

MEETING:	PLANNING COMMITTEE
DATE:	16 JULY 2014
TITLE OF REPORT:	<p>P132028/F - DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF A CLASS A1 RETAIL FOODSTORE, CAR PARKING, NEW ACCESS ROAD, LANDSCAPING ASSOCIATED WORKS AND CHANGE OF USE OF OVERROSS GARAGE SHOWROOM BUILDING TO CLASS D2 AT LAND AT OVER ROSS STREET, ROSS-ON-WYE, HEREFORDSHIRE</p> <p>For: Tesco Stores Limited per DPP Sophia House, 28 Cathedral Road, Cardiff, CF11 9LJ</p>
WEBSITE LINK:	https://www.herefordshire.gov.uk/planningapplicationsearch/details/?id=132028

Date Received: 24 July 2013

Ward: Ross-on-Wye East

Grid Ref: 360315,224462

Expiry Date: 14 November 2013

Local Members: Councillors AM Atkinson and PGH Cutter

1. Site Description and Proposal

- 1.1 The application relates to a substantial, irregular shaped parcel of land within the built environs of Ross on Wye which amounts to approximately 4 hectares. The site lies to the north east of the town centre. It is bounded to the north by existing residential development – Brookmead and Rudhall Meadow; to the north-east by Broadmeadow Camping and Caravan Park; the east by Ashburton Industrial Estate; the south by a disused railway embankment and in turn Morrisons supermarket, and to the west by a public car park.
- 1.2 The site, Broadmeadows Industrial Estate, is currently used for a variety of commercial purposes that include a coach depot, recycling centre and pallet business. Outlying areas of the site also include the Ross and Monmouth Sea Cadets premises that are located in the south eastern corner, Overross Garage buildings to the north-west and fronting onto Overross Street, and two residential properties on the opposite side of the road.
- 1.3 The site has a number of environmental constraints. It is listed as being potentially contaminated due to an historic use as a coal yard, although current uses are also likely to have the potential to cause additional contamination. It is dissected by two watercourses – Chatterley and Rudhall Brook, and is part of a wider area that has been subject to improvement works as part of the Ross on Wye Flood Alleviation Scheme. Notwithstanding this, the majority of the site is identified as falling within Flood Zone 3, and also within a Groundwater Source Protection Zone 3.
- 1.4 A public footpath crosses the site and links Station Street to the south with the caravan site to the north east. The disused railway embankment is well vegetated and brings about a

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

significant level change within this locality, the site being approximately 5.5 metres lower. The topographical survey submitted as part of the application also suggests significant level differences at the north western corner of the site – the Overross Garage buildings being approximately 5 metres above the site, and the Sea Cadets premises to the south-east 2.5 metres above.

- 1.5 Part of the site is within the Wye Valley Area of Outstanding Natural Beauty (AONB), but the majority of the site lies adjacent to the AONB. The Plough Inn; a Grade II listed building, is immediately adjacent to Overross Garage.

Proposal

- 1.6 The application is made in full and is for the demolition of existing buildings contained within the site; including the Sea Cadets premises, Overross Garage building, and two residential properties opposite, and proposes the erection of a food retail supermarket, associated car park and link road. The original submission also includes the provision of a petrol filling station but this has since been withdrawn following continued concerns raised by the Environment Agency and local residents. The Sea Cadets are to be provided with alternative premises in a remaining part of Overross Garage on the opposite side of the road, and the application also incorporates a proposed change of use of the building.
- 1.7 In detail, the proposed supermarket has a gross floor area of 5,814 square metres, with 3,000 square metres of retail floor space divided between convenience goods (2313m²) and comparison goods (687m²). The plans show a predominantly single storey building with a shallow pitched asymmetric roof to a height of approximately 8.7 metres, with a taller, monopitch roof element rising to a height of 12.1 metres. The front elevation of the store, facing onto the car park, is mainly glazed, with timber cladding used to create visual breaks. Side and rear elevations continue the use of timber cladding in a more substantial form with high level glazing in all elevations.
- 1.8 The car park provides up to 307 spaces, with provision made for disabled and parent and child parking close to the store entrance. A pedestrian link is to be established along the southern boundary of the site, cutting across the disused railway embankment and through a public car park to link the site to Ross town centre. This aspect of the proposal also requires alterations to be made to the width and alignment of Millpond Street, close to the Five Ways junction. This will allow the pavement to be widened on its western side and the plans also show the provision of a new pedestrian crossing.
- 1.9 The proposals also include the provision of a new link road between Overross Road and Ashburton Industrial Estate. At Overross Road this requires the construction of a new roundabout and, in order for this to be accommodated, the demolition of two dwellings on its westerly side and the Overross Garage building. A roundabout within the application site provides access to the new supermarket and the link road continues past the flank wall of the building to link up with an existing road spur on to Ashburton Industrial Estate in the south eastern corner.
- 1.10 The application is accompanied by a series of supporting documents which are listed below:
- Design & Access Statement
 - Planning & Retail Statement
 - Landscaping Statement
 - Transport Assessment
 - Travel Plan
 - Land Study
 - Flood Risk Assessment
 - Drainage Strategy

- Ecological Assessment
- Noise Assessment
- Air Quality Assessment
- Sustainability Statement
- Phase 1 Environmental Assessment
- Heritage Assessment
- Statement of Community Involvement
- Draft Heads of Terms Agreement

2 Policies

Relevant Development Plan Policies

2.1 National Planning Policy Framework

Paragraph 14 – Emphasizes 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 comments 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
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

2.3 Herefordshire Local Plan Core Strategy – Deposit Draft:

SS1	-	Presumption in Favour of Sustainable Development
SS4	-	Movement and Transportation
SS6	-	Addressing Climate Change
RW1	-	Development in Ross on Wye
RA6	-	Rural Economy
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 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:-

<https://www.herefordshire.gov.uk/planning-and-building-control/planning-policy/unitary-development-plan>

3. Planning History

- 3.1 None relevant to the application.

4. Consultation Summary

Statutory Consultees

- 4.1 Welsh Water: No objection subject to the imposition of conditions to ensure that foul and surface water are dealt with separately and that surface water run-off should not be allowed to discharge to the main sewer.
- 4.2 Highways Agency: No objection subject to the imposition of a condition requiring the implementation of the Travel Plan.
- 4.3 Environment Agency: On the basis that the petrol filling station is removed from the application the Environment Agency have removed their holding objection and now recommend that if planning permission is granted it should be subject to the imposition of conditions to require further investigation of the extent of contamination of the land and to agree mitigation for this in order to ensure that controlled waters are protected.

Other concerns regarding development within the flood plain have been addressed through a revised Flood Risk Assessment. The applicant has proposed to install gauging stations and CCTV cameras at the entrance to culverts on both Rudhall and Chattersley Brooks and any approval should be subject to a condition to secure these.

There is also a requirement for a detailed Flood Management and Evacuation Plan and a Maintenance Plan to ensure that the watercourses are kept clear to prevent flooding.

Internal Council Advice

- 4.4 Transportation Manager: An assessment of the proposal concludes that there will be increases in traffic movements at some localised junctions, with reductions at others. Requires the submission of further information about traffic flows but does not raise an objection in principle to the application.
- 4.5 Conservation Manager (Ecology): No objection subject to conditions.
- 4.6 Conservation Manager (Landscape): No objection subject to conditions.
- 4.7 Conservation Manager (Archaeology): No objection subject to condition.
- 4.8 Land Drainage Engineer: No objection.
- 4.9 Public Rights of Way Officer: No objection providing the legal diversion of public footpath ZK8 has been confirmed before works commence.
- 4.10 Environmental Manager (Contaminated Land): No objection subject to conditions. These reflect the advice also given by the Environment Agency in this regard.
- 4.11 Environmental Manager (Air Quality): No objection.

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

- 4.12 Environmental Manager (Lighting): No objection subject to condition.
- 4.13 Environmental Manager (Noise): No objection subject to conditions to restrict deliveries, to control noise emanating from plant and machinery and to control construction times.
- 4.14 Economic Development Manager: Comments on the application as follows:

Contrary to the assessment made in the Employment Land Report submitted as part of the planning application, from our experience we believe there is a significant undersupply of employment land and units within Ross-on-Wye. Within the last year Economic Development have struggled to assist a number of firms looking to relocate or expand in Ross-on-Wye and the surrounding area due to the lack of readily available units and development land. This situation has been confirmed through conversation with commercial agents based in Ross.

We welcome the information provided by DPP on the business movements from the site to other locations and note that some of these have been within the South of Herefordshire. It is with some concern that we also note that another business “will shortly vacate the site and consolidate its operation in Gloucestershire”.

Whilst we would accept that the movement to other locations within Herefordshire does demonstrate a certain supply of alternative sites/premises it is apparent that businesses are also looking at locations outside of the County.

Additionally there is no information supplied within the DPP correspondence relating to the relocation plans of the remaining 8 businesses, and what support will be given, if any, by the applicant for these businesses to find suitable alternative accommodation. Consequently it is difficult for us to assess what proportion of these businesses, and jobs, are likely to remain in operation within Herefordshire, and therefore what impact the development will have on the existing Herefordshire business base.

As with our prior comments the majority of industrial estates and business parks in the town are running at close to 100% occupancy rates, reflected by the fact that there are only six B1, B2 or B8 units listed on the Council’s Commercial Property Register as of April 2014. Included in these five are the 23,500 square metre former Somerfield national distribution centre, which has remained empty for three years and is clearly impractical to most small businesses in its current form. The remaining units total less than 1150 square metres of floorspace.

We note the information supplied on the estimated job numbers for the redevelopment of the site for a B2 or B8 use and would agree that these figures represent a realistic target should the site be redeveloped for a B2 or B8 use. We further agree that there is a high degree of certainty around the job creating figures should the application be approved whilst there are a number of constraints and viability issues to overcome to bring the site forward for an employment class use.

We maintain that we would ideally like for site to be redeveloped for traditional employment uses but given the poor condition of the site and poor access onto the site, we accept that would be challenging in the current economic climate, and whilst the majority of the jobs created by this application will be relatively low paid and low skilled, they will still provide a boost to the current employment situation in the area.

On balance, and without any information on the future relocation plans of all the remaining businesses, it is considered that the impact on existing businesses on Broadmeadows, and the current lack of supply of industrial premises within Ross and its immediate locality, outweigh the jobs created and landscape improvements but would accept that there is a strong economic and social case for the proposal.

5. Representations

5.1 Ross Town Council: Comment as follows:

In the light of the recent Deloitte report on the potential impact on the town centre of this development, and the response from Tesco, Ross Town Council Planning & Sustainable Development committee has again discussed this application. The outcome of our discussions was that our original submission stands, however we would like to add this additional point:

We welcome the provision of paths etc. to generate links between the development and the town centre. We request that it should be a condition of any granted planning permission that these are kept open during the life of the store.

The health of the town centre is of paramount importance and this was recognised in the Ross Town Plan. We would therefore also like to re-emphasise the following points made in our original response:

- The terms and conditions of the free parking (three hours) should be made a planning condition
- In order to protect the health of the existing town centre there should be imposed planning conditions in terms of the types of goods that cannot be traded on the site, for example books, clothes, electrical goods, tools, garden products etc.
- In order to protect the health of the existing town centre there should be imposed planning conditions in terms of the types of concessions which are not allowed in the site, for example pharmacy, post office counter etc.

In respect of this latter point, we request that the widest possible restrictions are placed on the trading of non-food items at the store in order to protect existing small businesses in the town. This should include pharmacy, post office counter, florist, clothing and footwear, dry cleaning, travel shop, toys, and DIY goods.

5.2 Ross Civic Society – Initial reservations about the proposal have been strengthened by a report that the Council has commissioned. It provides a professional, dispassionate examination which raises concerns that the proposal is out of centre and that it could significantly undermine the shopping role and function of the town centre. On this basis Ross Civic Society opposes the application.

5.3 Association of Ross Traders (ART) – Object to the application on the basis of the negative impact that it will have on the sustainability of Ross town centre.

5.4 Letter of objection submitted by Peacock & Smith Planning Consultants on behalf of Morrisons Supermarkets Plc. In summary the points raised are as follows:

- The proposal is contrary to Policy E5 of the UDP which seeks to safeguard employment land. Supporting text of the policy says it is important to avoid the introduction of retail uses in such areas.
- There has been no demonstration of substantial improvement to residential or other amenity being delivered by the proposal to justify the loss of employment land.
- Council's own Employment Land Study shows that the greatest demand for employment land is in Ross on Wye and further indicates the importance of retaining the site for such purposes.
- The site is located outside of the Central Shopping and Commercial Area identified by Policy TCR1 of the UDP.
- The proposal is contrary to Policy TCR9 of the UDP and the NPPF as it will have a detrimental impact on the vitality and viability of the town centre.

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- Morrisons helps to anchor the town centre and generates linked trips.
- With the in-centre Sainsburys food store and the Aldi currently being built on Brookend Street, there is no expenditure capacity in Ross on Wye.
- The Council's own Town Centre Study Update indicates an over-provision of retail floor space in Ross on Wye.
- There is no evidence of significant leakage of expenditure from the catchment area, or any justification for the projected £4.94 million claw back suggested by the applicant's retail assessment. The likelihood of significant claw back is therefore questioned.
- The projected sales density is significantly lower than Tesco's company average. Not aware of any other Tesco proposal where the retail impact assessment is based on such a low turnover.
- Disagreement about the agents claim that the site is edge of centre. The actual store entrance is approximately 450 metres from the primary shopping frontage and is therefore out of centre.
- The site relates poorly to the town centre, would serve as a stand alone retail development and is unlikely to generate linked trips.

5.5 Letter of objection submitted on behalf of Ross Labels (UK) Ltd. In summary the points raised are as follows:

- Accepts that there is limited choice for food shopping in the town, but the current proposal is too large.
- The proposed store would only trade at two thirds of the company average and would also leave existing retailers significantly under-trading. Ultimately this is not to the benefit of the public.
- The level of expenditure does not exist in the catchment area to support the level of floor space proposed.
- Concerned about the range of comparison goods to be sold. Trade diversion in this regard is considered to be under-estimated and is likely to have an impact on Ross Labels.
- Impacts on existing retailers will lead to job substitution, not job creation.

5.6 HOW Planning on behalf of FI Real Estate Management Ltd – FI Real Estate acts as asset manager for The Maltings Shopping Centre, which includes Sainsburys as an anchor unit. The letter is submitted as an objection to the application and raises the following points:

- Eight of the fifteen units in The Maltings are currently vacant. This is a clear sign of the fragile state of the economy.
- Concerned that an out of centre development will have further trading effects; reducing footfall to Sainsburys and in turn The Maltings, reducing the chance of vacant units being let and re-occupied.
- FI Retail has first hand evidence to show that the proposal is affecting take-up of its vacant units, with interest from a discount clothes retailer cooling when they learnt of the Tesco application.
- Poor connectivity between the site and town centre suggests that it should be considered as out of centre and not edge of centre as the applicant suggests.
- The creation of a pedestrian route through a public car park is not attractive and will be a disincentive to customers to make linked trips to the town centre.
- No visual link between the site and town centre.
- The retail assessment submitted by the applicant is fundamentally flawed in the assumptions that it makes about the level of trade to be drawn from beyond the catchment area. It pays no regard to a recent planning permission granted for a new food store in Cinderford.
- As a result of the above the assessment over-estimates expenditure in-flow from outside of the catchment area.
- It also over-estimates Aldi's trade draw from beyond the same catchment area.

- The assessment assumes that the proposed store would trade at 30% below the company benchmark, but no substantive evidence is provided to justify this.
- The consequence of a reduced convenience turnover is to significantly downplay the potential trading impacts on Ross on Wye.
- The turnover of existing retailers has been over-estimated without any evidence to support the assumptions made. The in-centre Sainsburys store is not trading at £3.9 million above its company benchmark as suggested, but is in line with it.
- The retail assessment suggests significant trade draws from in-centre independent retailers and Sainsburys, as well as the edge of centre Morrisons. Sainsburys and Morrisons in particular have an important part to play in creating linked trips to the town centre. A loss of footfall will impact upon this and will affect the viability and vitality of the town centre.
- Planning permission should be refused given the clear conflict with the retail policies of the Local Plan and Paragraph 26 of the NPPF which seeks to protect the vitality and viability of existing centres.

5.7 Ninety four letters and a petition containing sixteen signatures objecting to the application have been received. In summary the points raised are as follows:

Town Centre Impacts

- Detrimental impact on Ross town centre.
- The proposal is outside the defined town centre and is contrary to the UDP and NPPF which both seek to protect the vitality and viability of the town centre
- People will be discouraged from visiting the town centre.
- The completion of Aldi and superstores planned in the Forest of Dean will affect trade at Morrisons and will compete with town centre shops.
- Impacts on the town centre will also affect tourist trade.
- The proposed pedestrian link will not be used because of the sites distance from the town centre.

Other Economic Factors

- The land should continue to be used for employment purposes and retail use should not be allowed
- A new supermarket would be better located out of town.
- The proposal will not create 250 new jobs as suggested as many would be lost as existing retailers are forced to close.
- The draft Core Strategy states that there is no requirement for additional retail floor space in Ross.

Highway Matters

- Access off Ledbury / Overcross Road is ill-considered.
- Increased risk to highway safety of road users and pedestrians using Ledbury / Overcross Road.
- Already congestion at the Five Ways junction.
- Additional traffic generated will exacerbate this to the detriment of highway safety. The proposed link road will be used as a rat run.
- The link road serves the sole purpose of directing traffic away from main competitor (Morrisons). A single point of access from Ashburton Industrial Estate would be more appropriate.
- The pedestrian link ends at a dangerous junction (Fiveways / Millpond Street) and this will discourage its use.
- It does not appear that the zebra crossing over Millpond Street can be provided.

Residential Amenity

- Significant increase in noise from traffic using the link road detrimental to the amenity of nearby dwellings.
- Increase in light pollution will cause a nuisance to dwellings.
- Unacceptably close proximity of petrol filling station to residential properties.

Flooding and Land Contamination

- Concerns that the proposal will introduce more hard surfaces and will increase flood risk in the area.
- What containment measures are to be put in place in the event of a fuel spillage?

Other Matters

- Detrimental impact on streetscape, particularly along Overross Road with the introduction of a new roundabout.
- Adverse impact on the setting of the Plough Inn as a Grade II listed building.
- The Landscape Statement and Flood Risk Assessment are contradictory about vegetation within the vicinity of existing watercourses.
- The proposed landscaping scheme is not appropriate.

5.8 Seventy one letters of support have been received. In summary the points raised are as follows:

- Good for competition. Will help to reduce food and petrol prices.
- Will give people a greater choice.
- Morrisons currently have a monopoly on food shopping and petrol.
- New residential development that is proposed for Ross needs to be support by a new supermarket. Not enough capacity within the town at the present time
- The proposal will not accelerate the decline of the town centre.
- More people in town would increase footfall to local businesses.
- Will help to enhance a poor quality area that has become an eyesore.
- The offer of three hours free parking will benefit the town as people can shop and then walk into the town centre.
- A supermarket will provide new employment opportunities.
- The development is close to the High Street and in line with Government advice to avoid out of town shops.
- Will help to reduce travel costs for shoppers who currently shop in Hereford or Gloucester
- The new link road will improve highway safety as it will take traffic off Overross Road and the Fiveways junction.
- The scheme provides improved cycle and pedestrian links with the town.

5.9 Seven letters expressing mixed views about the proposal have also been received. In summary the points raised are as follows:

- The proposal must demonstrate that it will not cause disruption through flooding to other businesses and properties in the locality.
- Some concern about the road link onto Ashburton Industrial Estate as the road is already congested.
- Restrictions should be placed on the supermarket if planning permission is forthcoming to exclude the sale of some convenience goods including clothing, garden products and electrical goods.

- 5.10 The applicant's agent has submitted a number of additional pieces of correspondence. These principally relate to matters of economic impact, the delivery of the new road and the methods used to calculate highway contributions through a Section 106 Agreement. In summary the points raised are as follows:

Economic Factors

- The site is significantly under-utilised as an employment site at the present time and is likely to be so for the foreseeable future.
- Paragraph 22 of the NPPF advises against the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose.
- Almost half of the site is unoccupied and contributing nothing to the local economy. Even if it were to be used to its optimum it would only provide an average of 110 full time equivalent jobs. This compares to 175 full time equivalents for the proposal.
- There is little or no prospect of the site reaching its full potential in terms of Class B2/B8 job creation. The proposal brings with it the certainty of 175 full time equivalent jobs.
- Several of the businesses previously occupying the site have been successfully re-located elsewhere within the county. The eight remaining account for 20 full time equivalent jobs.
- The planning balance is firmly in favour of the employment and economic benefits that would be delivered if planning permission is granted.
- It has recently been confirmed that a major new comparison retailer, The Original Factory Shop, will shortly be opening in The Maltings. This demonstrates that a major retailer does not believe that Tesco's proposal will have a significant adverse effect on the town centre's vitality and viability.
- Two other lettings in the town involving antiques and craft shops have recently been confirmed.
- A local agent has confirmed that they do not have a single retail unit to let or for sale in Ross town centre.
- This all serves to demonstrate that the town centre is healthy and would not be undermined by Tesco's proposal.

Highway Matters

- The Transport Assessment relies on an assumption that only 40% of vehicle trips are transferred from Morrisons. The retail assessment shows that this figure could be up to 60%. Morrisons do not dispute this figure.
- The highway related S106 contribution should be based on relevant trade draw assumptions used in the retail assessment and the calculations base on such an approach total £225,000.
- Concerns about the possibility of a new store opening prior to the new road being in place can be dealt with by condition. In any event the road is required to ensure access for delivery vehicles.

- 5.11 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. Their response covers a number of aspects in relation to retail impact as follows:

- The impact of the proposal on the vitality and viability of Ross on Wye town centre;
- The degree to which Morrisons is overtrading and the likely scale of trade diversion from it and other town centre units.
- The scale of leaked expenditure from the Ross catchment and the likelihood of the proposal reversing this trend.
- The scale of expenditure in-flow to the catchment and the likelihood of this continuing if committed stores elsewhere are built.
- The likelihood or otherwise of linked trips to the town centre and the impact of creating a new link road;
- Whether the development is otherwise compliant with Central Government advice (NPPF) and Development Plan policy.

The report will also consider whether there are any other sites that would be sequentially preferable to that proposed and what impact the development is likely to have on Ross on Wye's town centre as a Conservation Area and heritage asset. 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, loss of employment land and environmental issues will also be assessed.

6.2 Impact upon the vitality and viability on the town centre

The quantitative assessment of convenience goods floor space needs in Ross on Wye in the Council's Town Centre Study Update indicates that there is a limited demand for additional floor space over the Core Strategy period (up to 2031):

Year	Floor space capacity (net sq m)
2012	-221 to -508
2016	-473 to -1,088
2021	-354 to -815
2026	-211 to -485
2031	-54 to -124

Surveys completed as part of the update show the two principal foodstores, Morrisons and Sainsbury trading around their company benchmarks. Combined with the expected completion and opening of the Aldi store at Brookend Street by the end of 2014 the Town Centre Update concludes that there is no quantitative capacity throughout the plan-period.

The retail assessment submitted by the applicant, and updated following the completion of the original report for the Council by Deloitte, suggests that the proposed store will have a convenience goods sales density of £7,760 per square metre. The Deloitte report has questioned this, suggesting that this is significantly lower than the Tesco company average. Whilst lower trading figures might be justified to an extent by the location and catchment area, the Deloitte report also refers to another current application submitted by Tesco in Bromyard, where the estimated convenience goods sales density is £9,085 per square metre.

The significance of this is that the use of a lower average sales density will ultimately suggest that the development will have a lower impact on the town centre. The applicant has not satisfactorily explained why a lower figure has been used.

The assessment submitted by the applicant also assumes that the existing Sainsburys and Morrisons are trading well above company benchmarks, a fact that is disputed by the consultant acting on behalf on Sainsburys who suggests that his client is trading at the company benchmark.

Notwithstanding this, the projected residents expenditure on convenience goods within the Ross on Wye Catchment Area for 2018 is estimated to be £44.77 million. On the basis of existing and committed development (Aldi), the combined projected turnover of all convenience stores in Ross is £62.05 million. This represents a shortfall of £17.28 million. Including a completed development for Tesco, with the applicant's projected turnover of £17.95 million, the combined projected turnover of all stores at 2018 rises to £80 million and would see a shortfall within the catchment of £35.23 million.

The figures provided above assume that all resident expenditure within the catchment will be spent there. In reality, the current convenience goods retention rate is 77%, with 23% leaked to other catchments. The report completed by the applicant assumes that some of this leaked expenditure will be clawed back, and that the retention rate would rise to 83%.

The proposal therefore relies on the ability of existing stores and the proposal to draw trade from outside of the catchment area. If the combined turnover of £80 million were to be met, this would mean that over 50% of income would have to be drawn from other catchments.

Survey figures suggest that, at present, Morrisons draws 34% of its trade from outside of the Ross catchment, with Sainsburys drawing 16% of its trade. It is suggested that much of this inflow is currently derived from adjoining catchments in the Forest of Dean which incorporate the towns of Lydney and Cinderford.

The report completed by Deloitte notes the fact that permissions have been granted in both Lydney and Cinderford for two new Asda stores. It expresses some concern that the impact of these two developments has not been considered in the assessment completed by the applicant, and opinions that the development of these two new stores will have the effect of significantly reducing trade drawn by existing stores from outside of the catchment area.

The Deloitte report concludes that, despite the relative economic health of Ross on Wye's town centre, it is vulnerable to change. The shortcomings identified by Deloitte and others in the accuracy of the retail assessment cast significant doubts over its projected impacts on the town centre. The amount of convenience goods retail expenditure within the catchment is limited and falls well short of projected turnover levels of businesses committed to Ross at present. The development of new Asda stores outside of the Ross catchment area will undoubtedly reduce the amount of trade to be drawn in and in reality it is more likely to be that resident expenditure would be spread more thinly between an increased number of retailers. This will impact upon the profitability of all convenience retailers, both multi-nationals and independent retailers alike. This is evidenced to some degree by the low turnover estimate for the proposed Tesco store. Whilst larger companies may be able to absorb reduced profits and adapt to changing market conditions, small independent retailers are less likely to be able to do so. It is therefore concluded that the addition of the proposal would have a significant detrimental effect on the vitality and viability of the town centre. For this reason the proposal is considered to be contrary to Paragraph 27 of the NPPF and Policy TCR2 of the UDP.

6.3 Sequential Testing

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.

There is disagreement between the applicant's agent and Deloitte as to whether the site is edge of or out of centre. The applicant contends that it should be considered edge-of-centre because the footpath link onto Millpond Road is just 175 metres from the town centre Primary Shopping Frontage, whilst Deloitte are of the view that a measurement should be taken to the main entrance of the store, in which case the distance is 450 metres.

The Government has published guidance entitled 'Planning For Town Centres' and this offers clear advice about determining whether a site is considered edge of or out of centre. Paragraphs 6.5 and 6.6 are of particular relevance:

For retail purposes, this is a location that is well connected to, and within easy walking distance (i.e. up to 300 metres) of the PSA. For all other main town centre uses, this is likely to be within 300 metres of a town centre boundary.

In determining whether a site falls within the definition of edge of centre, account should be taken of local circumstances. For example, local topography will affect pedestrians' perceptions of easy walking distances from the centre. Other considerations include barriers, such as crossing major roads and car parks, the attractiveness and perceived safety of the route and the strength of attraction and size of the town centre. A site will not be well connected to a centre where it is physically separated from it by a barrier such as a major road, railway line or river and there is no existing or proposed pedestrian route which provides safe and convenient access to the centre.

It should be noted that the guidance makes no specific mention of where a measurement should be taken from, but that local circumstances should be taken into account. It is the Council's view that the local circumstances: the fact that pedestrians would be required to navigate a busy road junction, would be required to cross a public car park and at some point cross the steep railway embankment that runs along the southern boundary of the main site, lead it to conclude that the site should be considered as out of centre.

Notwithstanding this, the definition is not key to the outcome of the application. The Council accepts that there are no sequentially preferable sites within closer proximity to the town centre. The primary concern is whether the site and the provisions made in the application will help to ensure linked trips to the town centre, and this will be considered in more detail in the following section of the report.

6.4 Linked Trips

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.

A number of objection letters suggest that the provision of associated retail services that are typically found in large supermarkets such as a pharmacy, post office counter or shoe repairers are likely to create a single destination for shoppers and would reduce the likelihood

of linked trips being made to access other services within the town centre. It has been suggested that conditions could be imposed to restrict the creation of such ancillary uses and that this would help to reinforce functional linkages with the town centre. Notwithstanding this, there also needs to be an attractive and direct physical link to the town centre if people are to walk between the two.

As concluded above, it is the Council's view that the site represents an out-of-centre location. By definition these are sites that are not within easy walking distance of the centre and are therefore unlikely to contribute to linked trips. In this instance pedestrians walking to and from the proposed store to the town centre would need to cross Fiveways junction at Millpond Street, Although the applicant has proposed to make modifications to the width of the footpath, re-model Millpond Street and introduce a Zebra crossing, this represents a clear physical barrier between the site and town centre. Furthermore, the proposed route takes pedestrians directly through a Council owned car park. The plans do not indicate that this route is to be formalised in any way and it is the Council's view that this will give rise to vehicular / pedestrian conflicts, contrary to Policy DR3 of the UDP.

There is no visual link between the site and the town centre due to the changes in levels at the site boundaries – the site being significantly lower than its southern boundary, and the proposed meandering route of the footpath across third party land as described above. This represents a significant constraint in terms of the propensity for linked shopping trips as pedestrians would have no perception of the necessary walking distance. The proposals lack any meaningful connectivity to the town centre and it is concluded that this would further erode its vitality and viability, contrary to Policy TCR2 of the UDP and the NPPF.

6.5 Loss of Employment Land

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. The policy also states that any retail use within designated employment sites should be ancillary to an otherwise acceptable Part B or other employment generating use.

It is accepted that the site may be considered as an eyesore, accommodating B2 uses that typically require outside storage and that lead to an unkempt and untidy appearance. The site is under utilized, and this may well stem from historic flood events. Notwithstanding this, it does provide a site for those uses that may not be so willingly accommodated on other industrial estates within the locality.

The clear inference of the Land Study that accompanies the application is that the loss for employment use is justified as there is adequate provision elsewhere within the town and across the county. However, the Council's Economic Development Manager has advised that he considers there to be a significant undersupply of employment land and units within Ross-on-Wye. This is evidenced by the fact that the Economic Development Manager has found it difficult to assist a number of firms looking to relocate or expand in Ross-on-Wye and the surrounding area due to the lack of readily available units and development land.

The Council's Economic Development Manager also expresses the view that the site does provide low cost space that is unavailable elsewhere within Ross, and given the current gap in the market of employment units, relocating the businesses within the town would be challenging.

Policy E5 of the UDP is clear that there the loss of employment land will only be permitted in exceptional circumstances. Paragraph 6.4.26 of the supporting text to the policy states that retail development within employment sites could detrimentally impact future employment

development. The applicant has failed to demonstrate that it is unsuitable for other employment uses. It has benefitted from the recent flood alleviation scheme which means that it is less likely to flood and, although it is unkempt, it is not clear that it currently gives rise to significant nuisance complaints to bordering residential properties. Any suggestion that there would be significant benefits to residential amenity if the site were to be developed for another purpose are therefore unsubstantiated.

Moreover, the additional correspondence submitted by the applicant's agent advises that there are eight local businesses that have no clear plan to re-locate should planning permission be granted. In view of the uncertainty in this regard The Council's Economic Development Manager expresses the view that it is very difficult to properly assess the impact of their potential loss.

Paragraph 22 of the NPPF advises that the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose should be avoided. However, this has not been demonstrated and the comments of the Council's Economic Development Manager indicate that, notwithstanding a challenging economic climate, a demand for employment land in Ross on Wye remains.

In conclusion, the loss of the land to retail use is unwarranted. Its loss would unacceptably erode the ability of the Council to ensure adequate provision of employment land moving forward. The lack of a clear strategy for the re-location of existing businesses also gives rise to a degree of uncertainty over the precise impact of the development on the local economy. It is therefore concluded that the proposal is contrary to Policies E5 and S4 of the Herefordshire UDP.

6.6 Impact Upon Heritage Assets

Ross on Wye's town centre is 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 Ross-on-Wye 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.

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."

The potential trade diversion from retail premises within the town centre which includes Sainsburys, and Morrisons which is an edge of centre store and does promote linked trips to independent retailers, leads the Council to conclude that there is a prospect of existing retail businesses ceasing trading. This would lead to the vibrancy of Ross on Wye's 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.

The creation of a new vehicular access to the site, comprising a new roundabout, requires the demolition of the existing garage workshop buildings on the western side of Overross Road, as well as two dwellings opposite. The garage workshop is immediately adjacent to The Plough Inn, which is a Grade II listed building. It is a prominent building in the street scene and, whilst the nature and character of its immediate environs would be changed substantially through the introduction of a new traffic island, it is not considered that this would be to the detriment of its setting. The existing garage workshops are set back from the road and the essential character of the areas immediately surrounding the pub is quite open and this would remain the case as a consequence of the development proposed. This part of the scheme therefore accords with Policy HBA4 which seeks to ensure that the setting of listed buildings is not adversely affected.

6.7 Highway Matters

A request for further information to be submitted from the Highways Agency in order to determine the impacts of the development on their road network has been satisfied and they have no objection to the proposal subject to conditions. As stated in the retail impact section of this report, trade to be drawn from outside the catchment area is likely to be less than that estimated by the applicants as a result of planning permissions for Asda stores in Lydney and Cinderford and consequently it is considered that this will serve to mitigate the effects of any development on the strategic road network.

More locally, the effects of the development arise through the introduction of the link road and the associated traffic movements within the local road network. It has already been established that there is limited expenditure capacity within the Ross catchment area and that, if planning permission were to be granted for the proposal, it would result in a re-distribution of this expenditure across existing retailers. To a certain extent the same can be said of traffic movements. Analysis provided by the Council's Transportation Manager shows that the proposal will result in increases in traffic movements at some junctions and a reduction at others, principally due to the introduction of the link road and the fact that some customers will be travelling to this application site rather than Morrisons. With a projected expenditure retention rate in the catchment area increasing from 77% to 83% it is reasonable to conclude that local traffic movements will increase marginally and therefore that the scheme is unlikely to cause demonstrable harm to highway safety. The proposal is therefore considered to accord with Policies DR3 and T8 of the UDP.

6.7 Flooding

Following the submission of further information, the Environment Agency has advised that their original objection regarding flood risk can be removed subject to the imposition of a series of conditions. These are outlined in the Representations section of this report. The plans show the finished floor levels of the supermarket to be set above the 1 in 200 year flood level, which in this case is considered to be the 1 in 100 year plus climate change flood event. In actual fact the Environment Agency advise that floor level is set at 35.5 metres AOD, a level that is actually 900mm above the 1 in 200 year flood event. It is therefore considered that the proposal accords with Policy DR7 of the UDP and the NPPF.

6.8 Conclusion

The applicant has failed to demonstrate that the proposal will not have a detrimental impact upon the vitality and viability of the town centre. On the basis of all of the evidence available to the Council it is considered that there is a very limited expenditure capacity within the Ross on Wye catchment. The retail assessment submitted by the applicant does not have proper

regard for approved retail development outside of the catchment and over-estimates the inflow of expenditure into the catchment, consequently under-playing the effect on the town centre.

The Council is also concerned that the development would result in the loss of employment land and, whilst there may be some benefits to be derived from the visual improvement of the site, these are not out-weighed by the loss of employment land.

Finally, there are no agreed heads of terms for a Section 106 Agreement. It is concluded that, for the reasons outlined above, the proposal is contrary to the adopted Herefordshire Unitary Development Plan and the National Planning Policy Framework. 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 Ross on Wye Town Centre contrary to paragraph 26 of 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 Ross on Wye Conservation Area contrary to paragraphs 128 to 133 of the National Planning Policy Framework and policy S7 of the Herefordshire Unitary Development Plan 2007.**
- 3. The proposal would result in the loss of existing employment land. The applicant has not demonstrated that there is a surplus of such land or that removal of the existing use from the site would give rise to substantial benefits to residential or other amenity issues. Furthermore, the proposal is not a minor or incidental activity associated with another use that is compliant with policy. The proposal is therefore contrary to paragraphs 7 and 8 of the National Planning Policy Framework and policies S4 and E5 of the Herefordshire Unitary Development Plan 2007.**
- 4. The proposed development would necessitate a planning obligation compliant with the criteria set out in the Supplementary Planning Document - 'Planning Obligations' to secure contributions toward sustainable transport infrastructure, including enhanced pedestrian and cycle links to Ross on Wye Town Centre, to mitigate against the impact of the development. 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).**

Informative:

- 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 have been clearly identified within the reasons for the refusal, approval has not been possible.**

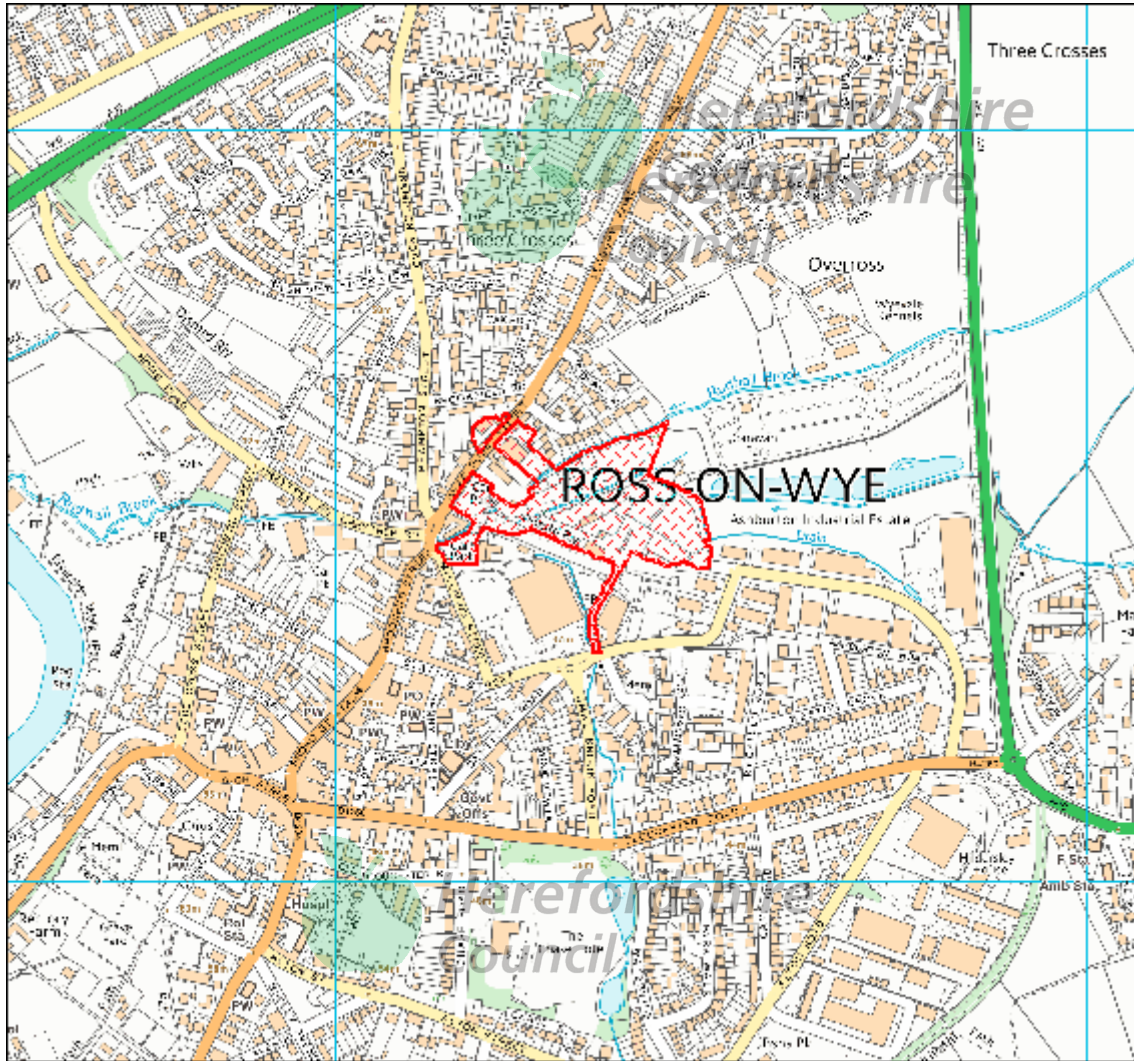
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 132028/F

SITE ADDRESS : LAND AT OVER ROSS STREET, ROSS-ON-WYE, HEREFORDSHIRE

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