- 3. The proposal is considered to be in an unsustainable location that would increase reliance upon the private motor vehicle, contrary to the guiding principles of the National Planning Policy Framework and policies S1, S5, S6, DR2 and DR3 of the Herefordshire Unitary Development Plan 2007.**
- 4. The site is located within a Secondary Aquifer and a groundwater Source Protection Zone 2 and the applicant has not demonstrated that there are overriding reasons to justify the siting of a petrol filling station in this location. Furthermore it has not been demonstrated that the proposed petrol filling station and its associated underground storage tanks can be accommodated on the site without detriment to water supplies and therefore the proposal is contrary to Policy DR4 of the Herefordshire Unitary Development Plan.**

5. The proposal is likely to result in traffic movements that increase the frequency of queuing traffic along Mill Street to the detriment of highway safety, contrary to Policies S1, S2, S6, DR3 and T8 of the Herefordshire Unitary Development Plan.

INFORMATIVES

1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations and identifying matters of concern with the proposal and discussing those with the applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for refusal, approval has not been possible.

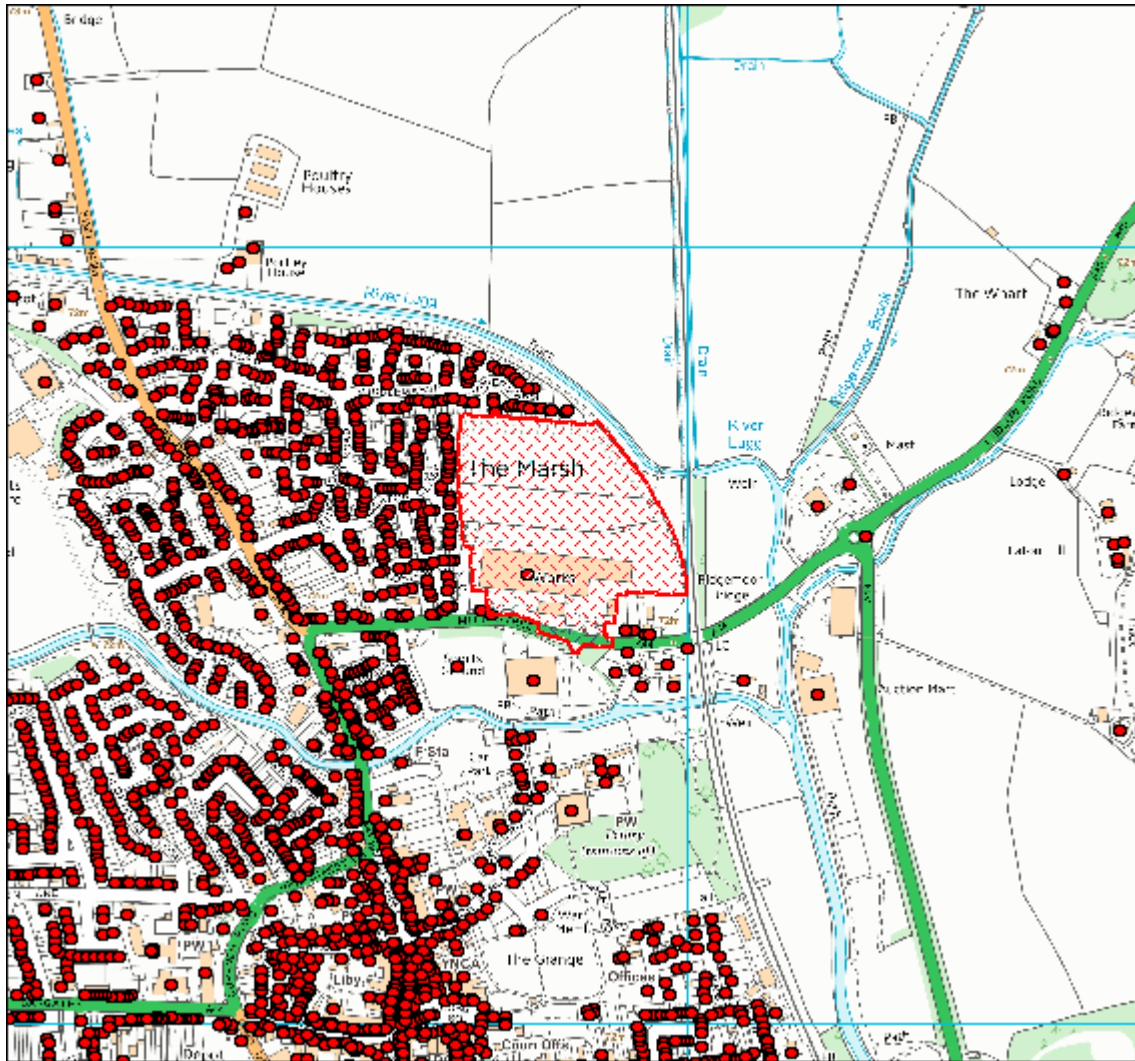
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 130616/F

SITE ADDRESS : LAND AT MILL STREET, LEOMINSTER, HEREFORDSHIRE

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