

## **Minutes of the meeting of Planning and Regulatory Committee held at Herefordshire Council Offices, Plough Lane, Hereford, HR4 0LE on Wednesday 26 July 2023 at 10.00 am**

**Present:** Councillor Terry James (chairperson)  
Councillor Clare Davies (vice-chairperson)

**Councillors:** Bruce Baker, Chris Bartrum, Dave Boulter, Simeon Cole, Frank Cornthwaite, Toni Fagan, Elizabeth Foxton, Catherine Gennard, Dan Powell, Stef Simmons, John Stone and Richard Thomas

**In attendance:** Councillors Bob Matthews

**Officers:** Solicitor, Planning & Highways, Development Manager Majors Team and Highways Representative

### **7. APOLOGIES FOR ABSENCE**

Apologies were received from Councillors Polly Andrews, Dave Davies, Peter Hamblin and Diana Toynbee.

### **8. NAMED SUBSTITUTES (IF ANY)**

Councillor Chris Bartrum acted as a substitute for Councillor Polly Andrews  
Councillor Frank Cornthwaite acted as a substitute for Councillor Peter Hamblin  
Councillor Toni Fagan acted as a substitute for Councillor Diana Toynbee

### **9. DECLARATIONS OF INTEREST**

There were no declarations of interest.

### **10. MINUTES**

**RESOLVED:** That the minutes of the meeting held on 28 June be approved.

### **11. 222314 - LAND AT GLOUCESTER ROAD (A40 A449 JUNCTION), ROSS ON WYE, HEREFORDSHIRE (Pages 7 - 66)**

*Councillor Chris Bartram left the committee to act as the local Ward member for the application below.*

The Principal Planning Officer gave a presentation on the application and the updates/representations received following the publication of the agenda, as provided in the update sheet and appended to these minutes.

In accordance the criteria for public speaking Ms Foreman spoke on behalf of Ross-on-Wye Town Council, Ms Hall, local resident, spoke in objection to the application and Mr Watt, the applicant, spoke in support.

In accordance with the council's constitution the local ward member spoke on the application. In summary he explained that the application site was at a sensitive location close to a large

roundabout on significant and busy highway infrastructure. There were health objections to the application and its impact on childhood obesity particularly given the proximity to John Kyrle High School. The application if approved would be contrary to statutory requirements for the council to improve the health and wellbeing of the residents of Herefordshire. The application was also contrary to paragraph 92 of the National Planning Policy Framework (NPPF) and planning policy guidance relating to the health and wellbeing of local residents. The application site was close to the Wye Valley Area of Natural Beauty (AONB) and located on an important gateway into the AONB. It was considered that the application would have a detrimental impact upon the AONB and would alter the views, setting and character of the AONB. In terms of its impact upon the AONB, the application was contrary to Core Strategy policies LD1 and SD1. The economic impact of the application upon Ross-on-Wye town centre was queried. The assessments of the impact of the application upon the town centre were inadequate and it had not been demonstrated that there would be no negative impact as required by the Neighbourhood Development Plan (NDP). It was also queried why the town centre would not have been an acceptable location for the type of restaurant contained in the application. The traffic surveys accompanying the application were queried. The surveys dated from 2019 from the Department for Transport indicated that traffic flows has increased markedly since this time. A locally commissioned traffic survey in September 2022 had shown the traffic volumes were up to 30% higher than those quoted in the 2019 survey. The impact of the proposed development upon the local highway network and traffic volumes was unacceptable and was contrary to Core Strategy policies SS4 and MT1.

The committee debated the application. During consideration of the application the committee raised the following concerns:

- the increase in the number of car movements arising from the application and the impact upon local residents' amenity and living conditions. There would be a detrimental impact upon air quality in the area. The impact of a significant increase in car movements upon local residential amenity, for those residents living adjacent to the proposed site, was unacceptable. The noise, emissions and headlight glare from cars accessing the application site would be unacceptable upon residential amenity. The increase in the number of car journeys and the impact upon highways safety was unacceptable. There was particular concern that pupils from the local high school would access the fast food restaurant across busy local roads. The unacceptable impact upon residential amenity posed by the increase in traffic volumes was the contrary to Core Strategy policies SS6 and SD1. The unacceptable impact upon highway safety was contrary to Core Strategy policy MT1.

- the detrimental impact of a fast food restaurant upon the health and well-being of local residents and inconsistency with the council's public health objectives to reduce childhood obesity and statutory duty to protect and improve the health and wellbeing of the local population. The application was contrary to paragraphs 8 and 92 of the NPPF.

- the location of the application and the drive-through facilities proposed would encourage an increase in car journeys. This was contrary to Core Strategy policy MT1 to reduce car journeys and also contrary to core strategy policy SS7 to address climate change.

- the economic impact of the proposed development upon the sustainability and vitality of the town centre was unacceptable and contrary to policy E2 of the Ross-on-Wye NDP.

The local ward member was given the opportunity to close the debate. He thanked the committee for their consideration of the application.

A motion that the application be refused due to: unacceptable impact on residential amenity and highway safety (contrary to core strategy policies SS6, SD1 and MT1); unacceptable impact upon the health and well-being of the local population posed by a fast food restaurant (contrary to paragraphs 8 and 92 of the NPPF); unacceptable impact on highways network resulting in an increase in car journeys and the detrimental impact upon climate change (contrary to Core Strategy policies MT1 and SS7); and unacceptable economic impact upon Ross-on-Wye town centre (contrary to policy E2 of the Ross-on-Wye NDP): was proposed by Councillor Toni Fagan and seconded by Councillor Stef Simmons. The motion was put to the vote and was carried unanimously.

**RESOLVED – that:**

**The application is refused due to: unacceptable impact on residential amenity and highway safety (contrary to core strategy policies SS6, SD1 and MT1); unacceptable impact upon the health and well-being of the local population posed by a fast food restaurant (contrary to paragraphs 8 and 92 of the NPPF); unacceptable impact on highways network resulting in an increase in car journeys and the detrimental impact upon climate change (contrary to Core Strategy policies MT1 and SS7); and unacceptable economic impact upon Ross-on-Wye town centre (contrary to policy E2 of the Ross-on-Wye NDP).**

*There was an adjournment at 11.12; the meeting reconvened at 11.26.*

**12. 204242 / 204243 - WARHAM COURT FARM, BREINTON, HEREFORD, HEREFORDSHIRE, HR4 7PF (Pages 67 - 76)**

*Councillor Chris Bartram resumed his seat on the committee for the following application.*

*Councillor Elizabeth Foxton left the meeting.*

The Senior Planning Officer gave a presentation on the application and the updates/representations received following the publication of the agenda, as provided in the update sheet and appended to these minutes.

In accordance with the criteria for public speaking Mr Morfett spoke on behalf of Breinton Parish Council, Mr Barrat, local resident, spoke in objection to the application.

*There was an adjournment at 11:45 a.m.; the meeting reconvened at 11:59 a.m.*

Mr Carroll, the planning agent, spoke in support of the application.

In accordance with the council's constitution the local ward member spoke on the application. In summary, he explained that the site was located in open countryside and there was already a farm shop in the Parish of Breinton. The application would result in an increase in traffic volumes in the local narrow lanes accessing the site. Reference was made to a photograph that had been circulated in the updates sheet which demonstrated that the local lanes were unsuitable for HGV access; a weight restriction had been requested along the road. There were very limited passing places along the local narrow roads and the increase in traffic volumes would have an unacceptable impact on highway safety for those rational users of the Lanes including runners, walkers, cyclists and horse riders. There had been a number of objections to the application and the local Parish Council strongly objected. The application should be refused due to the impact on highways are the impact on the landscape in a rural area.

The committee debated the application. During consideration of the application the committee raised the following concerns:

- the scale and nature of the proposed development was not in keeping with the rural setting and location and was contrary to Core Strategy policy RA6.

- the proposed development would increase traffic volumes in narrow lanes and therefore would have an unacceptable impact upon highway safety and was contrary to Core Strategy policy MT1. Increased traffic volumes would have a detrimental impact on the use of local highways for recreational purposes contrary to Breinton NDP policies B10 and B13.

- increased traffic volumes would contribute to pollution and emissions with a consequent impact on climate change. This was contrary to policy SS7 in the Core Strategy.

- the proposed demolition of and significant alterations to agricultural buildings represented a substantial alteration upon the character and nature of the existing buildings contrary to Core Strategy policy RA5.

- the proposed reuse of existing buildings for a farm shop/cafe/office accommodation was considered contrary to Breinton NDP Policy B4.

The local ward member was given the opportunity to close the debate. He explained that the neighbouring ward councillor objected to the application and urged the committee to reject the application on the basis of highways concerns.

A motion that application 204242 be refused due to the: unacceptable scale and nature of the building in a rural setting (contrary to Core Strategy policy RA6); unacceptable impact on highway safety (contrary to Core Strategy policy MT1 and Breinton NDP policies B10 and B13); unacceptable impact on climate change (contrary to Core Strategy policy SS7); unacceptable changes to and impact on existing agricultural buildings (contrary to core strategy RA5); and unacceptable nature of reuse of empty buildings (contrary to Breinton NDP policy B4): was proposed by Councillor Toni Fagan and seconded by Councillor Stef Simmons. The motion was put to the vote carried by a simple majority.

A motion was proposed that application 204243 was refused for the following reason: *in the absence of the associated planning permission, the demolition of the two buildings and conversion of timber frame building to enable a farm shop/cafe and office units on the site are considered to be unjustified and therefore contrary to core strategy policy LD4 and guidance contained within the national planning policy framework*; was proposed by Councillor Toni Fagan and seconded by Councillor Stef Simmons. The motion was put to the vote and carried unanimously.

**RESOLVED – that:**

**Application 204242 is refused due to the: unacceptable scale and nature of the building in a rural setting (contrary to Core Strategy policy RA6); unacceptable impact on highway safety (contrary to Core Strategy policy MT1 and Breinton NDP policies B10 and B13); unacceptable impact on climate change (contrary to Core Strategy policy SS7); unacceptable changes to and impact on existing agricultural buildings (contrary to core strategy RA5); and unacceptable nature of reuse of empty buildings (contrary to Breinton NDP policy B4).**

**Application 204243 is refused as in the absence of the associated planning permission, the demolition of the two buildings and conversion of timber frame building to enable a farm shop/cafe and office units on the site are considered to**

**be unjustified and therefore contrary to core strategy policy LD4 and guidance contained within the national planning policy framework.**

The meeting ended at 12.38 pm

**Chairperson**



## **PLANNING COMMITTEE**

**Date: 26 July 2023**

### **Schedule of Committee Updates/Additional Representations**

**Note: The following schedule represents a summary of the additional representations received following the publication of the agenda and received up to midday on the day before the Committee meeting where they raise new and relevant material planning considerations.**

## SCHEDULE OF COMMITTEE UPDATES

**222314 - ERECTION OF A FREESTANDING RESTAURANT WITH DRIVE-THRU FACILITY, CAR PARKING, LANDSCAPING AND ASSOCIATED WORKS, INCLUDING CUSTOMER ORDER DISPLAYS (COD), GOAL POST HEIGHT RESTRICTOR, PLAY FRAME AND PUMPING STATION.**

**For: McDonald's Restaurants Ltd per Mr Benjamin Fox, St Andrews Castle, 33 St Andrews Street South, Bury St Edmunds, IP33 3PH**

### ADDITIONAL REPRESENTATIONS

**Neil Hansen: Spatial Planner National Highways: received 24<sup>th</sup> July 2023**

In order for National Highways to fully consider the potential implications of the proposed works including works not within the established local highway operational land; can you please change your recommendation that the application is recommended for approval subject to final consultation and acceptance with National Highway's.

Some members have also received a further update from the Residents Action Group (St Marys Garden Village). This does not raise any new issues but is attached in full as an appendix to this update.

### OFFICER COMMENTS

This is a procedural matter, as part of the Local Highway authority recommendation (no objection), a planning condition was suggested which identified the need for highway works. However, these proposed works (via Section 278 works) are not all within the Local Highway Authority land and as such consultation and acceptance with National Highways is required to ensure that they have not been prejudiced in anyway.

### CHANGE TO RECOMMENDATION

*(change identified in italics below)*

***Subject to consultation with National Highways and receipt of no objection, and any other consultations as deemed necessary and no other material considerations being raised that*** Planning Permission be granted subject to conditions (as listed in main report) and any other further conditions considered necessary by officers named in the scheme of delegation.

**Appendix to update sheet - Application 222314 – St Mary's Garden Village Action Group representation – 18 July 2023.**



18<sup>th</sup> July 2023  
Herefordshire Planning Committee  
Herefordshire County Council  
Plough Lane  
Hereford  
Herefordshire  
HR4 0LE

Residents Action Group  
St Mary's Garden Village  
Ross on Wye

stmgy2021@gmail.com

Dear Councillor,

**Objection to application 222314/F Erection of a freestanding restaurant with drive-thru facility, car parking, landscaping, and associated works, including customer order displays (COD), goal post height restrictor, play frame and pumping station | Land at Gloucester Road (A40 A449 junction) Ross on Wye, Herefordshire.**

This letter and its supporting documents have been compiled and produced by the St Mary's Garden Village action group on behalf of the residents of St Mary's Garden Village.

The proposed McDonald's drive-thru is one usually found in retail parks, service stations, and out-of-town leisure facilities, not from within a residential housing estate. Not only is the location wholly unsuitable, it is unprecedented that there be such a facility located within a residential development and garden village.

We have made a number of previous objections to this application to which we do not consider having been addressed or considered appropriately throughout this process, and therefore our objections stand. These objections relate to not just council core planning matters, but also to local and national planning policy contraventions.

We would like to object on the following core planning grounds:

1. Traffic / Parking Issues
2. Land Ownership
3. Loss of Privacy, overlooking and loss of light
4. Noise and disturbance
5. Overdevelopment and oversupply of fast-food outlets in Ross on Wye
6. Design of building not in keep with local surroundings

We would also like to object on the grounds of contraventions to both local and national planning policy:

Herefordshire Local Plan Core Strategy RW1, RW2 MT1 para 1, 2, 3, 4, SS4, SS7, Policy E5 and Vision, Objectives and Spatial Strategy 3.68 & 3.69.

National Planning Policy Framework (NPPF) 90a, 90b, 91, 93d, 104a, 104d, 105, 110b, 111, 124c, and 124d.

For further consideration, we would like to also object on the following grounds:

- Loss of housing - current approved planning for this site is for residential houses
- Increase in danger to pedestrians by introducing a dangerous crossing point with no safety measures in place

Whilst our previous objection letters and submitted documents provide a detailed analysis of the application, its supporting documents, and the council's departmental responses, we would like to take this opportunity to provide the committee members an overview of our objections.

#### **1. Increased traffic volumes and congestion**

The proposed site is located within a new residential garden village development with access to the site via Starling Road from a new roundabout on the A40. Starling Road is a single carriageway residential street which provides access to the development of around 450 family homes. The proposed use of Starling Road will be in direct conflict with

residents accessing their homes and simply does not have the sufficient capacity for dealing with the additional expected customer numbers circa **1 million visits per year**.

## **2. Land Ownership**

The proposed site forms part of the St Mary's Garden Village residential housing estate and is accessed via Starling Road. The Highways Authority have stated that Starling Road will require engineering works to be undertaken to widen and increase capacity to make it compliant to regulations.

Starling Road and the remainder of roads that form St Mary's Garden Village are unadopted. They are privately owned and maintained at the expense of the residents by way of maintenance fees. The management company St Mary's Garden Village Ltd acts on behalf of the residents of St Mary's Garden Village. The residents and St Mary's Garden Village Ltd do not, and will not allow any such works be undertaken on Starling Road. Thus meaning that the requirements of the Highways Authority cannot be complied with.

## **3. Loss of Privacy**

All vehicles accessing the proposed site will do so via Starling Road. This is a residential road and as such, a number of houses surround the proposed site and access road. With expected customer numbers of circa 1 million visits per year, meaning 1000's of queuing vehicles, and their passengers will be able to see directly into the gardens and front rooms of local residents. This is an unacceptable invasion of privacy, and no resident should be subjected to any amount of strangers peering through their living room windows.

## **4. Noise/Disturbance**

Not only will the residents of St Mary's Garden Village be disturbed with the thousands of vehicles visiting the proposed drive-thru, as highlighted in the point above, but they will also be susceptible to those loitering and eating their takeaways, off site at the communal areas within the estate. Particularly at night. The site will also attract an increasing degree of anti-social behaviour, a problem that is synonymous with McDonald's and well documented as being an issue at McDonald's locations across the country. An issue which was also raised as concern by West Mercia Police in the application at Belmont Road McDonald's for a variation in licensing hours.

## **5. Over development – Over supply of fast-food chains**

Close to the proposed location are two service areas located on the A449 Ledbury Road. These areas already have several food services similar to McDonald's: a Burger King, KFC, Subway, Greggs, Starbucks Coffee, and a café. These already serve the local needs of the community and motorway users. There are a total of 81 Restaurants and takeaway businesses within Ross-on-Wye. For this reason, we consider that it would be both unnecessary and indeed harmful to Ross Town Centre to add another fast-food restaurant, especially considering the size of town.

## **6. Design of Building**

The proposed drive-thru location is situated within the residential development of St Mary's Garden Village. As such, the introduction of commercial premises on this size and scale is not appropriate and not in keeping with design of houses within the development. The current approved planning for this site is for 2, 3, and 4 bedroom residential dwellings (P180155/RM, P140684/0), therefore a drive-thru facility is in complete contrast to the rest of the development and by no means representative of a residential dwelling.

Ross Town Council have also objected on this particular point as the application contravenes the Ross-on-Wye Neighbourhood Development Plan – Planning Policies; EN1 Ross Design Policy, EN2 Shopfronts and Signage, EN4 Infill and Backland Development, and EN 7 Key Views.

## Issues that conflict with Local and National Planning Policy:

This section provides the details of clear conflict between the application and current Local and National Planning policy as listed on page 1.

### a. Traffic Management / Road Network

**Core Strategy MT1: Traffic Management, Highway Safety and Promoting Active Travel.** "Safe and Sustainable transport network and improved traffic schemes".

**Core Strategy MT1 – Safe Entrance/Exit:** "Ensure that developments are designed and laid out to achieve safe entrance and exit, have appropriate operational and manoeuvring space, accommodate provision for all modes of transport, the needs of people with disabilities and provide safe access for the emergency services".

**Core Strategy MT1 – Active Travel:** "Encourage active travel behaviour to reduce numbers of short distance car journeys through the use of travel plans and other promotional and awareness raising activities".

**Core Strategy Objective:** "To improve access to services in rural areas and movement and air quality within urban areas by ensuring new developments support the provision of an accessible, integrated, safe and sustainable transport network and improved traffic management schemes".

**SS4:** "New developments should be designed and located to minimise the impacts to the transport network".

The examples provided below detail how this application contradicts the above requirements:

- I. Located within a residential development which does not have the capacity to accommodate almost 1 million vehicles visiting the site per year. This needs to be considered in the context of **MT1 Safe Entrance/Exit** and the **Core Strategic Objective**.
- II. Starling Road is an unadopted single lane residential road, it does not have sufficient capacity to accommodate this level of traffic and will dramatically increase congestion already experienced at peak times on the A40, A449, B4234 and make vehicle access to and from properties within SMGV impossible. This contravenes Core Strategy **MT1 para 1, 3, 4, 6, SS4, RW1, NPPF 104a, 104d, 105, 110b, 111 and 124c**.
- III. No consideration has been given for traffic diverted to the site via SMGV at the A40/Old Tannery Way roundabout, nor to fly-parking on these roads. This needs to be considered in the context of **MT1**.
- IV. No right turn filter lane at the A40/Starling Road roundabout, nor the ability to widen the road to include such a lane and ease congestion. Application 181448 (Leominster) was unsuccessful in part due to the 'right turn' traffic being shown to be of a volume to significantly impact **MT1**, as is the case here. This precedent must also apply in this instance.
- V. The Traffic Management Plan is based upon the restaurant operating at 100% staffing levels. No account or plan has been made for running at a reduced capacity and the impact this would have on the transport networks due to delays in service at the drive-thru. Again, this should be considered in context of **MT1** and therefore **NPPF 110b, 111, and 124c**.
- VI. Active travel – The core business model of any drive-thru facility is for the use of vehicles to visit the site. McDonald's figures themselves predict nearly 1 million vehicles expected to use the facility each year. The analysis that has been conducted on representations made on this application clearly shows the majority of those supporting would be making visits by vehicle and not by other means of public transport or active travel. This is in stark contradiction to the active travel requirements within **MT1**.
- VII. The private unadopted roads required to access this site would require extensive engineering works to support the enormous traffic volumes predicted by McDonald's themselves. These roads are privately owned by SMGV Ltd and therefore the required works will be unable to be conducted and therefore in conflict with **MT1 – Safe Entrance/Exit** requirements.

**b. Landscape / Townscape**

**Core Strategy Policy LD1.1:** "demonstrate that character of the landscape and townscape has positively influenced the design, scale, nature and site selection, protection and enhancement of the setting of settlements and designated areas".

**Core Strategy Policy LD1.2:** "conserve and enhance the natural, historic, and scenic beauty of important landscapes and features, including Areas of Outstanding Natural Beauty, nationally and locally designated parks and gardens and conservation areas; through the protection of the area's character and by enabling appropriate uses, design and management".

**Core Strategy SD1 5.3.30:** "High quality design can significantly enhance the environment and amenity for new residents. Equally, the amenity and quality of life for existing residents can be adversely affected... and includes consideration of the impacts of noise and artificial light, ground conditions and air quality"

- I. Loss of Privacy – Any passenger vehicle accessing the site will be able to see directly into the surrounding residential dwellings both when entering and exiting the site. This will also apply to any pedestrian accessing the site on foot. The volumes of up to 1 million visitors (strangers) included in McDonald's figures provide a totally unacceptable loss of privacy and loss of residential amenity to residents of SMGV. **This is in context of SD1 5.3.30**
- II. Litter – McDonald's and litter are synonymous. Despite operating litter management plans, it is evident across the country that these are not sufficient to deal with the issue. The plan to introduce such a facility within a garden village, with dedicated green areas, play areas and walking routes will only be to the detriment of the residents who will inevitably be the ones responsible for clearing these areas of McDonald's litter. This is in stark contrast to **Core Strategy Policy LD1.2** Conserve and enhance landscapes and features.
- III. Design and appearance of buildings – This site is located within a residential development of a garden village. The current approved planning for this site is for 2, 3, and 4 bedroom residential dwellings (P180155/RM, P140684/0). The introduction of a drive-thru restaurant facility is in stark contrast not only to the design and appearance of the houses but is also not in keeping with a garden village community. This is in context of **Core Strategy Policy LD1.1, 1.2 and SD1 5.3.30 and RW1.**

**c. Economic Prosperity**

**Core Strategy Policy E5 Town Centres:** "Town centres will be the focus for retail, commercial, leisure, cultural and tourism uses. Proposals for such uses which contribute to the vitality and viability of the town centres of Hereford and the market towns will be supported provided that they:

1. do not adversely affect the primary function of the town centres as shopping destinations; and;
2. are of a scale and design appropriate to the size, role, character and heritage of the centre.

Proposals for development outside the town centres will only be permitted if it can be demonstrated that the requirements of the sequential test, as set out in paragraph 24 of the NPPF, have been met and that the proposal would not have a significant adverse impact on the vitality and viability of the centres. An application will be refused if it fails the sequential test or an impact assessment.

- I. Retail Impact Assessment – No detailed Retail Impact Assessment has been conducted. McDonald's have consistently refused to provide adequate replies and data on their impact on the town centre despite being over the threshold for an impact assessment. The council's planning retail consultant having reviewed the application and a Nexus retail study, provided a summary which was contradictory of itself. In para 9 it states it is "impossible to make an estimate of the likely diversion of turnover from the town centre" however para 11 states "it appears to us that it would be unlikely to be of a scale to seriously affect the town centre's vitality and viability". Not only does this contradict it's own summary, it also contradicts the Nexus study stating "a development of 300sq m and over is a significant development and could severely impact a town centre". This confusion is

borne out of the lack of a detailed Retail Impact Assessment which is contrary to **Core Strategy Policy E5: Town Centres**.

**d. Addressing Climate Change**

**Core Strategy Policy SS7.2:** "delivering development that seeks to reduce the need to travel by private car"  
**Core Strategy Policy SS7.3** "designing developments to reduce carbon emissions and use resources more efficiently"

- I. A drive-thru facility is modelled on the basis of using private vehicles. This is in direct conflict to **Core Strategy Policy SS7.2**.
- II. The introduction of this site would completely undermine the council's stated aim of helping people "choose alternatives to car travel". Using McDonald's figures, visitors to the site (at a minimum) will contribute an extra 45 metric tonnes of CO2. Thus meaning that it would be impossible for the councils stated aim for being Carbon Zero by 2030 and contradicts **Core Strategy Policy SS7.3**.

Other items listed:

In addition to the serious conflicts of planning policy raised above, there have been numerous objections and concerns raised not only from local residents but also from town and parish councils, and other government departments.

- a. **Ross Town Council** – objection on the following Policy Points: **EN1, EN2, EN4, EN7, Planning Policy E1, E2 and A1**.
- b. **Public Health** – Objection due to encouraging car dependency, the close proximity to a high school, and the contribution to an unhealthier living environment compromised by both pollution and obesity.
- c. **Marstow Parish Council** – objection due to litter and the impacts to the Area of Natural Beauty gateway.
- d. **Herefordshire Committee to Protect Rural England** – objection due to considerable concerns relating to the application relating to **SS1, SS6, SS7, RW1, MT1 and E5**.

**Loss of Housing**

Current approved planning for this site is for residential properties (P180155/RM). The change of use from the approved residential dwellings to a fast-food drive-thru would result in the loss of housing. This is in direct contravention of the Herefordshire Local Plan 2021-2041 where 17,000 new homes across the county have been identified as required to meet housing needs. At a time of a national housing crisis, a fast-food drive-thru cannot be given priority over much needed housing.

**Pedestrian safety**

The revised plans show an addition of a crossing point to the northern edge of Starling Road and roundabout with A40. The plans for this are to have a pavement and lowered kerbstones but no pedestrian safety measures are included. This is the first crossing point that any pedestrians walking from the direction of the John Kyrle High School come to. Therefore, are far more likely to use this crossing then walk further down to the traffic light-controlled crossing that this application proposes. Given the direction these pedestrians are approaching from suggests that they are likely to be children and young teenagers from the school. This is an incredibly dangerous inclusion to this application and would be only a matter of time before a serious accident involving a child occurs.

### Pre planning advice response:

In 2017 the pre-application response was received from Herefordshire Council. The response stated that the officer was and I quote, "**very concerned that the proposal risks having a significant adverse effect upon the viability and vitality of Ross-On-Wye Town Centre**" and references the Town Centre Update 2012 which "**essentially states that Ross-On-Wye does not have a need for any more retail floorspace during the Core Strategy period (until 2031)**". This advice is consistent with policy E2, section 4.17.1 in the ROWNDP which states that "**Ross-on-Wye has no further retail capacity during the current Local Plan period... Further retail development outside the town centre is likely to have significant adverse impacts on the town centre.**"

The officer went on to say "**My own personal observation is that the health of Ross-On-Wye Town Centre has suffered, with the benefit of hindsight from the amount of out-of-centre retail floorspace previously permitted by this Council (and the former South Herefordshire Council)**".

The officer also referred to other issues including the reliance on private motor vehicles due to the site's location, decreasing the sustainability of the proposal. Furthermore, the officer didn't believe that there would be "linked-trips" with the Town Centre.

### Conclusion

The introduction of a drive-thru facility within a residential development is not only unprecedented but with the expectant visitor numbers of 1 million customers per year, will result in a total loss of residential amenity and have a huge negative impact to local residents.

The serious concerns raised within this document, in addition to objections raised on the core planning grounds of; increased traffic volumes and congestion, land ownership, loss of privacy, noise & disturbance, design of a building, and over development provide clear and definitive evidence to the degree in which this application conflicts with both local council and national planning policies.

It will be detrimental to the Town Centre economy and whilst stating it will bring £52,000 in business rates, there is no account for the loss and closure of Town Centre Businesses at the expense of this venture.

McDonald's also states that it will bring 120 new jobs to the Town. At a time when there is a national crisis of over one million unfilled vacancies, of which there are 400 unfilled vacancies in Ross-on-Wye. Fuelling inflation and the cost-of-living crisis. This will add increasing strain on what is already a very small labour pool in Ross-on-Wye and will result in crippling staff shortages. Businesses have already started to permanently close due to staff shortages. McDonald's is struggling to fill 20 open vacancies at the nearest drive-thru at Belmont Road., Hereford. This is impacting it's operating capacity and is by McDonald's own admission, the reason there are large queues and tail backs onto the road network. This will be replicated at Ross-on-Wye.

Current approved planning on this site is for residential dwellings. In support of Policy RW1, priority cannot and must not be given to a fast-food outlet over much needed housing. This application must be refused.

Ross Town Council have voted unanimously to object against this application as it is completely unsuitable, not required and contravenes a number of Town and County Council Planning Policies. We urge you to do the same.

Yours sincerely

St Mary's Garden Village Action Group



A response to the McDonald's Drive-Thru Application 222314 and it's associated applications. Compiled and produced by, and on behalf of the residents of St Mary's Garden Village.





## Introduction

Planning application 222314, and its associated applications 222321, 222309, and 222308 are for a freestanding McDonald's Drive-Thru restaurant close to the A449/A40 roundabout ("OverRoss Roundabout") and other structures concerning this restaurant. McDonald's has proposed access for this restaurant via an unadopted residential road (Starling Road) and residential area (St Mary's Garden Village).

This is the second application that McDonald's has made for this site having previously withdrawn application 213017 after receiving strong objections and concerns from a number of government agencies, Ross Town Council, John Kyrle High School, and residents.

This revised application and its supporting documents on behalf of McDonald's have been written to give the impression that all of these previous concerns have been listened to and addressed by a revised plan. The contents of this document refute these claims and clearly demonstrate the unsuitability of this proposal under the **Core Strategy, NPPF, ROWNDP, and the negative impacts on the Town, County, and wider environment.**

The reality is that the revised plan contains **very few changes** from the original plan and the vast **majority of concerns and objections remain valid.**

Throughout the application McDonald's has supplied cherry-picked, misleading data to provide a "best case scenario" to describe the impact of the restaurant on the amount of traffic, pollution, noise, invasion of privacy and nuisance to the area around the restaurant. **The reality is very different!** As witnessed across the country, described below.

This document provides the essential points which show that this application should be refused. It includes a view of key concerns that the residents of St Mary's Garden Village would like to raise and is **in addition to the comprehensive document** (appendix A) which was provided in objection to the previous application (213017).

## Key Points

- Unreliable Traffic Assessment outcomes and misleading data from using flawed approach to assessments/modelling and assumptions
- Inadequate assessment for Drive-Thru Queuing and impacts to road network
- None of the Comparison sites used as a basis for assessment are fit for purpose
- No Traffic Management Plan to alleviate traffic issues facility will create
- Revised Plan increases danger to pedestrians
- Pollution & Environmental issues, carbon emissions, EV chargers
- Invasion of privacy from Static queuing vehicles & headlight glare
- Litter
- Anti-Social Behaviour
- No Retail Impact Assessment
- Adding to the Local and National issue of unfilled vacancies (and inflation)



## 1. Traffic Assessments

There are a number of different assessments, modelling and assumptions used to provide the basis for the overall traffic impact assessment. Each of these have been created using cherry picked data to provide a 'best-case' view, using irrelevant comparison site data, and factually incorrect assumptions. These have been accepted by Highways England who appear to have only checked that the modelling techniques were correct but have not required up to date data.

### Flawed approach to Traffic Assessment and Modelling

The Traffic Assessment report uses data compiled over a short period (a couple of days in September 2019) and has used modelling to predict volumes for 5 subsequent years. Using this approach is misguided as it is not able to provide a true picture of actual traffic levels. Only a more thorough assessment over a prolonged period of time would be able to provide a true understanding of traffic volumes. By virtue of living here, currently only local residents have this knowledge, and these residents are telling you that already there is a traffic problem without the creation of an **additional 4900 trips per day** through the A40/Starling Road roundabout. *Source: Air Quality Assessment, McDonald's Ross-on-Wye 13 July 2021 Job no J10/12499B/10 p27 - 2444 vehicles per day x 2 (inbound/outbound)*

Of the 216 objections to the previous application – **185 cited traffic issues as a concern**. No amount of theoretical modelling and ad-hoc surveys can provide you with a true assessment. The most accurate and reliable representation of traffic can only be given by local residents who experience these issues on a daily basis or through a longer-term assessment by a third party.



**Picture 1 – A40/Starling Road and OverRoss roundabouts**

Picture 1 above clearly demonstrates the current traffic congestion that regularly occurs in this area. These traffic levels have not yet returned to pre-COVID levels, nor has the development of the residential areas of St Mary's Garden Village, Hildersley Farm, and the business development of Ross Model Farm completed. The increase in traffic from these developments remain **unknown** at this time. The **addition** of a further **4900 vehicles per day** through the A40/Starling Road roundabout will create **traffic chaos** and will also prevent residents of St Mary's Garden Village from returning to their homes during these times.

## Factually incorrect assumptions as basis for Traffic Assessments

The figures used to support the traffic assessment are based on a 5km catchment area. However not only does the application also state that there are no other McDonald's within a 10km radius. The closest being Belmont Road, Hereford (**24.4km away**). There are also no other McDonald's Drive-Thru locations between Ross on Wye and the Coldra M4 roundabout, and there are no services on the M50. **Therefore, it would attract customers in vehicles from Monmouth, Ledbury, Cinderford, Mitcheldean, Coleford and many other small towns and villages in the area.**

There is considerable evidence from the postcode location of supporting representations from the previous application (213017) that people would travel from these places. The site is specifically designed to attract customers in cars and **McDonald's is manipulating its data to hide this fact and the impact of the extra traffic.**

The Transport Assessment report also uses traffic data from other sites to support their traffic assessments and trip survey data. The sites used for this are not comparable to the proposed location as they are not located within a residential housing estate but are out of town retail sites and service areas. Therefore, the data used is **not comparable** and **invalid**.



**Picture 2 - Traffic Congestion at A40/Starling Road roundabout**

## Section 278 Agreement – Starling Road

The ADL Transport Assessment Section 2.2.7 States that *“the land on the eastern side of the roundabout is covered by a section 278 agreement for adoption and will be adopted by Herefordshire Council after the works have been completed.”*

**This is incorrect.** The 278 agreement (and all 278 agreements) only cover works within the existing adopted highway, so the 278 agreement ends at the A40/Starling Road roundabout. The land to the east of the A40 will remain unadopted and owned and maintained by the residents of St Mary's Garden Village.

When objections to access from Starling Road were highlighted in previous feedback, McDonald's undertook an assessment of alternative access routes to the same site:

Access from A449 – Highways England **says NO!**

Access from A40 – Herefordshire Highways Authority **says NO!**

Access from Starling Road (unadopted) – St Mary's Garden Village **says NO!**

To further evidence that the current approach to Traffic Assessments and modelling is flawed, we only need to look at experiences at other McDonald's Drive-Thru locations across the country. These applications also insisted that the Traffic Assessments were sound and there would be **no impact to traffic**. The **reality** and **true impact** of these are well documented. We have all seen for ourselves the traffic issues and misery that these locations bring to their local area.

## Police called over traffic chaos caused by McDonald's drive thru in Strood

Chris Hunter chunter@thekmggroup.co.uk



McDonald's 'working' to address traffic congestion around Pontefract and Castleford drive-thrus after complaints  
 McDonald's says it's looking at ways to help relieve congestion around its drive-thru restaurants in Pontefract and Castleford.



"Avoid-Drive thru causes traffic nightmare in car park"

Review of McDonald's

Ranked #8 of 8 Quick Stops in Aylesford

4.0/5 (14 reviews)

Description: Aylesford

McDonald's

Unit 4, 22 Hawthorne Road, Aylesford ME20 9PL, England

+44 1302 755522

Get food delivered

3 photos

Review of McDonald's

4.0/5 (14 reviews)

Avoid-Drive thru causes traffic nightmare in car park

We've visited Aylesford McDonald's drive thru a few times and each time the car park traffic gets worse. It gets completely gridlocked because you have to drive past drive thru entrance to get out of the car park. The car park gets so badly blocked that to one not drive out of the drive through and then no one can get out of the car park. Just avoid unless you want to get stuck in second gear for 10-15 minutes.

Done of this! December 2020

Explore Dorwin and its surrounds

See all reviews

## Burgess Hill McDonald's: Problems with traffic queuing to use drive-through investigated

Traffic problems with McDonald's customers trying to place their orders at the drive-through are being investigated by the county council.

**"AND IT'S CAUSING HAVOC FOR THE PEOPLE WHO WANT TO GO INTO THEIR HOMES".**

## 2. Inadequate assessment for Drive-Thru Queuing and impacts to road network

The Drive-Thru Queuing assessment is based on an average over an hour i.e. 1 vehicle arriving every minute, per hour at peak times. To have a steady, regular stream of vehicles over such a period is wholly unrealistic and an inadequate basis to assess the capacity of the Drive-Thru facility. The more realistic scenario will be surging traffic volumes throughout many periods within the peak time. There is **no account for these surge volumes** within their assessment. Despite this, they state as fact that there will be **no impact** to traffic on the A40 within their traffic assessment. It should also be noted that **'peak times'** for the Drive-Thru **coincide with rush hour traffic**.

This flawed approach to assessments is in line with the flawed approach to Traffic Assessments and provides the answer as to why the country experiences so many Traffic issues with these Drive-Thru facilities. They are designed to fail from the start.

In our previous document, we used Belmont Road Drive-Thru to demonstrate the issues created by the facility in Hereford. McDonald's response was that the Drive-Thru was not operating at capacity for one reason or another and that this was the cause of the issue. Thus, further demonstrating that these facilities are **not designed or equipped to deal with anything other than a 'best case' scenario**, a scenario which is ever far from reality and further evidence that these assessments and documents attempting to portray that there would be no impact to the road network just do not stack up!

It is worth noting that there is a jobs crisis nationwide with over 1 million unfilled vacancies. There are almost **400 unfilled vacancies in Ross on Wye**. There are also currently 20 unfilled vacancies at the Belmont Road Drive-Thru. It is highly likely that McDonald's will struggle to fill all of the 120 new jobs in this application thus meaning that the Drive-Thru will **not be able to operate at full capacity**.



Picture 3 -Traffic Congestion experienced at Drive-Thru locations across the country

### 3. The comparison sites used to support the application are not fit for purpose

#### **None of the Comparison Restaurants share their access with a residential area**

One shares access with an out-of-town shopping centre, another with a petrol station and supermarket and the third has its own access direct from a major roundabout. The proposed restaurant is off a small, single track roundabout and the site shares access through an unadopted road which is owned and managed by the residents and developer of St Mary's Garden Village.

McDonald's Drive-Thru locations are set on retail parks, leisure outlets, petrol stations and large supermarket stores. Are there any McDonald's Drive-Thru locations that are part of a residential estate?  
**Does Herefordshire County Council want to set this precedent?**

#### **McDonald's uses misleading comparison restaurants which are not fit for purpose**

McDonald's' most similar comparison restaurant in terms of floor area and number of seats serves an area with **twice the population** and **3 times the population density of that of Ross-on-Wye. None of these sites have access through a residential area.** The closest comparison site in terms of population size has a restaurant approximately half the size of the proposed Ross-on-Wye site. For McDonald's own vehicle trip figures to work, this Drive-Thru will clearly be a destination restaurant creating extra journeys.

Part of our previous objection document used Leominster as an example to demonstrate that the comparison sites are not fit for purpose. In McDonald's response to this point, they state that as Leominster is located with a large supermarket that it could not be used to support the argument. **Thus, making our point perfectly.** If Leominster is not suitable then neither are any of the sites provided by McDonald's to support their application.

The locations of the comparison sites demonstrate:

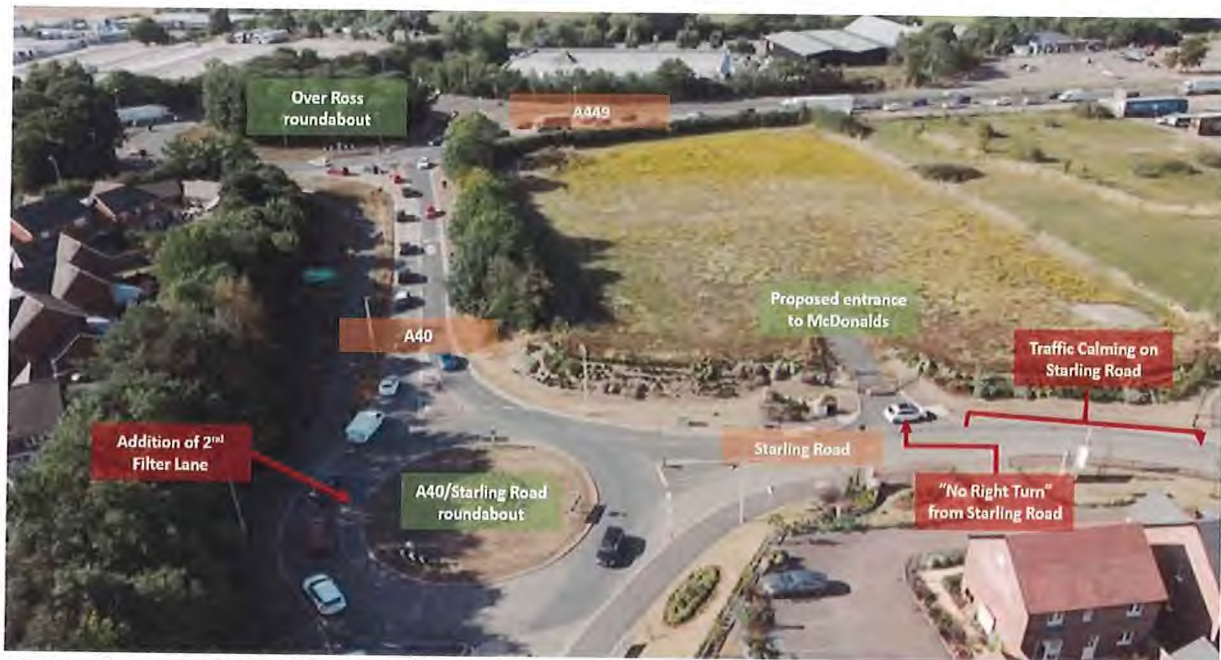
- **None of these sites share access with residential developments**
- **All 3 sites are in areas with significantly more commercial development (each is within 100m of a supermarket or shopping centre)**
- **2 of the 3 sites are in areas with at least 3 times the population density**
- **The only site in an area of similar population density is approximately 50% smaller than the proposed Ross-on-Wye site**



Picture 4 -square peg – round hole  
21

#### 4. No Traffic Management Plan to alleviate issues facility will create

The arguments that we raise in response to this application provide evidence that this facility will not only **increase traffic congestion on the A40**, it will also introduce a **'rat-run'** through St Mary's Garden Village via Starling Road. This will endanger residents and children within the village and increase the likelihood of a **serious (or fatal) accident**. Not only have these been denied or ignored by this application, there has been no inclusion of a Traffic Management Plan to deal with the issues that will be created.



**Picture 5 - Examples of traffic measures**

For example, Traffic calming measures should be introduced on Starling Road, as well as a 'no right turn' into the access road to the Drive-Thru for those trying to avoid the congestion on the A40 and jump the queue. There should also be the inclusion of a right-hand turn filter lane at the southern arm on the A40/Starling Road roundabout to alleviate the heavy congestion on the A40.

It is worth noting, that whilst these examples would help address the issues that the Drive-Thru will create, it would be very difficult for McDonald's to actually introduce any of these measures as it would involve work to be completed by Herefordshire Council, Highways Agency, Edenstone Group and St Mary's Garden Village.

## 5. Increase in danger to pedestrians and schoolchildren

The revised plans show an addition of a crossing point to the northern edge of Starling Road and roundabout with A40. The plans for this are to have a pavement and lowered kerbstones but **no safety measures** are to be included. Any pedestrians from the direction of the **John Kyrle High School** are far more likely to use this crossing than walk further down to the traffic light-controlled crossing that this application proposes. Given the direction these pedestrians are approaching from suggests that they are far more likely to be children and young teenagers from the school. This is an incredibly dangerous inclusion to this application and would be **only a matter of time before a serious accident involving a child occurs.**



**Picture 6 - Scene of serious accident involving car and child – will St Mary's Garden Village be next?**

## 6. Pollution & Environmental issues, carbon emissions, EV chargers

### **Pollution, Environmental issues, and Carbon emissions**

McDonald's predictions for air and noise pollution rely upon the data from the Transport Report as discussed earlier in this document. We have shown this data to be inaccurate and not a true reflection of the actual traffic volumes that will be created. This data must be resubmitted as all subsequent claims from McDonald's in terms of the environmental impact of the restaurant depend on this data. **Put simply, if there would be far more traffic accessing the site than the underpinning data suggests then any subsequent analysis based on it cannot be relied upon either.**

McDonald's and ADL's data has already been proven to wildly underestimate the number of vehicles that would access the proposed restaurant. **However, in the best possible case the restaurant would be responsible for more than 44 tonnes of CO<sub>2</sub> emissions per year from cars alone.** This figure depends on McDonald's conservative estimates for vehicle traffic and assumes that no vehicles would idle at any point on the site. It also doesn't account for any traffic not considered "light vehicles" such as HGV deliveries.

Full details of this issue are covered within our previous objection document. We would like to highlight that there has been **no response has been made by McDonald's to these issues raised in their revised application.**

**Herefordshire Council declared a climate emergency on 8<sup>th</sup> March 2019 and in September 2019 the council resolved to set a target of net-zero carbon by 2030.**

A Drive-Thru restaurant with a catchment area stretching the length of the A449 from Ledbury to Monmouth as well as a sizeable area of the Forest of Dean and Wye Valley AONB would completely undermine the council's stated aim of helping people "choose alternatives to car travel", and Core Strategy SS4 3.52. It is also against NPPF 104 a) and 112 a).



Council resolves to set a target of zero carbon by 2030

**Picture 7 – Herefordshire County Council declare Climate Emergency in 2019**

## Electric Vehicle Charging Points

In the revised application, McDonald's claims two Electric Vehicle Charging Points (EVCPs) will be provided at the site and that this is therefore part of its plan to mitigate against the restaurant's impact on the climate. However, it gives **no data** of how this will translate into a reduction of traffic or vehicle emissions.

In respect of the Leominster McDonald's Drive-Thru application 181448, Environmental Health Officer Philippa Hargreaves notes:

Electric Vehicle Charging facilities have been included within the mitigation, which is welcomed. However, it is noted that this would not be the only public electric vehicle

charging facility in Leominster.

The primary concern, however, is there is no information to demonstrate how these mitigation measures would translate into a reduction in the predicted vehicle emissions, from the increased car use as a result of the development, particularly in the Air Quality Management Area at Bargates.

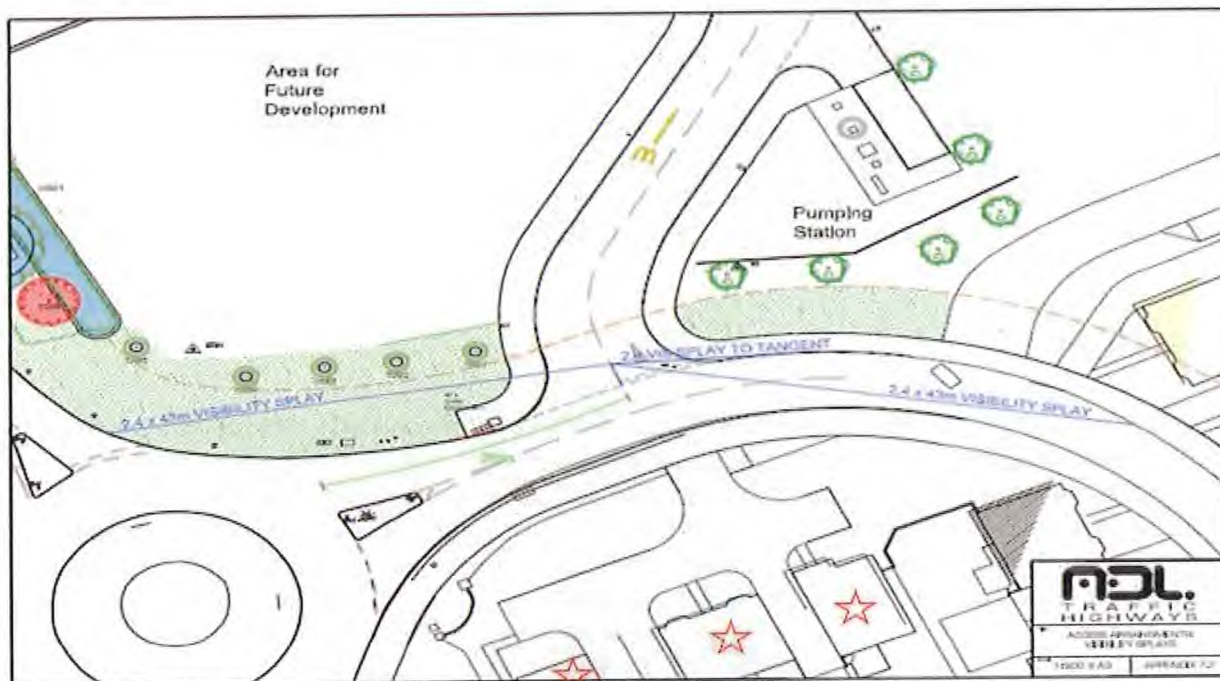
Source: Application 181448 IntConsResp 8 dated 04/07/2019 p2-3



In order for the EVCPs to be considered as mitigation in 222314 it must also be shown how they will translate into a reduction in the predicted vehicle emissions from the increased car use as a result of the development.



## 7. Invasion of privacy from Static queuing vehicles & headlight glare



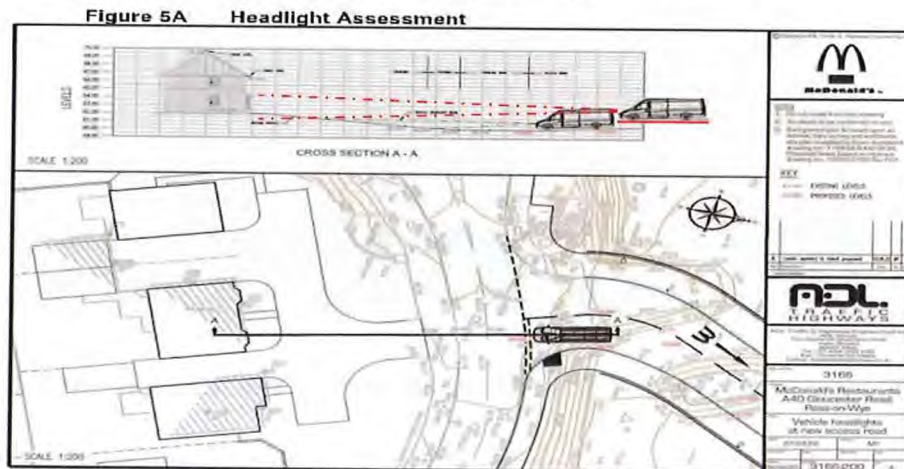
**Picture 8 – diagram showing houses impacted by invasion of privacy by queuing vehicles**

Any passenger in a vehicle queuing on Starling Road (in the area indicated by the green line on this drawing) would be able to see **directly into the front gardens, ground and first floor of the properties marked with a red star**. This would be particularly apparent at night-time. Properties further round Starling Road would have pedestrians loitering to eat their takeaways off site, as there is a communal area and play area less than 100m along the road. This is a totally **unacceptable invasion of the right to privacy**. SD1, 5.3.30 requires designs to take account of “overlooking”. This is in regard to both customers on site and increased pedestrians loitering to eat their takeaways off site.

## Headlight Glare – Starling Road

In response to our previous concern on headlight glare directly into the residential properties on Starling Road, McDonald's has made a poor attempt at demonstrating they have resolved the issue. The truth is that whilst reducing the opening hours from 24hrs to 0600-0000 does reduce the impact somewhat, there is still a significant amount of 'after dark' time within the revised opening hours.

The second part to which McDonald's again try to mislead the reader is by the diagram used to show the modelling of headlight glare. Figure A Headlight Assessment.



**Picture 9 – Diagram showing corrected headlight glare projections**

What that picture failed to show is if you were to move the vehicle back towards the Drive-Thru by just one car length, the headlight glare would be directly into the garden, ground and first floor of the residential property (See corrected picture above). This is because the land to which this application relates to, is raised in height from the point it joins Starling Road thus raising the height of the headlight beam.

## 8. Litter

Despite having a litter management plan, as is McDonald's Policy, the evidence of experience across the country shows that these are not used, complied with, or effective. Even if they were, 150m is not sufficient to manage the litter issue. There is **no provision for litter bins** within St Mary's Garden Village, as this site is not maintained by Herefordshire Council. However, as previously evidenced in our original objection document, litter from these facilities can be tracked far and wide. Therefore, **there will be litter** strewn up and down both the **A40** and **A449**.





## 9. Anti-Social Behaviour

Anti-Social behaviour is **synonymous with McDonald's** across the country. It is well documented that where there's a McDonald's, there's also Anti-Social behaviour. These sites are a magnet for people to gather in large groups, cause nuisance, commit acts of criminal damage, violent behaviour, loud noise, loitering, littering, the list goes on.

The nearest McDonald's to Ross on Wye is in Belmont Road in Hereford. Below is an extract from **West Mercia Police's objection** to a recent application for variation to licence hours for the Drive-Thru.

The spectrum of incidents or issues concern a wide range of 'bad behaviour' – this includes youth anti-social behaviour such as assault, stone throwing, swearing and being abusive, refusing to leave the premises, being aggressive and causing minor damage to property.

Issues additionally include excessive noise from cars and customers, vehicle related anti-social behaviour – commonly known as 'boy racers' – such as car racing and revving of car engines.

There are concerns over child sexual exploitation and whilst this is not the fault of the premises the fact that young people do meet and congregate at the location has resulted in predatory conduct targeting young people.

There has been a number of incidents reported of adult drunkenness at the premises, potentially drink driving issues by those using the restaurant or drive through facility, adult domestic related assaults and arguments and road safety issues by vehicles queuing to enter the premises.

All this does impact on the effective management of the premises and importantly on the safety and wellbeing of the public.

**Extract from West Mercia Police objection to variation in licence hours – Belmont Road**

Currently Ross on Wye town centre is subject to anti-social behaviour with numerous arson attacks at the skate park and open spaces, criminal damage, violence, and intimidating behaviour to local residents.

St Mary's Garden Village has already been the victim of this with the Boat House area being vandalised and almost destroyed by groups of youths on a number of occasions. The introduction of a McDonald's on this site will be a magnet to these youths and we will see a **huge increase in Anti-Social behaviour** within the development. Not only is this an endangerment to residents and their children, it will also provide great strain on the Police who are already under-resourced and struggling to contain the current levels of disorder without the additional issues that this new site will create.

**Antisocial behaviour issues near McDonald's is 'perennial problem'**

## Anti-social behaviour has got so bad at this McDonald's that police are using special powers to stop troublemakers

McDonalds in Ely has been plagued by antisocial behaviour in recent weeks - now, police are taking action

**Under-18s banned from entering McDonald's after 5pm**  
The decision was made after staff were repeatedly subjected to "verbal and physical abuse".

**McDonalds Musselburgh drive-thru would see rise in antisocial behaviour, police chief warns**  
15th June 2021

### McDonald's drive-thru plan rejected

Thursday July 22nd 2021



The site next to Tesco off Giffen Road in Musselburgh.

Written by Local Democracy Reporter, Marie Sharp

McDonald's has lost its fight to open a drive-thru in Musselburgh after an appeal to Scottish Ministers was thrown out over concerns from police about anti-social behaviour.

## 'Green and pleasant town' hit by wave of antisocial behaviour as teens loitering at McDonald's launch brick at ice cream fan

"Are you proud of your behaviour?" ask police

## Antisocial behaviour anticipated at McDonalds drive-through

4 October 2013

A McDonalds restaurant and drive-through in Lanarkshire was rejected because it would harm highway safety and the living conditions of neighbours.

## McDonalds' late-night drive-through plan for Kirkdale rejected by Liverpool council

A PLAN to open a 24-hour weekend drive-through McDonald's was rejected over fears it would be a magnet for anti-social behaviour.

## 10. No Retail Impact Assessment

Similar to the previous submission, McDonald's has **chosen not to** submit a Retail Impact Assessment despite being **required to do so**.

An impact assessment balances advantages and disadvantages of a proposed development, to ensure the development won't be detrimental to an area. Sections a and b in paragraph 90 of the NPPF summarises what an impact assessment should include:

*"(a) the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and*

*(b) the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment (as applicable to the scale and nature of the scheme)."*

Paragraph 90 of the NPPF requires local planning authorities to set "thresholds" to determine when impact assessments are required. Policy RW1 in HLPCS and E2 in ROWNDP set Ross on Wye's threshold at 400sq metres. The proposed development has a GEA floorspace of 426m<sup>2</sup>, thus it requires an impact assessment.

Therefore, by not including an impact assessment in the application, the application **does not accord with planning policy** and a **planning officer cannot make a fully informed decision**.

By completing a retail impact assessment, it would make clear the **huge negative impact** that this Drive-Thru will have on Ross Town Centre, local business, and the local economy. Whilst the application cites the benefit of £52k a year in business rates, this does not accord for the **loss in business rates** from those business who will be **forced to cease trading** as a direct result of this application.

## 11. Adding to the Local and National issue of unfilled vacancies (and inflation)

Job vacancies are at a record high and employers who want to attract and retain staff are under pressure to lift wages, which in turns fuels inflation. The UK has seen over 1 million people leave work since the start of the COVID-19 outbreak. Inflation is at a 40-year high and the Bank of England has warned that the UK will fall into recession later this year.

In Ross Town centre alone, there are currently almost **400 unfilled vacancies**. The introduction of 120 additional jobs would lead to some businesses being **crippled by staff shortages**. Not only would this be of no benefit to the population of Ross on Wye, but also compounds the issues we see nationally and feeds the increase in inflation.

A number of the current vacancies are for similar venues e.g. Burger King, Greggs, Subway and indeed, there are 20 unfilled vacancies at the nearest McDonald's Drive-Thru in Belmont Road, Hereford. As we have previously shown in the Drive-Thru queue assessment, if the restaurant is not fully staffed and operating at 100% then this will directly impact waiting times and lead to **long queues onto the A40**.



It is also untrue that a McDonald's, no matter if run by a local franchisee or from elsewhere, could possibly be a "small" or "medium sized" enterprise. Indeed, objections from independent businesses in the centre of Ross-on-Wye demonstrate that the only way to support small and medium sized enterprises in the town is to refuse the McDonald's application.

## **UK inflation hits new 40-year high of 9.4% as cost-of-living crisis deepens**

PUBLISHED WED, JUL 20 2022.2:04 AM EDT | UPDATED WED, JUL 20 2022.2:26 AM EDT

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One million vacancies and soaring wages fuel UK inflation fears

IN BRIEF

### **Labour shortages: the 'most urgent problem' facing the UK economy right now**

Britain is currently in the grip of an 'employment crisis'

## Conclusion

The proposed McDonald's Drive-Thru is one usually found in retail parks or service stations not residential areas, and the comparison restaurants used in the application are all retail park style restaurants on existing commercial land much further from residential properties than in this application. There is **no precedent** for Drive-Thru restaurants located within residential housing estates. **Do not be the first!**

The revised application suggests that it has engaged with the local community, listened to the concerns raised and have addressed these issues. This could not be further from the truth! As this document shows, **little has been done to address these concerns** and in fact, there was **no response or acknowledgement**, to the formal objection from **Ross Town Council**. The only conclusion that can be made is that they simply **cannot address the concerns that have been raised!**

**900,000 vehicles** will visit McDonald's per year with **at least 200,000 specific journeys to the site**. It would bring **chaos to traffic, degrade the quality of life** for local families and local residents, it would impose **higher pollution levels** and **impact on town centre businesses**. It would **adversely impact on long term traffic plans** and would make the Council's stated position on **carbon reduction much harder to achieve**. A Drive-Thru should be for roadside use and accessed through similar services (such as adjacent to a petrol station or large supermarket) rather than through a narrow residential street.

Source: Air Quality Assessment, McDonald's Ross-on-Wye 13 July 2021 Job no J10/12499B/10 p27 – 2444 vehicles per day x 365)

**Herefordshire Council 'Housing Market Area Needs Assessment 2021'** states that **"133 new houses in Ross on Wye are required per annum"** to meet housing needs.

The current approved planning application on this site is for residential dwellings. At a time when we are in a national housing crisis, how could priority be given to another fast-food outlet over much needed houses? There are currently 81 restaurants and an **over supply** of fast-food outlets in Ross on Wye. **We desperately need houses not another burger bar!**

The data in this document proves that the proposed restaurant would **not be of benefit to Ross-on-Wye, local residents or the wider community**.







Traffic queuing to enter McDonald's Belmont Road, Hereford 12:33 Saturday 9<sup>th</sup> October 2021 Follow the QR code to view the video of this queue.



## **A McDonald's for Ross-on-Wye**

**The misleading data in application 213017, its unsuitability under the Core Strategy and NPPF and the proposed restaurant's negative impacts on the town, county and wider environment**

Prepared by and on behalf of the residents of St Mary's Garden Village [stmqv2021@gmail.com](mailto:stmqv2021@gmail.com)

## Summary

Planning application 213017 contravenes the Herefordshire Local Plan Core Strategy, specifically but not limited to points: RW1, RW2, MT1 para 1,2,4,6, SS4, Policy E5 and Vision, Objectives and Spatial Strategy 3.68 & 3.69.

It also contravenes or does not adequately address National Planning Policy Framework, specifically but not limited to points 90 a) and b) point 91, 93 d), 104 a) and d), 105, 110 b), 111, 124 c) and d). We believe this is sufficient for the application to be refused.

### **This application should be refused based on the following key points, which are evidenced in this document:**

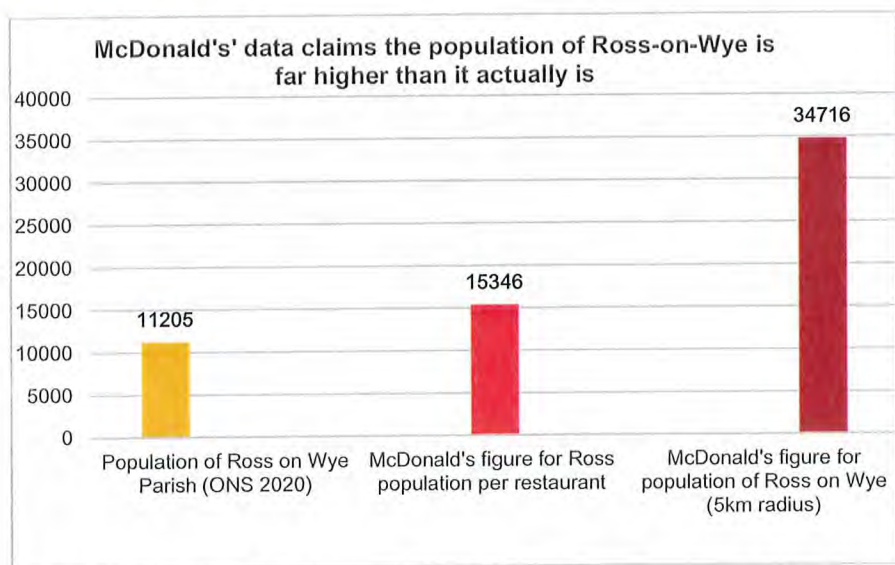
Data in the application states that the population of Ross-on-Wye and its surrounding area is 34,716. This is incorrect by a factor of almost 3 and this data plays a key part in asserting that the application complies with the NPPF and Core Strategy, particularly MT1.
This data has been the basis for Air Quality Assessments, Noise Assessments & other assessments used to determine the impact of the proposed site. The data must be resubmitted and peer reviewed in order that the application is not approved based on incorrect data.
Other agencies (such as Highways England) have based their recommendations on this incorrect data. These must be resubmitted with correct data in place.
The application does not give a single example of a comparison restaurant with access through a residential road. This data must be supplied.
The application does not acknowledge whether there is even precedent for any McDonald's (Drive-Thru or otherwise) taking access directly from a residential road.
There is no consideration in the application for the impact of northbound vehicles turning right when approaching the A40/Starling Road roundabout despite McDonald's claiming 1,962 vehicles per day would use this route. This needs to be considered in the context of MT1.
There is no "right turn" lane at the A40/Starling Road roundabout for this purpose, nor the facility to widen the road to include such a lane. This needs to be considered in the context of MT1.
Application 181448 was unsuccessful in part due to "right turn" traffic being shown to be of a volume to significantly impact MT1. This precedent must also apply in this instance.
No consideration has been given for traffic diverted to the restaurant via St Mary's Garden Village at the A40/Old Tannery Way roundabout nor to fly-parking on these roads. This needs to be considered in the context of MT1.
The emissions caused by traffic driving to and accessing the site would make it harder for Herefordshire Council to achieve its stated goal of the county being carbon neutral by 2030/31.
No Retail Impact Assessment has been submitted despite this being a requirement for developments of this size.
The proposed restaurant is 3 times too large (population/seat) in comparison to the comparable restaurants in the application. Its car park is too small for the traffic it would create. A Retail Impact Assessment would show whether this size of restaurant would have an impact on the town centre yet one has not been completed.
The ratio (population/seat) is identical to application 181448 which was withdrawn after opposition from the Council. This precedent must also apply in this case.
65 vehicles per hour will access the Drive-Thru at peak times yet McDonald's can only process 1 vehicle every 4mins 44 seconds. No modelling has been carried out to show the impact of this "4 in 1 out" on Starling Road, the A40 or A449 and this must be considered in order to comply with MT1.

## Introduction

Planning application 213017, and its associated applications 213010, 213009, 213008 and 213028 are for a freestanding 24-hour McDonald's Drive-Thru restaurant close to the A449/A40 roundabout ("Overcross Roundabout") and other structures concerning this restaurant. McDonald's has proposed access for this restaurant via an unadopted residential road (Starling Road).

Throughout the application McDonald's has supplied cherry-picked, misleading data to provide a "best case scenario" to describe the impact of the restaurant on the amount of traffic, pollution, noise, invasion of privacy or nuisance to the area around the restaurant.

## Throughout the application the data used is inaccurate and misleading



There are a number of significant inaccuracies in the data supplied in support of the application. One of the most surprising inaccuracies is that the application claims 2 vastly different figures for the population of Ross-on-Wye and the surrounding area depending on which point it argues. It should be impossible for the data in column 3 to be larger than that in column 2 given no other McDonald's restaurant within 5km. McDonald's uses these

2 figures to prove it adheres with different parts of Core Strategy and NPPF depending on which figure suits its argument better. Both figures cannot be true at the same time. **If the data is unreliable then any subsequent analysis based on it cannot be relied upon either.** The higher traffic than predicted in the application would mean the proposed restaurant could not adhere to MT1 para 2 or SS4 "New developments should be designed and located to minimise the impacts on the transport network" and therefore NPPF 110 b) and 111 and 124 c).

## None of the Comparison Restaurants share their access with a residential site.

One shares access with an out of town shopping centre, another with a petrol station and supermarket and the third has its own access direct from a major roundabout. The proposed restaurant site shares access through an unadopted road which will be owned and managed by the residents and developer of St Mary's Garden Village.

## McDonald's has chosen not to submit a Retail Assessment in its application.

It is a requirement that a business submits a Retail Assessment for building a premises of this size (over 400m<sup>2</sup> – the proposed premises is 402m<sup>2</sup>).

**McDonald's data inflates the population of Ross-on-Wye and the surrounding area by more than 200%. The data shows the proposed restaurant is 3 times too large for its location.**

Data has been used to suggest far more pedestrian visitors to the proposed site, and therefore far less traffic. Therefore the traffic assessment, pollution, litter and other nuisance data gives a wildly unrealistic impression of the impact of the restaurant. **By inflating the population size the application is designed to appear different to the unsuccessful Leominster McDonald's application 181448, when in fact the proposed Ross-on-Wye restaurant has an identical population per seat as Leominster.**

**Put simply, either the restaurant is far too big for the population of Ross, or McDonald's expects far more vehicle traffic to visit the site than it wants to show in its data.**

**McDonald's conservative estimate is that 892,060 vehicles would use this proposed restaurant and its Drive-Thru each year, with at least 200,000 visits having McDonald's as the sole destination.**

As it is sited near to the A449/A40 roundabout and proposes access through a single lane residential road it does not have sufficient access for this level of traffic. It will dramatically increase the congestion currently seen at peak times, creating chaos across a wide area in and around the town. This will result in significant congestion on the A40, A449, B4234 and make vehicle access to and from properties in Starling Road virtually impossible at peak times. **This contravenes several criteria of Core Planning Strategy (CPS) MT1 para 1, 3, 4, 6. SS4, RW1, National Planning & Policy Framework 104 a) and d), 105, 110 b) and 111, & Herefordshire Council's ambition of net-zero carbon.**

**McDonald's uses misleading comparison restaurants which are not fit for purpose.**

McDonald's' most similar comparison restaurant in terms of floor area and number of seats serves an area with **twice the population and 3 times the population density of that of Ross-on-Wye. None of these sites have access through a residential area.** The closest comparison site in terms of population size has a restaurant approximately half the size of the proposed Ross-on-Wye site.

McDonald's is manipulating Ross-on-Wye data and using these comparison restaurants to claim much higher pedestrian footfall, and therefore less traffic and parking. **The proposed site cannot possibly provide sufficient parking or space for vehicle movement for the restaurant.**

**McDonald's data shows that at peak times 4 vehicles would join the Drive-Thru queue for each one leaving it.**

Former McDonald's CEO Steve Easterbrook was quoted in a 2019 Business Insider article saying **Drive-Thru customers take on average 284 seconds** (almost 5 minutes) to process. **In its application McDonald's claims one new Drive-Thru customer will arrive at the site each minute in peak times.** This would cause queues out of the site within 10 minutes and calls into doubt every other claim in the application about parking, queuing traffic, air pollution and congestion which would result from the far larger queues for the Drive-Thru which would regularly spill out onto the wider road network.

McDonald's also claims that the application accords with the Ross-on-Wye Neighbourhood Plan. Even with the cherry-picked data this is not the case, and the plans directly contravene points EN1, EN2, EN4, EN7, E1, E2 and A1 of the Ross-on-Wye Neighbourhood Plan. Ross-on-Wye Town Council has unanimously voted to oppose the application on these points.

This document shows how McDonald's' data is at best misleading, how the restaurant would draw vehicular traffic from an area far wider than described in the application, and the far greater detrimental impact on the immediate and wider environment and global climate than McDonald's wishes to share. It also shows how the application contravenes a vast number of points in the Core Strategy and NPPF. With the data in this document in mind we believe you have no choice but to refuse the application.

# Contents

This document proves that McDonald's data is inaccurate and that its claims about the proposed site's impact on Ross-on-Wye, the local residents and the wider Herefordshire community are also inaccurate. In particular it highlights concerns and provides data analysis concerning:

- Traffic congestion & population density
- Comparison sites unfit for purpose
- Pollution & environmental impact (including climate change)
- Ross-on-Wye Neighbourhood Plan
- Lack of Retail Assessment

## Traffic Congestion & Population Density

McDonald's has cherry-picked data to justify the number of covers, floor area and ratio of pedestrian to vehicle visits to the site. McDonald's is doing so because of the advantageous location of the proposed site. There is no other McDonald's restaurant between Ross-on-Wye and the Coldra M4 roundabout, and there are no services on the M50. **Therefore it would attract customers in vehicles from Monmouth, Ledbury, Cinderford, Mitcheldean, Coleford and many other small towns and villages in the area.** There is considerable evidence from the postcode location of supporting representations for the site that people would travel from these places. The site is highly lucrative for McDonald's, specifically designed to attract customers in cars and McDonald's is manipulating its data to hide this fact and the impact of the extra traffic.

Local Plan Core Strategy states:

"[T]he planning system must [...] recognise the challenges faced by rural settlements, where reliance on private motorised transport, for many people, is the only realistic option for travel".

Source: Local Plan, SS4 3.52 p34 "Spatial Strategy"

By using the data in Table 5B (shown overleaf) and **incorrectly stating that Ross-on-Wye has 34,716 people living within a 5km catchment**, McDonald's is able to claim that far more journeys to the restaurant would be taken by foot than is realistic. Given that Herefordshire acknowledges the most realistic alternative is private vehicle, it is therefore true that the overwhelming majority of other visits to the proposed restaurant would also be by private vehicle.

The Comparable McDonald's prepared by ADL (Table 5B, Transport Report 2, p22) shows that the restaurant will have **37% more covers** than the average of the comparison sites, despite ADL figures showing it as only having **82.6% of the average population** per restaurant.

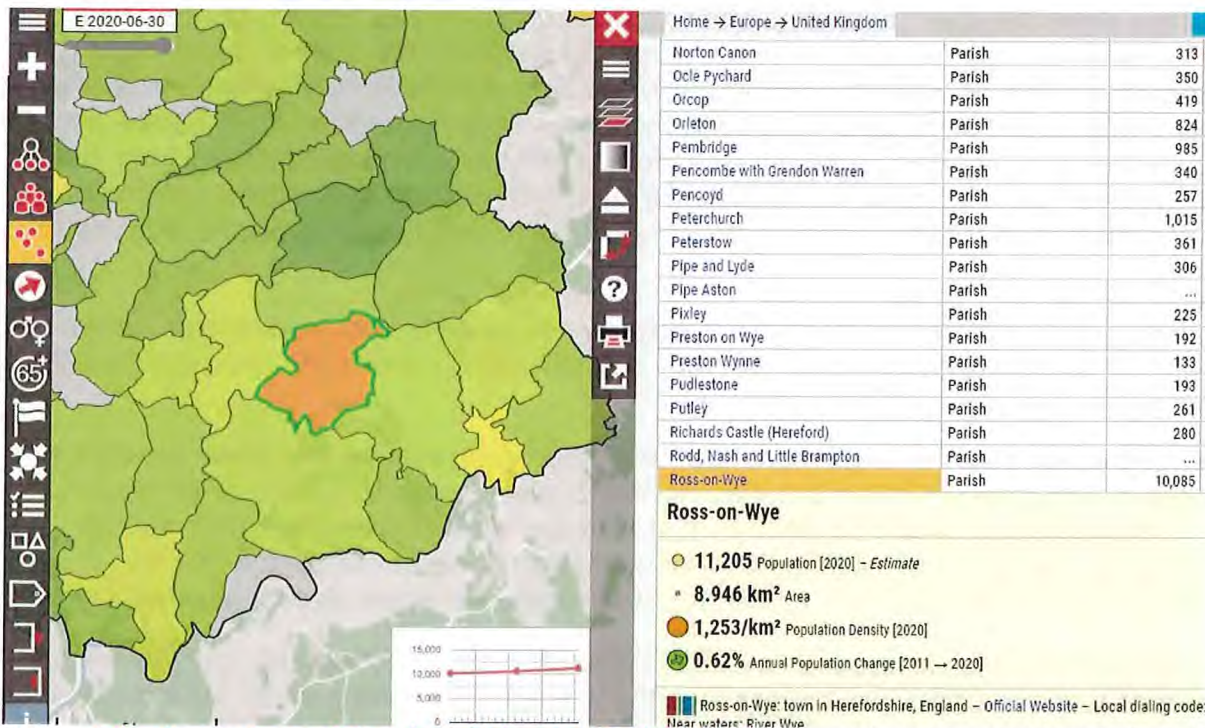
Table 5B Proposed Comparable McDonald's

	Rawtenstall #1506	Fraddon #610	Bourne #1441	Average	Proposed Ross on Wye
Restaurant Type	Single Storey	Single Storey	Single Storey	-	Single Storey
Floor Area	444sqm	239sqm	394sqm	359sqm	492sqm
№ of Seats	140	70	87	99	136
Parking Provision	38	23	40	34	50
Drive Thru Facilities	Side by Side	Side by Side	Side by Side	-	Side By Side
Population within 5km	46,271	30,061	18,450	31,594	34,716
AADT	50,445	10,500	20,010	26,985	33,693
№ McD Restaurants within 5km	2	1	1	-	1
Population per restaurant (inc proposal)	25,223	10,500	20,010	18,577	15,346

Based on Ross-on-Wye's true population, and SS4 3.52, the only way this restaurant would fill the 37% of extra covers is through customers arriving by vehicle, each of which would be in addition to the traffic from the Drive-Thru and from McDonald's own staff.

There is no possible other justification that a restaurant in Ross-on-Wye should have only 4 fewer seats than Rawtenstall, which table 5B shows has nearly 10,000 more people in its 5km catchment. **Table 5B shows that McDonald's is using comparison restaurant data to suggest a much higher pedestrian footfall than is possible in Ross-on-Wye.** There is no way that a global corporation such as McDonald's would build a restaurant that was too big for its predicted customer base, therefore **the data suggests McDonald's is counting on specific journeys being made to the restaurant from the surrounding area in order for the restaurant to be fit for its purpose.** This is in direct conflict with the data provided to suggest the amount of traffic accessing the site, and contravenes SS4 and MT1 as well as NPPF 110 b) and 111 and 124 c).

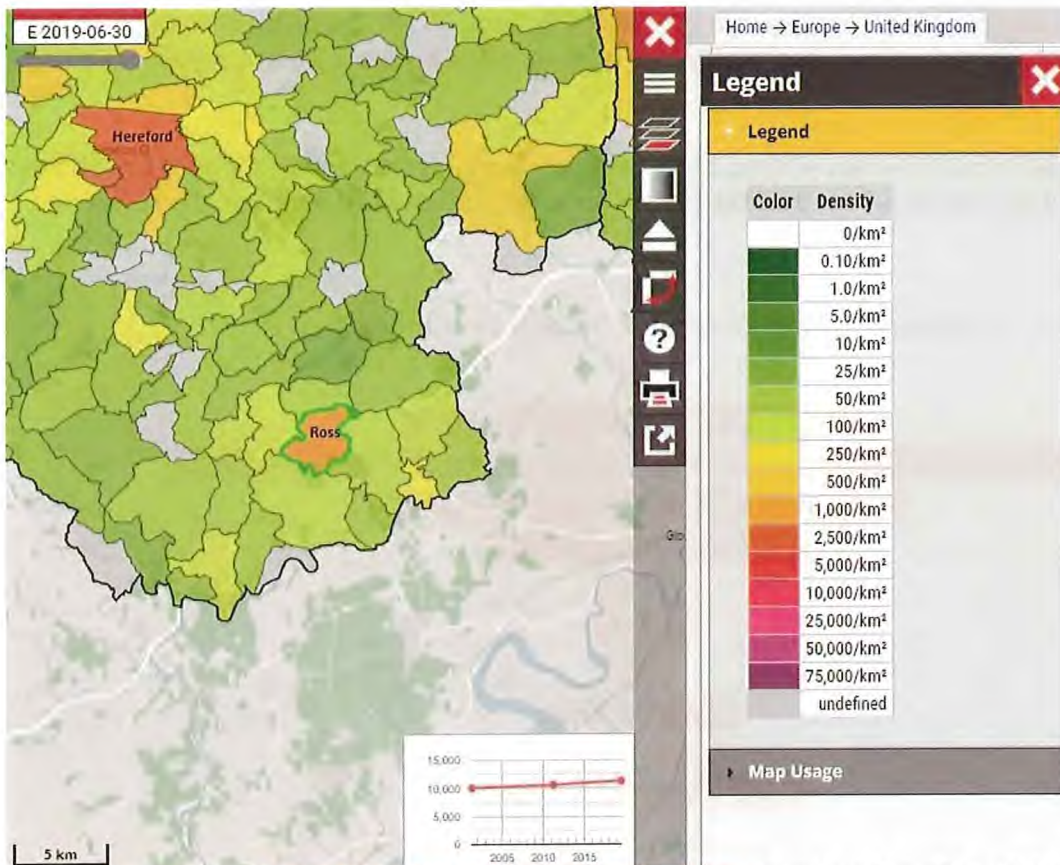
Table 5B also misleads that there is a population of 34,716 within 5km of the restaurant. According to the Office of National Statistics **Ross-on-Wye Parish actually has an estimated population of 11,205 (2020 figures) with a population density of 1,253 people per km<sup>2</sup>.**



Source: <https://www.citypopulation.de/en/uk/westmidlands/admin/> using most recent available data from ONS

In order for the 34,716 figure to be true, Ross-on-Wye would have to roughly triple its population density (which would put it on a par with Hull, Coventry and Wolverhampton and 50% higher than Hereford), or the surrounding areas would need a population density close to that of Ross-on-Wye itself. It is extraordinarily unlikely that Ross-on-Wye and its surrounding 5km will ever have a population approaching 34,716.

**Overall, Herefordshire has a population density of 88 people per km<sup>2</sup> (2019).** This map shows population density in the immediate surrounding areas to Ross-on-Wye, with no Parish within 5km having a density of more than 100 people per km<sup>2</sup>.



Source: <https://www.citypopulation.de/en/uk/westmidlands/admin/> using most recent available data from ONS

It is therefore impossible that there is a population of 34,716 within 5km of the proposed development. **The data in Table 5B, from which all of McDonald's other calculations about the impact of the site are taken (such as traffic and congestion), is thus proven to be incorrect.** The inaccurate data is given in order to adhere with Core Strategy MT1, NPPF 104 a) and d), 105 and 110 b).

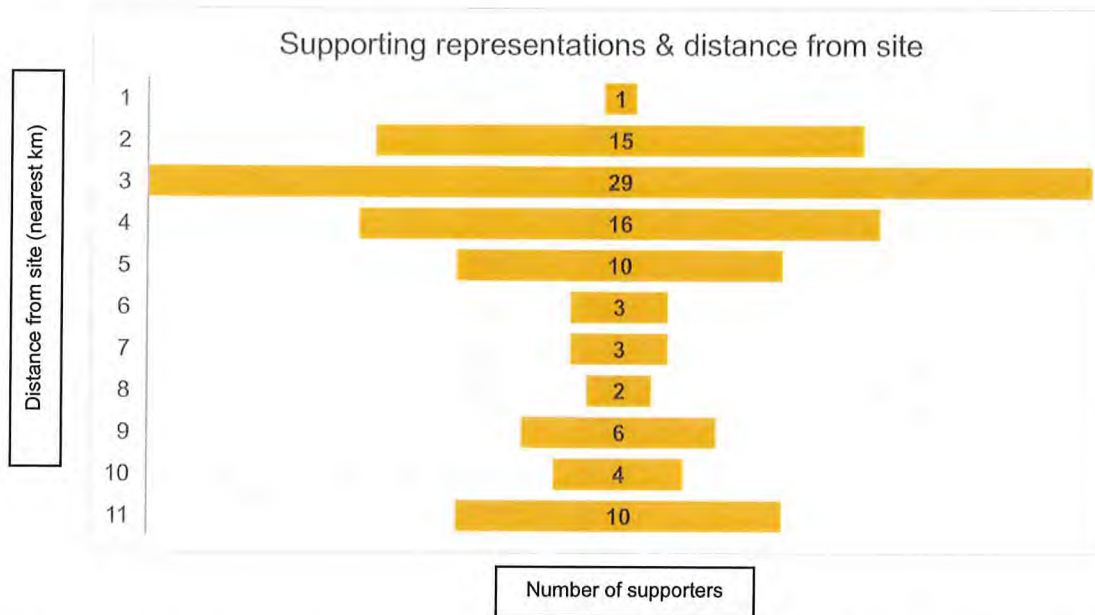
McDonald's also states the restaurant isn't even designed to attract customers from the centre of Ross-on-Wye. Transport Report 2, page 2:

- d) The proposal provides a local amenity for the committed residential development thus reducing the need to travel for those residents. There are existing takeaway facilities in the town centre so visitors to the town centre are highly unlikely to walk from the town centre to the proposed development. As set out in Section 3.2, there are new bus stops very close to the site on the A40.

Therefore McDonald's is proposing a restaurant 37% larger than the average of its comparison restaurants, aimed at a fraction of the population of an already lower-populated area. The only reason to make this claim is to attempt to comply with MT1, 4.7.20 of the Core Strategy and NPPF 90 a) and b). On one hand McDonald's says it needs a larger restaurant to appeal to the pedestrian footfall of the town whilst on the other it says the restaurant wouldn't have an impact on the town centre. **It is impossible for both positions to be applicable at the same time.**

**The only possible explanation for the size of the restaurant in this proposal is that McDonald's predicts far more vehicle traffic accessing the site than its cherry-picked data is showing.**

By using postcode data from the supporting representations on Herefordshire Council's website it can be shown that the majority of supporters for the proposed restaurant live between 2km and 5km from the site.



A 2015 report by WYG group "How far do people walk" shows "the average length of a walk journey is **one kilometre (0.6 miles)**. This differs little by age or sex and has remained constant since 1975/76".

Source: [https://www.sthelens.gov.uk/media/331745/cd-2229-wyg\\_how-far-do-people-walk.pdf](https://www.sthelens.gov.uk/media/331745/cd-2229-wyg_how-far-do-people-walk.pdf)

Note that only 1 supporting respondent lives within walking distance. It is therefore the case that one can expect the overwhelming majority of potential customers (a potential customer is clearly someone who gives their written support of the site) would travel to the restaurant via a method other than walking. Given Herefordshire Council acknowledges that private vehicle is the only realistic choice for travel for the majority of people in the county, it follows that these people would drive to the restaurant rather than walk, and therefore the cumulative effect of extra journeys on traffic, parking and congestion would be far higher than predicted in the application. Such traffic generation is in contradiction to Core Strategy MT1 and NPPF 104 a) and d). Many of these people live within walking distance of the centre of Ross-on-Wye, and therefore attracting these people away from the town centre also contravenes Core Strategy E5:

*"Proposals for development outside the town centres will only be permitted if it can be demonstrated that the requirements of the sequential test, as set out in paragraph 24 of the NPPF, have been met and that the proposal would not have a significant adverse impact on the vitality and viability of the centres".*

McDonald's and ADL rely on the data in Table 5B to make further predictions about the impact of traffic, parking and congestion on the surrounding road network. It is used in the calculations for air quality and pollution impact from vehicles accessing the site. **Every single one of these calculations will therefore be incorrect as it relies on the incorrect data shown in Table 5B.** It is therefore demonstrably the case that the proposed restaurant would cause:



- Significantly more traffic on the A40 and A449 than McDonald's data predicts
- Therefore more air and noise pollution caused by far more vehicles
- More congestion as far more vehicles attempt to access the site down a narrow residential street
- Insufficient parking at the proposed site leading to "fly parking" in the residential area, as there is no other parking which allows access to the site (the nearest being the opposite side of the A449, inaccessible by foot)
- Given the demonstrable build up of traffic at or around the A40/A449 roundabout there would be significant traffic diverting through the town centre or via Alton Road to avoid congestion, none of which is considered in the application

This data is also in stark contrast to that presented by ADT in the unsuccessful application **181448** for a McDonald's Drive-Thru restaurant in Leominster:

**Table 6A Comparable McDonald's Site: Survey**

	Arnold (Store № 963)	Folkestone (№ 775)	Pomphlett Rd Plymouth (№ 896)	Average	Proposed Site Leominster
Restaurant Type	Single storey	Single Storey	Single Storey		Three Storey
Floor Area	322sqm	265sqm	318sqm	301sqm	506sqm
№ of Seats	79	71	69	73	165
Parking Provision	34	32	29	32	25
Drive Thru Facilities	Side By Side	Side By Side	Single when counted		Side by Side
Population Within 5km	243,533	65306	154305	154,381	13,837
AADT	25,188 <sup>*2</sup>	17937	31436	24,853	16,809
№ of Surrounding McD Restaurants Within 5km (including store)	3	2	4	3	1
Population per McD's restaurant	81,177	32,653	38,576	51,460	13,837
Located Near to Major Foodstore	Sainsbury's	Sainsbury's	Morrison's	-	Tesco

Source: Traffic Report compiled by ADT, Herefordshire Planning Application 181448

Note how in this table the "Population Within 5km" and "Population per McD's Restaurant" are identical as there is no McDonald's within 5km of the site in application 181448 (as with Ross-on-Wye which has no McDonald's within 5km). Contrast this with Table 5B from the Ross-on-Wye application:

**Table 5B Proposed Comparable McDonald's**

	Rawtenstall #1506	Fraddon #610	Bourne #1441	Average	Proposed Ross on Wye
Restaurant Type	Single Storey	Single Storey	Single Storey	-	Single Storey
Floor Area	444sqm	239sqm	394sqm	359sqm	402sqm
№ of Seats	140	70	87	99	136
Parking Provision	38	23	40	34	50
Drive Thru Facilities	Side by Side	Side by Side	Side by Side	-	Side By Side
Population within 5km	46,271	30,061	18,450	31,594	34,716
AADT	50,445	10,500	20,010	26,985	33,693
№ McD Restaurants within 5km	2	1	1	-	1
Population per restaurant (inc proposal)	25,223	10,500	20,010	18,577	15,346

The data in 5B is clearly false:  $34,716 \div 1 \neq 15,346$ . It should be impossible for the population per restaurant in a town with no other McDonald's to be lower than the population per 5km. McDonald's is claiming different figures in order to prove compliance with different parts of the NPPF, Core Strategy and Neighbourhood Plan depending on which data suits each part of its argument the best.

The data in 5B has been used to inform Highways England of the impact of the proposed restaurant on its network, and therefore Highways England has used this data to make its recommendations. Highways England must be given an opportunity to examine the data in the proposal again so it can be fully informed of the impact of the proposed restaurant on the A449.

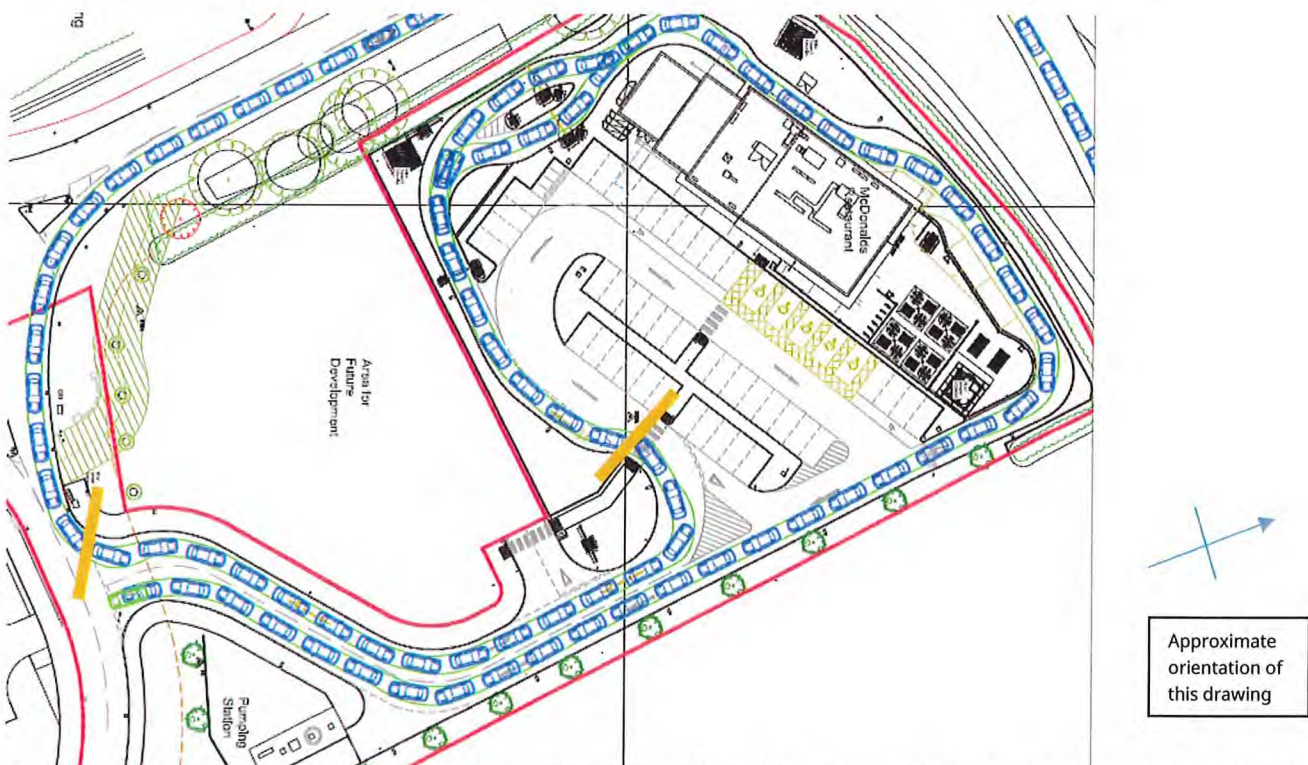
## Parking & traffic access to the proposed site

Transport Report 2 states on p55 that:

The parking demand is expected to be 35 vehicles on a Friday evening and 51 on a Saturday lunchtime.

The parking demand McDonald's predicts, using its cherry-picked data, shows that there is insufficient parking on the site. The proposal is actually for **50 spaces** (Table 5B) and **the plan shows 48 car park spaces and 2 waiting bays** (below). This is not the same as 50 parking spaces as 2 of the spaces can only be accessed through the Drive-Thru lane. Given that we know the traffic drawn to the site would be far higher than 5B suggests, the lack of parking would very likely exacerbate the traffic around the area as customers queue to park both on and off site (with the only option as fly parking in the residential area, there is no accessible car park within 1km). This is in contravention to NPPF 104 a) and d).

It must also be stressed that the plan for the site shows that the Drive-Thru and car park share access (access is shared between the 2 **yellow** lines shown on the drawing overleaf).



Source: Transport Report 4 p.10 showing only traffic arriving from A40 and travelling southbound before turning left into Starling Road and left again into the proposed site.

Every single vehicle accessing the site must be in the same queue, starting from the roundabout on the A40/Starling Road junction until reaching the car park. A queue in the car park or a queue for the Drive-Thru has the same effect – further delays back towards the roundabout along a residential road. **There is no possible way for the traffic to flow around the site without causing queuing on and off site.**

Note also that McDonald's claims the majority of vehicles would access northbound via the A40 rather than southbound via the A449:

.1 The proposed development is expected to generate a total of 2,444 daily light vehicle trips, of which 1,962 will travel north along the A40 and the remaining 482 will travel south; the daily trip rate north of the site roundabout is above the screening threshold of 500 LDVs recommended for use outside of an AQMA in the EPUK/IAQM guidance (Moorcroft and Barrowcliffe et al, 2017) (see Paragraph 3.7), thus a detailed assessment is required.

Source: Air Quality Assessment, McDonald's Ross-on-Wye 13 July 2021 Job no J10/12499B/10 p27

The drawing shows traffic only travelling into the site southbound – it does not model any vehicle accessing northbound, all of which would need to turn right at the new roundabout, and the subsequent impact on traffic travelling either direction on the A40 or entering or exiting Starling Road. The requested 'detailed assessment' does not model the impact of these vehicles turning right at the roundabout. **This is because the moment traffic builds up to the edge of Starling Road the entire system would be clogged.**

McDonald's has not provided a model for the impact traffic turning right at the A40/Starling Road roundabout into the site. Its data says 1,962 vehicles will enter the residential road from this direction each day. There is no right-turn lane for Starling Road when accessing the site from the south. **McDonald's must share evidence that an extra 1,962 vehicles turning right at this roundabout would have no impact on vehicles travelling in either direction on the A40 in order for its Traffic Assessment to be robust.**

In a letter dated 13 August 2018 in respect of application **181448**, it is noted by the Highways Authority (F. Mamoojee et al):

*"The Highway Authority provided a recommendation for refusal, as information provided in the Transport Assessment relating to trip generation, vehicular access and operational capacity and highway operation were considered incomplete. The following key issues were raised:*

*2) The proposed site access arrangements were considered contrary to Policy MT1: Traffic Management, Safety and Active Travel etc. in demonstrating a safe and appropriate access arrangement on account of the proposed right-turn lane facility, proposed junction spacing and incomplete operational assessments undertaken."*

and subsequently the recommendation from the Highways Authority was:

*"Whilst some issues previously raised have been addressed, there remain sufficient outstanding concerns that the Highway Authority has no option but to maintain its recommendation of refusal for the following reasons:*

- The proposal is contrary to key objectives of the NPPF in demonstrating non-severe residential cumulative impact since inadequate information have been submitted to satisfy the Local Planning Authority that the proposed scheme would not have a severe impact in the operation of the A44 Barons Cross Road / Morrisons Access roundabout junction. The assessment is therefore still considered to be contrary to key objectives of the NPPF in demonstrating non-severe cumulative impact.*
  - The delivery of the proposed scheme and access arrangements are contrary to Policy MT1: Traffic Management, Safety and Active Travel etc. in demonstrating a safe and appropriate access arrangement.*
- Source: IntConsResp 5 Memorandum from Mr A Banks 13 August 2018

This principle must apply in the same way to 213017 – there is inadequate information that the proposed scheme would not have a severe impact in the operation of the A40/Starling Road roundabout junction and therefore the proposed scheme and access arrangements are also contrary to MT1.

This photograph shows the A40/Starling Road roundabout looking northbound. There is no “right turn” lane available at this roundabout, and to create one would require repositioning the footpath and crossing on the western side (left-hand side of this photograph), widening the A40 on the western side beyond the crossing in a southerly direction. As with point 2) above in relation to application 181448, McDonald’s must show evidence that right-turning traffic into Starling Road would have no impact on other A40/A449 flow in order to comply with MT1.



A40/Starling Road roundabout, 13:57 Saturday 9<sup>th</sup> October 2021

### Inaccurate data in respect of Drive-Thru trip duration

Table 5C shows that evening peak Traffic Generation for the 3 comparison restaurants is 116 vehicles. Given that these restaurants are, in McDonald’s opinion, a good baseline for the proposed Ross-on-Wye site it follows that approximately 116 vehicles would be expected to access the proposed site.

**Table 5C Comparison of McDonald’s Trip Generation**

		Rawtenstall/Fraddon/Bourne Dataset	Newport Coldra/Redhouse Dataset
Traffic Generation	Am Peak 08:00-09:00 hours	82	88
	Pm Peak 17:00-18:00 hours	116	114
Max Parking Demand	Friday	24	30
	Saturday	29	33
Max DT Queue	Friday	12	13
	Saturday	11	12
Additional Trips %	Friday	32%	35%
	Saturday	23%	14%

Source: Transport Report 2 p29

**These vehicles must access the proposed site using the shared car park and Drive-Thru entrance. The application merely states, with no modelling, that this would have no impact on the surrounding road network.** Again, without accounting for such traffic the application fails to prove adherence to Core Strategy MT1 and NPPF 104 a) and d).

Given that the Parking Demand would be 51 vehicles at peak time (Transport Report 2 p55) **this leaves 65 vehicles accessing the Drive-Thru part of the restaurant in 1 peak time hour.**

Table 6C (Transport Report 2 p34) predicts the following Drive-Thru queues:

**Table 6C Proposed McDonald's Drive Thru Queues**

		McDonald's
Friday	Min Q	3
	Max Q	12
	Average Q	6
Saturday	Min Q	2
	Max Q	11
	Average Q	6

There is no source given for this data by ADL or McDonald's. However, it can be proved that the application vastly underestimates the length of time it takes for a vehicle to access and use the Drive-Thru, and therefore the length of the queue is also vastly underestimated.

The report states in section 4.6.2 (Transport Report 2, p20):

4.6.2 When a customer wishes to purchase a meal without leaving their vehicle, the following steps are taken:

1. Enter the drive thru lane
2. Place an order at one of the Customer Order Display (COD) units
3. Pay at the first booth
4. Collect meal from the second booth (halfway along the western elevation) and continue out of the drive thru lane

A 2019 article in Business Insider shows that the average Drive-Thru time for a McDonald's customer to complete the above steps is **284 seconds**. McDonald's then CEO Steve Easterbrook claimed that this is reducing, but not by a significant amount.

CEO Steve Easterbrook said McDonald's drive-thru times dropped by 20 seconds over the most recent quarter in a call with investors on Tuesday. In July, Easterbrook had announced a decline in wait times, including a 15-second year-over-year drop in the month of June.

The announcements indicate a reversal of a years-long trend at McDonald's. In 2019, the average drive-thru time at McDonald's was 284 seconds, or almost five minutes, according to QSR Magazine's annual Drive-Thru Performance Study. The figure represented an increase of almost 11 seconds over last year's average time.

Source: <https://www.businessinsider.com/McDonald's-drive-thru-times-speed-up-years-of-longer-waits-2019-10?r=US&IR=T>

65 vehicles accessing the Drive-Thru in peak time (i.e. approximately one vehicle joining the queue per minute), each taking on average 284 seconds (4 minutes 44 seconds) seconds to complete an order, means that more than **4 vehicles would join the queue for each one leaving it**. Even the average time were to reduce by 44 seconds, this would still mean the queue would be "4 in, 1 out" every evening peak time.

**Given "4 in 1 out", in under 10 minutes, even if the Drive-Thru lane wasn't shared with the car park lane, the traffic would queue out of the site.** This would exacerbate issues across the whole network due to traffic waiting to turn right from the A40/Starling Road roundabout with no "right turn" lane available on the road. Again, this needs to be considered in the context of MT1.

Therefore the queue to the drive through, and by extension to the car park, residential street and main A40/A449 roads will be **vastly increased in comparison to the figures McDonald's shows and its claim that there would be no impact on the surrounding area is false**. Once again McDonald's does not accurately report this figure in an attempt to make the figures in the application look acceptable in the context of MT1 and NPPF 104 a) and d).

Video evidence gathered at Belmont Road Drive-Thru at 12:37 on Saturday 9<sup>th</sup> October 2021 showed a vehicle taking 2 minutes 49 seconds to complete steps 3) and 4) as described in Transport Report 2, 4.6.2.



Video available at: <https://www.youtube.com/watch?v=19hNjTS1Wws> or by scanning the QR code below.



At a similar time of day at the proposed Ross-on-Wye site McDonald's data shows that 3 vehicles would have arrived to access the Drive-Thru in the time it takes this black car to complete 2 of the 4 steps shown in 4.6.2. McDonald's does not provide data to describe the impact of the build up of Drive-Thru traffic on Starling Road, the A40/Starling Road roundabout, the A40 in either direction, the A40/B4234/A449 roundabout, the B4234 or the A449 in either direction. In order to comply with MT1 the proposal must show that it has considered the impact

of the Drive-Thru queue on the road network surrounding the entrance and exit to the site rather than simply stating there would be no impact.

Belmont Road Drive-Thru provides further evidence of the impact of traffic at peak times, and difficulty of access for vehicles turning right into the site. This video was recorded at 12:32 on Saturday 9<sup>th</sup> October. The black car takes its place at the front of the queue at 1:04:



2m19 later the driver decides to abandon their trip due to congestion across the entire site (note this manoeuvre would be impossible at the Ross site. The driver would need to perform a turn in the road and head in the opposite direction as the A40 at Ross is single lane in both directions).



Video available at: <https://www.youtube.com/watch?v=jIT0g5vd0VQ> or by scanning the QR code overleaf.



McDonald's provides no evidence that its predicted extra 1,962 vehicles per day turning right into Starling Road from the A40/Starling Road roundabout would not cause similar levels of congestion. In order to satisfy MT1 this data must be shared and robustly checked.

Note also the UberEats delivery person j-walking around the protective metal barriers put in place at the restaurant. This person narrowly avoids being hit by the blue car in the right-hand photograph, the driver of which had accelerated around the queuing Jeep in order to continue along Belmont Road. This suggests that the metal barriers around the A40/A449 roundabout would not necessarily be sufficient to stop j-walking, particularly from John Kyrle High School students attempting to access the site. Further consideration must be given to whether barriers of this type would be fit for purpose given the location and proximity to a high school.



Video available at: <https://www.youtube.com/watch?v=jIT0g5vd0VQ> or by scanning the QR code above.

## Comparison sites unfit for purpose

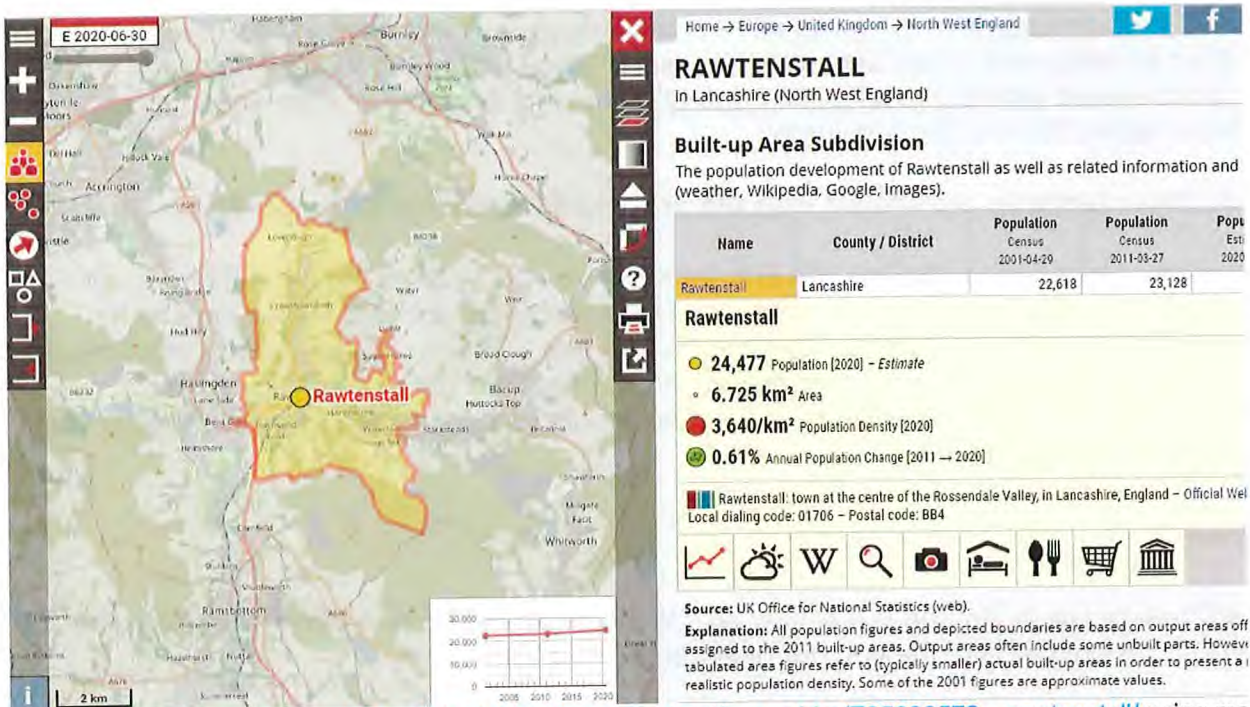
There is further proof that McDonald's is providing cherry-picked, unsuitable data by analysing the comparison sites.

### Rawtenstall

Rawtenstall is the most similar sized McDonald's restaurant to the proposed site in Ross-on-Wye, with 4 more seats (140 vs 136) and a slightly larger floor area (444m<sup>2</sup> vs 402m<sup>2</sup>).

Rawtenstall is a Built-Up Area Subdivision in Lancashire, c.10km from Burnley with approximately 3 times the population density of Ross-on-Wye. The neighbouring areas of Haslingden, Ramsbottom and Accrington have similar population density to Rawtenstall. **Rawtenstall alone has a population around twice that of Ross-on-Wye from which it can draw customers and staff, even without considering that the surrounding 5km<sup>2</sup> area has a far higher population than the equivalent in Ross-on-Wye.**

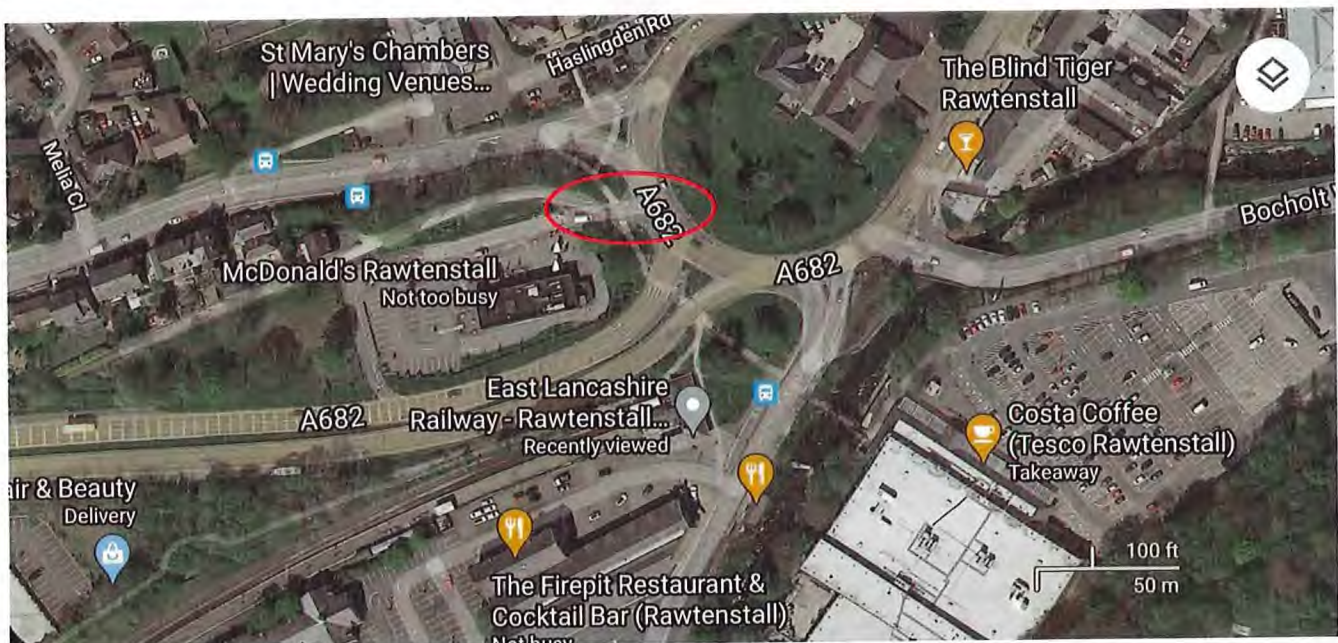




Source: [https://www.citypopulation.de/en/uk/northwestengland/lancashire/E35000572\\_rawtenstall/](https://www.citypopulation.de/en/uk/northwestengland/lancashire/E35000572_rawtenstall/) using most recent available data from ONS

A higher population density would by definition give a restaurant more pedestrian customers, as a far higher percentage of potential customers and employees live within walking distance of the restaurant. If the Rawtenstall restaurant is the appropriate size (such as through its number of seats and parking spaces) for its context it follows that the Ross-on-Wye proposal is both far too large and has far too little parking for its location, even without factoring in additional journeys described by SS4 3.52. Therefore Rawtenstall does not provide an adequate comparison that the Ross-on-Wye site adheres to, at the least, MT1 and NPPF 104 a) and d).

The unsuitability of Rawtenstall as a comparison site is further highlighted from a satellite photograph of the location:



Source: Google Maps

McDonald's Rawtenstall is in the middle of 2 dual carriageways and near a train line in a built-up out of town development. It has separate access from the A682 roundabout (highlighted in red) which is not shared with any residential property. There is a large out-of-town style Tesco Superstore within 150m of the restaurant.

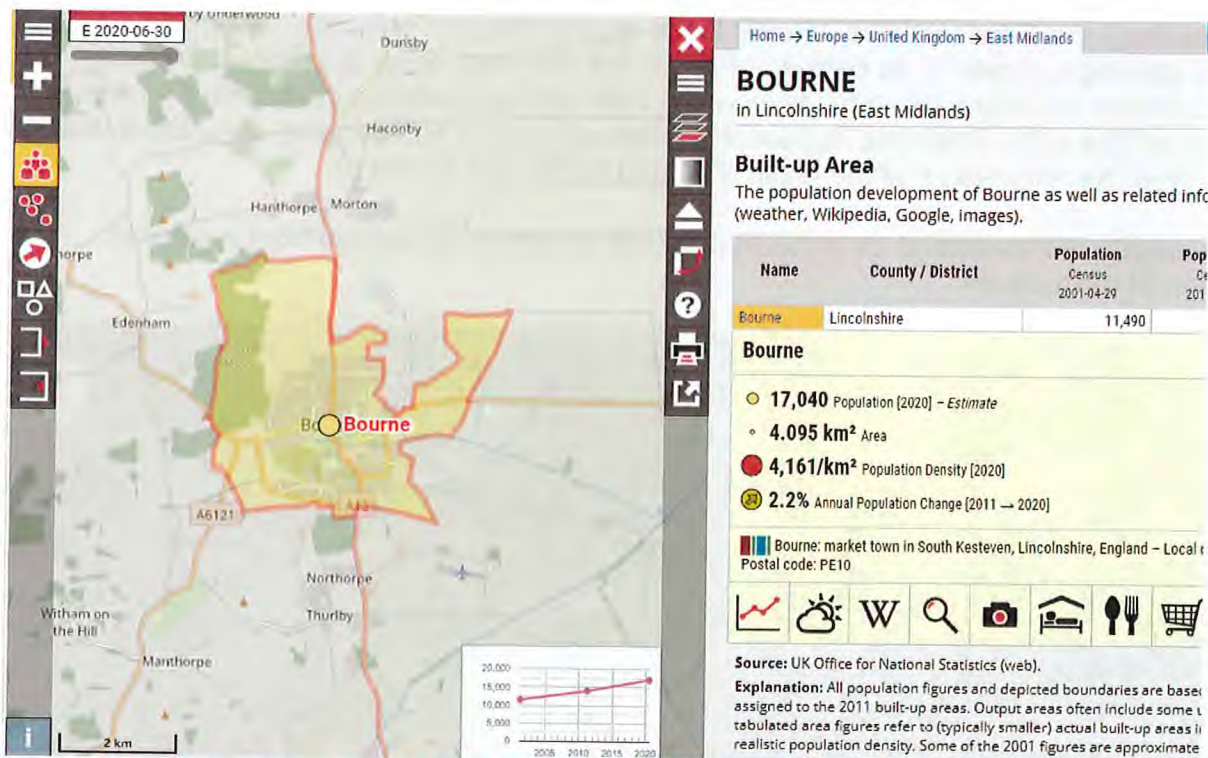
**None of these features are shared with the proposed location in Ross-on-Wye.**

By definition of its location, McDonald's Rawtenstall also has a higher baseline in air pollution, noise pollution and light pollution, therefore the comparative impact of the restaurant on its surrounding environment is significantly lower. It also has a Tesco car park nearby, reducing the need for staff and customers to park at the site itself, especially during peak times. Any comparison data in respect of environmental health must be disregarded as a result of the vast difference between the 2 sites.

## Bourne

The McDonald's site in Bourne is a similar size to the proposed Ross-on-Wye site (394m<sup>2</sup> vs 402m<sup>2</sup>) yet has only 64% of the number of seats (87 vs 136).

Bourne is a Built-Up Area in Lincolnshire, with approximately 3.5 times the population density of Ross-on-Wye. It has nearly 6,000 more people living in an area less than half the size of Ross-on-Wye parish. Therefore the number of people living within walking distance of this site is likely far higher.



Source: [https://www.citypopulation.de/en/uk/eastmidlands/lincolnshire/E34003418\\_bourne/](https://www.citypopulation.de/en/uk/eastmidlands/lincolnshire/E34003418_bourne/) using most recent available data from ONS

Therefore the same point stands as with Rawtenstall – the pedestrian traffic accessing the site is not comparable to Ross-on-Wye and traffic described by SS4 3.52 is not reflected in this site. Again, the photograph of the area also demonstrates that Bourne is not an adequate comparison site:



Source: Google Maps

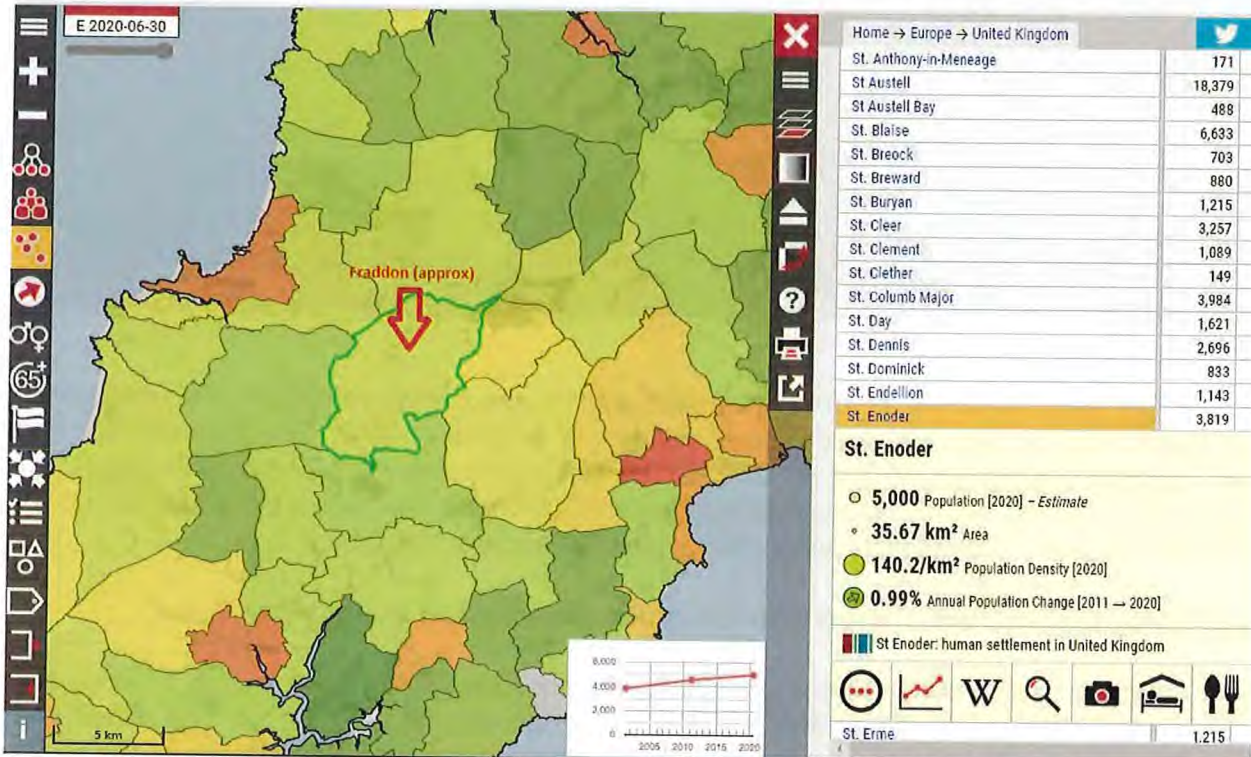
The site is less than 50m from a Lidl Supermarket with its associated parking. It is on the same site as a petrol station, which is not the same as the site in Ross-on-Wye. The petrol station and a pub are between the restaurant and the nearest residential development, and mature trees between the restaurant and the other residential dwellings which are more than 150m from the site. It does not share access with residential dwellings (access highlighted in red).

**None of these features are shared with the proposed location in Ross-on-Wye.**

Therefore this site is also not a fair comparison for the proposed Ross-on-Wye site. In Ross-on-Wye there are residential dwellings within 50m of the proposed site itself, no car parks available that could be used for “overspill” from the restaurant, and no mature tree line between the restaurant and residential areas. The Ross-on-Wye location would also share access with residential dwellings.

## Fraddon

Fraddon is a town in the Parish of St. Enoder in Cornwall and the most comparable restaurant to Ross-on-Wye in terms of wider population density and rural locale. Yet the Fraddon restaurant is only **59% of the floor area** of the proposed site (239m<sup>2</sup> vs 402m<sup>2</sup>) and has **only 51% of the seats** (70 covers in Fraddon vs 136 in the proposed site). Fraddon is shown here and is approximately 5km from Newquay and 10km from both Truro and St. Austell.



Source: <https://www.citypopulation.de/en/uk/southwestengland/admin/> using most recent available data from ONS

The satellite photograph shows, once again, that the sites are not comparable.



Source: Google Maps

This site does not share access with any residential development. It is on an industrial/shopping area. There is a shopping centre within 50m and ample other parking in the area for overspill. It is accessed via a mini roundabout to control traffic, and it is not accessed via a road shared with any residential dwellings. In addition the nearby A30 is a 3-lane road, allowing far more flow of traffic past the site at busy times.

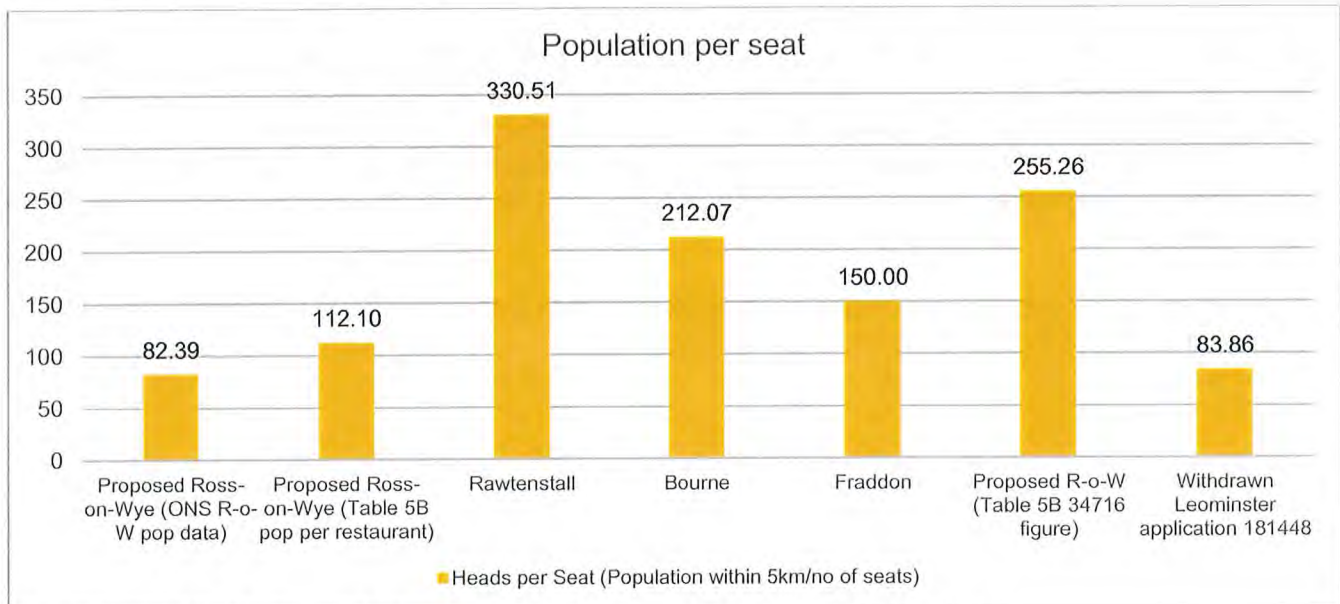
**None of these features are shared with the proposed location in Ross-on-Wye.**

The locations of the comparison sites demonstrate:

- **None of these sites share access with residential developments.**
- **All 3 sites are in areas with significantly more commercial development (each is within 100m of a supermarket or shopping centre).**
- **2 of the 3 comparison sites are in areas with at least 3 times the population density.**
- **The only site in an area of similar population density is approximately 50% smaller than the proposed Ross-on-Wye site.**

## Number of Seats/Covers per head

It is even more apparent how disproportionately large the proposed restaurant would be when plotting how many seats/covers each restaurant has per head of population in the area.



Data source: Table 5B, Transport Report 2, p22 and ONS population of Ross-on-Wye (2019)

This is where the inflated 34,716 figure for Ross-on-Wye (+5km<sup>2</sup>)'s population is particularly important. Here we can see clearly that by inflating the population size of Ross-on-Wye (6<sup>th</sup> column) the data would show the restaurant would have approximately the same population per seat as the mean of the 3 comparison restaurants. **Without inflating the population size the restaurant is slightly lower in population per seat than unsuccessful application 181448.** A key reason the Leominster application was unsuccessful was because the restaurant was far too large for its location. **This precedent must therefore also apply to the Ross-on-Wye application.**

The reality is that the proposed restaurant would have the lowest population per seat amongst the comparison sites by almost 70 people per seat. Essentially the proposed Ross-on-Wye restaurant would have to be three times as popular with people in Ross-on-Wye than the average site to be

comparable to the other sites. The inaccurate data gives a false impression that the proposed restaurant is similar to the comparison sites, and of how many people would visit from the immediate locale. To be very clear, it also falsely distances the proposed restaurant from the Leominster application 181448 in an attempt to make the Ross-on-Wye restaurant seem more favourable.

The only possible source for the remaining customers, especially in the context of Core Strategy SS4 3.52 p34, is private vehicle. Therefore the application's prediction of the number of vehicles accessing the site must, by definition, be much lower than what would happen in reality. The site either does not have a car park with sufficient capacity for the customers it will attract, or it is far too large for its location. It will therefore contravene MT1 as well as NPPF 104 d), 105, 110 b) and 124 c).

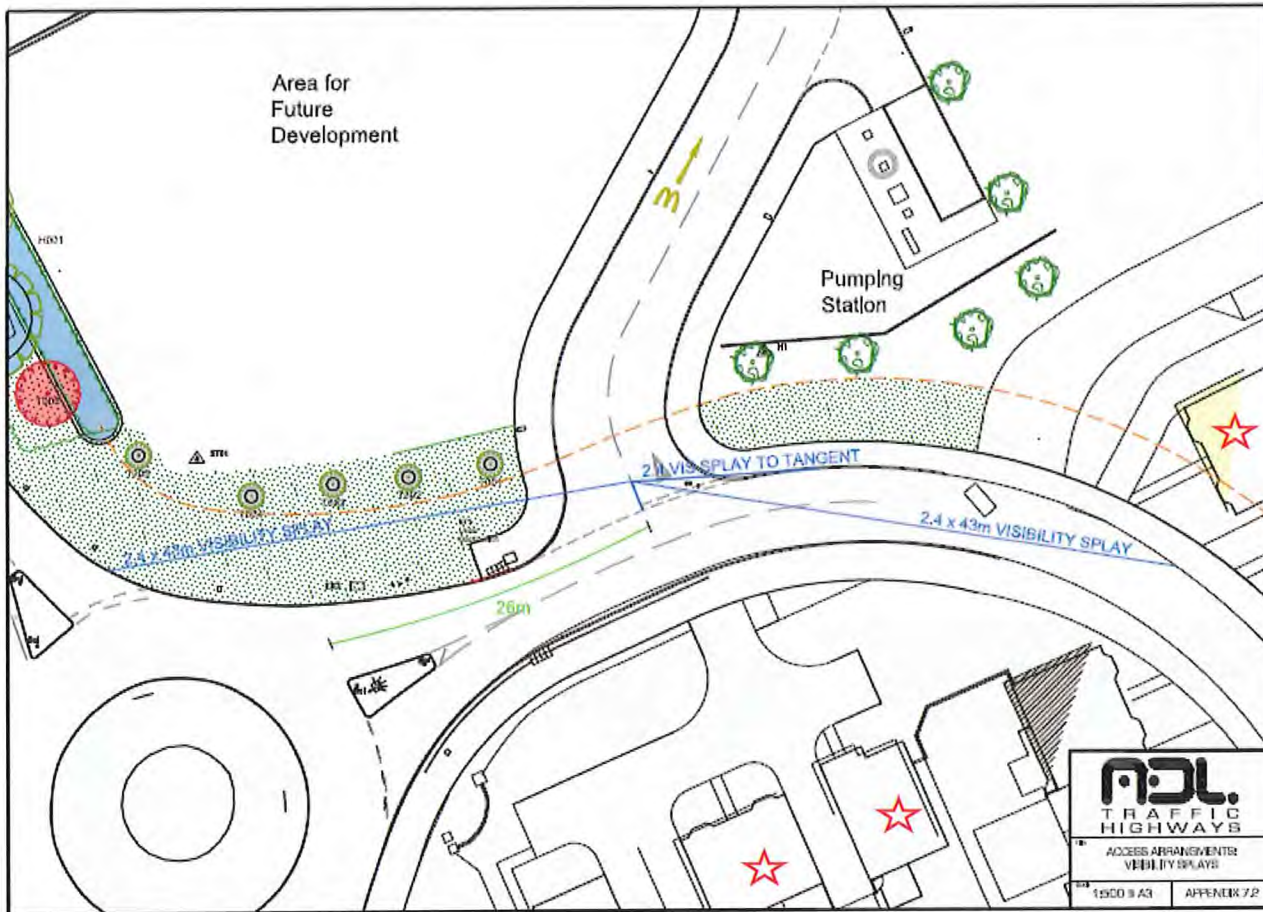
As a reminder, McDonald's and ADL rely on this data to make further predictions about the impact of traffic, parking and congestion on the surrounding road network. They supplied this data to Highways England in order for it to make its recommendations. It is used in the calculations for air quality and pollution impact from vehicles accessing the site.

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## Pollution & immediate environmental impact

McDonald's predictions for air and noise pollution rely upon the data from the Transport Report as shown in Table 5B discussed earlier in this document. This data must be resubmitted as all subsequent claims from McDonald's in terms of the environmental impact of the restaurant depend on this data. **Put simply, if there would be far more traffic accessing the site than the underpinning data suggests then any subsequent analysis based on it cannot be relied upon either.**

In any case, there are also a number of omissions from the data that must be considered. The drawing overleaf is from Transport Report 4, page 6:



Any passenger in a vehicle queuing on Starling Road (in the area indicated by the green line on this drawing) would be able to see **directly into the front gardens, ground and first floor of the properties marked with a red star**. This would be particularly apparent at night time. Properties further round Starling Road would have pedestrians loitering to eat their takeaways off site, as there is a private communal area and play area less than 100m along the road. This is a totally unacceptable invasion of the right to privacy. **SD1, 5.3.30 requires designs to take account of “overlooking” this is in regards to both customers on site and increased pedestrians loitering to eat their takeaways off site.**

It must be noted that said communal area and play area are private and will be owned and maintained by a Residents Association. There is no provision for litter bins, as this site is not maintained by Herefordshire Council. Planware Supporting Statement, September 2021, 4.23 p21 states that McDonald’s staff regularly clean litter within a radius of 150m from a restaurant site. Therefore in the case of the proposed restaurant it is clear that litter would be expected to build up in an area owned and maintained at the expense of residents of St Mary’s Garden Village.

Despite the assertion that litter will be collected several times per day from such a radius, the following photographs were taken within 150m of the Belmont Road McDonalds between 12:19 and 12:25 on Saturday 8<sup>th</sup> October. The location of each photograph is referenced as a what3words code. Note how some of this litter has clearly been there for at least a day (2<sup>nd</sup> and 3<sup>th</sup> photographs in particular – notice how the bags have damage consistent with the damage to the grass verge and the dirt pattern on the pavement).



Location: What3Words ///love.finest.ledge 12:19 Saturday 9<sup>th</sup> October 2021



Location: What3Words ///cone.saves.cove 12:21 Saturday 9<sup>th</sup> October 2021. The environment surrounding the bag and the damage to the bag shows it has clearly been there some time.





Location: What3Words ///shape.legs.palace 12:25 Saturday 9<sup>th</sup> October 2021 (left) and ///shock.softly.sofa 12:24 Saturday 9<sup>th</sup> October 2021 (above)

The damage to the bag in the left-hand photograph and the engrained dirt clearly demonstrates it has been there for some time. Note this is directly outside Belmont McDonald's and visible from the Drive-Thru windows.

The application must demonstrate a further commitment to collecting litter from around the proposed site, as the mitigation strategy given in the Supporting Statement has been evidenced to be ineffective at the Belmont Road site. Such litter at the Ross-on-Wye site contravenes RW2 as well as SD2 points 1 and 2 that new development must “enhance[s] the setting of the adjacent Wye Valley Area of Outstanding Natural Beauty”.

The same Supporting Statement describes Noise and Odour Mitigation in section 3.24, p15:

#### Noise and Odour Mitigation

- 3.24 McDonald's recognises the potential impact of noise and cooking odours on local amenity. In response to these impacts, McDonald's utilises an air extraction system which incorporates built-in Hi-Catch filters, which removes 98% of airborne grease at source.]

As shown in the following section of the plan drawing, the pumping station for the restaurant would be within 25m of a residential property. No data has been shared about the noise or odour pollution from this station, particularly at such close range, which directly impacts on this property.



Source: excerpt from drawing in Transport Report 4, page 6:

The noise, pollution and privacy nuisance to this property in respect of the exit lane from the Drive-Thru and car park have also not been considered in the application. The proximity of this station to a residential dwelling must be considered under Core Strategy Policy SD1.

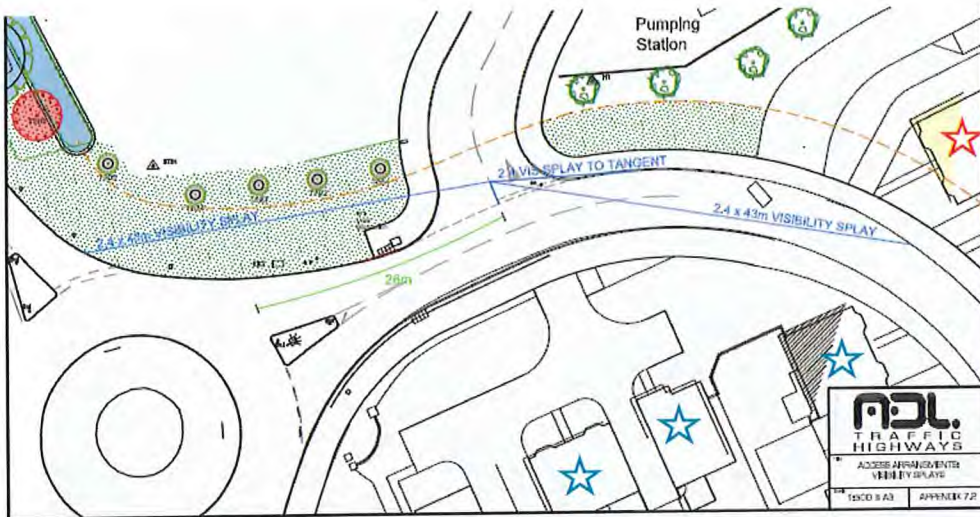
### Shadows from & visibility of signage

Policy RW2 – Land at Hildersley states that the strategic residential development, of which the proposed development would be part, will be required to include:

“[D]evelopment of bespoke, high quality and inclusive design [...] that contributes to the distinctiveness of this part of Ross-on-Wye and enhances the setting of the adjacent Wye Valley Area of Outstanding Natural Beauty.”

Source: Herefordshire Local Plan Core Strategy 2011-2031 Policy RW2 p98

The application fails to describe the visual impact of the associated 12m high totem sign at the southwestern corner of the site, shown as the red circle in the top left of the site drawing:



Source: excerpt from drawing in Transport Report 4, page 6:

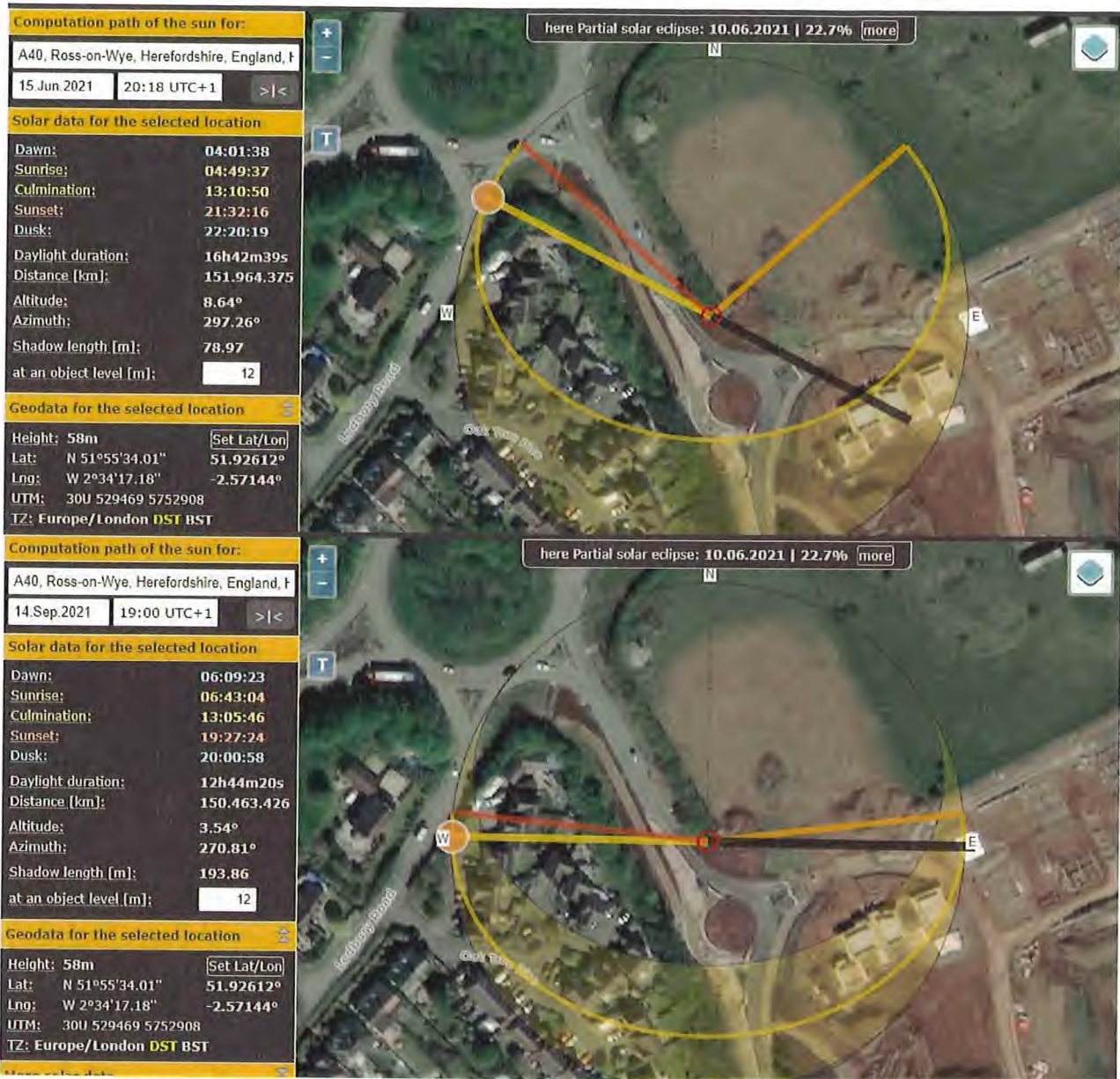
It is not possible that a 12m high light-up sign in any way “enhances the setting of the adjacent Wye Valley Area of Outstanding Natural Beauty”, therefore the sign alone contravenes policy RW2 as well as SD2 points 1 and 2.

Regarding the specific impact of the sign on the immediate vicinity: if the sign were orientated east-west the light it emits would be visible 24 hours a day from the front aspect of the residential property highlighted with a red star. If it were orientated north-south the light would be visible 24 hours a day from the residential properties highlighted with a blue star. In either orientation the sign would also be directly visible from 5 further properties on Saxon Avenue immediately to the south of this drawing. This would cause unacceptable light pollution into the living spaces of 9 residential properties, none of which is shown in McDonald’s plans.

In addition, a 12m high sign in this location would cast a shadow across the properties shown in the drawing every summer’s evening between April and September. The data superimposed on the following aerial photographs of the site show the location of sunrise, direction of the sun’s path through the sky, and location of sunset for the proposed location at different times of year.

On these photographs the red circle is the approximate location of the 12m high totem pole sign. The black line describes the shadow which would be created by a 12m high object when the sun is at the point described by the orange circle.





Source: <https://www.suncalc.org/#/51.9261,-2.5714,18/2021.09.14/19:00/12/1> Apr/Jun/Sep 2021 data

As with the light, the shadow impact of the sign on these properties has not been considered and it is unacceptable that these properties would be living in the literal shadow of McDonald's during the summer months. SD1 5.3.30 again specifically mentions "overshadowing" and acknowledges that "the amenity and quality of life for existing residents can be adversely affected by insensitive, poorly considered design". This also goes against NPPF 124 d).

## Climate Change

Herefordshire Council declared a climate emergency on 8<sup>th</sup> March 2019 and in September 2019 the council resolved to set a target of net-zero carbon by 2030.



Council resolves to set a target of zero carbon by 2030

Cllr Ellie Chowns is quoted as saying:

"Climate and ecological change is a huge challenge that we must face together and I am proud to say that Herefordshire Council is leading the way in tackling climate and ecological issues.

and

"Residents, community organisations and businesses can join us by making their own changes, from making homes more energy efficient, reducing and recycling waste and choosing alternatives to car travel. Together we can better protect the environment and preserve our wonderful county for future generations."

Source: <https://www.herefordshire.gov.uk/climate-2/climate-change>

A Drive-Thru restaurant with a catchment area stretching the length of the A449 from Ledbury to Monmouth as well as a sizeable area of the Forest of Dean and Wye Valley AONB would complete undermine the council's stated aim of helping people "choos[e] alternatives to car travel", and Core Strategy SS4 3.52. It is also against NPPF 104 a) and 112 a).

McDonald's and ADL's data has already been proven to wildly underestimate the amount of vehicles that would access the proposed restaurant. **However, in the best possible case the restaurant would be responsible for more than 44 tonnes of CO<sub>2</sub> emissions per year from cars alone.** This figure depends on McDonald's' conservative estimates for vehicle traffic and assumes that no vehicles would idle at any point on the site. It also doesn't account for any traffic not considered "light vehicles" such as HGV deliveries.

McDonald's' Air Quality Assessment states:

- .1 The proposed development is expected to generate a total of 2,444 daily light vehicle trips, of which 1,962 will travel north along the A40 and the remaining 482 will travel south; the daily trip rate north of the site roundabout is above the screening threshold of 500 LDVs recommended for use outside of an AQMA in the EPUK/IAQM guidance (Moorcroft and Barrowcliffe et al, 2017) (see Paragraph 3.7), thus a detailed assessment is required.

Source: Air Quality Assessment, McDonald's Ross-on-Wye 13 July 2021 Job no J10/12499B/10 p27

Even if we assumed each of these 2,444 vehicles does not make a specific journey, that each one accesses the site by turning from the A40/A449 roundabout into the site, parks or uses the drive-thru and then rejoins the A449, the extra distance covered by each vehicle would be approximately 0.25 miles. This means an extra 611 miles (978km) of driving per day, into one small residential street alone, on the unrealistically generous basis that none of the vehicles are making a specific journey or detour to the site and does not site idle with the engine running for a single moment.

- On average, the CO<sub>2</sub> emissions of diesel cars (127.0 g CO<sub>2</sub>/km) are now very close to those of petrol cars (127.6 g CO<sub>2</sub>/km). The difference of 0.6 g CO<sub>2</sub>/km was the lowest observed since the beginning of the monitoring.

Source: <https://www.eea.europa.eu/highlights/average-co2-emissions-from-new-cars-vans-2019>

Using the lower figure of 127.0g CO<sub>2</sub>/km, per day this therefore means an extra 124.155kg of CO<sub>2</sub> into the atmosphere solely from the vehicles travelling from the A40/A449 roundabout into the site and back, and over a year this extrapolates to **just over 45 metric tonnes of CO<sub>2</sub>**.

This is an extremely conservative estimate and does not account for a single vehicle idling at any point, nor for vehicles making specific journeys. Given that McDonald's' data (Table 5F below) tells us that on some days 32% of journeys to the site will have the sole purpose of visiting the restaurant (i.e. they are not merely "diverted" traffic) and given the rural environment and low population density of the surrounding area, it follows the actual impact of the travel to the restaurant alone will be **far higher than this figure**.

**Table 5F Customer Interview Average Survey Results McDonald's**

Trip Type	Definition	Friday	Saturday
		%	%
Additional Trips	Same origin & destination McDonald's sole purpose of trip	32%	23%
Existing Trips	Different origin & destination	68%	77%
	Same origin & destination McDonald's not sole purpose of trip		
<b>Total Surveys</b>		<b>100%</b>	<b>100%</b>

Source: Transport Report 2, p25

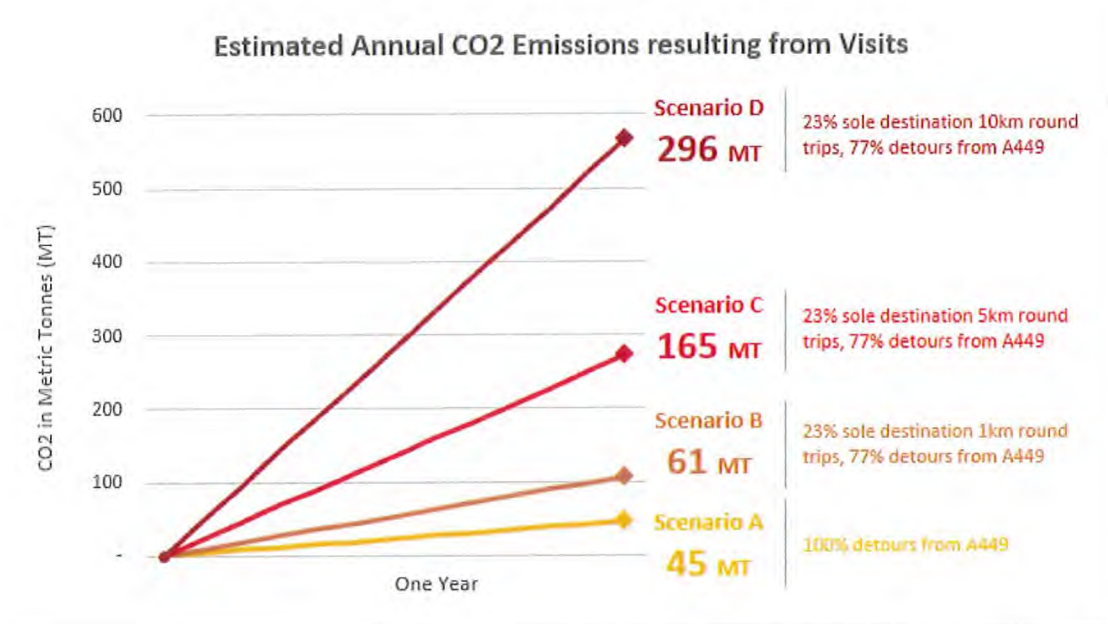
It must also be stressed that 2,444 extra journeys (however small) equates to **892,060 visits to the site each year**. Using the lower figure provided in table 5F (23%) over **200,000 of these visits would have this site as the sole destination of the trip**. This is in direct opposition to Herefordshire Council's stated position on reducing car use.

Should each one of these 23% destination trips be 10km in total (i.e. a visit from a home 5km away, there and back, as described as highly likely in Core Strategy SS4 3.52 and evidenced by the postcode data from the supporting representations) the impact of these trips alone would be **261 tonnes of CO<sub>2</sub> emissions every single year**. This also contravenes NPPF 104 d) in particular.

By exploring different scenarios we can see a better picture of the estimated emissions caused by the restaurant from light vehicle visits alone.

### Annual CO<sub>2</sub> emission by scenario

	annual metric tonnes	monthly metric tonnes
A: All trips are detours from A449	45.32	3.78
B: 77% detours from A449, 23% sole destination 1km trip	60.95	5.08
C: 77% detours from A449, 23% sole destination 5km trip	165.18	13.76
D: 77% detours from A449, 23% sole destination 10km trip	295.46	24.62



The impact of trips to the restaurant on its overall emissions must be considered in the context of Core Strategy MT1 point 3, Air Quality 2.32, Vision 3.14, Freight 3.56, Sustainable Communities 3.95 and SS7 point 3.

In the Biodiversity Report McDonald's claims Electric Vehicle Charging Points (EVCPs) will be provided at the site (Biodiversity Report 3 p4) and that this is therefore part of its plan to mitigate against the restaurant's impact on the climate. However it gives no data of how many EVCPs will be provided, nor how this will translate into a reduction of traffic or vehicle emissions.

In respect of application 181448, Environmental Health Officer Philippa Hargreaves notes:

Electric Vehicle Charging facilities have been included within the mitigation, which is welcomed. However, it is noted that this would not be the only public electric vehicle

charging facility in Leominster.

The primary concern, however, is there is no information to demonstrate how these mitigation measures would translate into a reduction in the predicted vehicle emissions, from the increased car use as a result of the development, particularly in the Air Quality Management Area at Bargates.

Source: Application 181448 IntConsResp 8 dated 04/07/2019 p2-3

In order for the EVCPs to be considered as mitigation in 213017 it must also be shown how they will translate into a reduction in the predicted vehicle emissions from the increased car use as a result of the development.

## Ross-on-Wye Neighbourhood Plan

The proposed restaurant has been objected to by Ross-on-Wye Town Council by a margin of 14-0. This decision was made based on the planning application contravening EN1, EN2, EN4, EN7, E1, E2 and A1 of the Neighbourhood Plan, which were detailed in full by Cllr Jane Roberts at a Town Planning Meeting on 14<sup>th</sup> September 2021.

## Retail Assessment/Retail Strategy

Herefordshire Core Strategy states:

“4.7.20 The policy for retail in Ross-on-Wye, based on the evidence in the Town Centres Study Update 2012, is to maintain its existing busy shopping centre, which is based on a mixture of popular high street chains and independent stores. New homes and households in Ross-on-Wye will strengthen and provide support for the town centre.”

Source: Local Plan Core Policy 4.7.20 p102

In addition NPPF 86, particularly a) and b) encourages the support of Town Centres over and above out-of-town retail development.

Despite McDonald's being required to produce a Retail Assessment in the pre-application advice and it being a condition of building a premises greater than 400m<sup>2</sup> it chose not to submit a Retail Assessment with this application and instead spends considerable time arguing that one isn't necessary. The only reasonable conclusion, particularly in the light of the misleading data used elsewhere in the proposal, is that such a submission would adversely affect the application and by implication the viability of the proposal. The Retail Assessment would show that the proposed restaurant would contravene Herefordshire policies aimed at supporting town centres and is therefore likely to be damaging to the retailers, employment and town centre development.

Rather than submit an assessment which is a requirement of RW1 of the Core Strategy, McDonald's has instead made an argument over why it could not possibly consider other sites. It has also provided pages of justification around its healthier food choices and charitable work to divert attention from the other negative impacts of its restaurants upon their immediate locale. It is unacceptable to construct an unnecessarily large premises with a design that is out of character with residential properties, and due to the elevation of the site would be far more visible than the



existing services which cannot be seen to any such extent from anywhere in the surrounding area. **The building is 37% larger than the average McDonald's but with a best-case scenario of only 82% of the expected customer base!** Locating it away from the town centre is unbalanced and therefore a robust retail survey with both Impact and Sequential assessments based on Ross-on-Wye must be carried out. Ignoring the policies aimed at understanding the impact on jobs and potential closure of premises in the town centre demonstrates that McDonald's is not concerned about prosperity of the town centre. It wants to capture the passing vehicle traffic, create further vehicle traffic for specific visits to the site and divert business away from a major tourist attraction at the gateway to the Wye Valley AONB.

McDonald's says that 65 jobs would be created by the restaurant. Of these most will be low paid, with 4-40 hour contracts offered.

Core Strategy 3.69 states:

"[Herefordshire's] low value economy is partly a function of the county's economic structure. There are a high proportion of employees in manufacturing (accounting for 16% of employee jobs compared to 8% across England), but these are primarily in low and medium technology activities, including food and beverage production, rather than higher value-added activities."

and

"The county has a high proportion of small and medium sized enterprises and the council will offer continuing support for such businesses in future."

Source: Core Strategy 3.69 p37

According to McDonald's own recruitment site, a new McDonald's Crew Member is paid between £6.10 and £8.91 an hour.

Source: [people.mcdonalds.co.uk](http://people.mcdonalds.co.uk)

Given that McDonald's wishes to offer 4-40 hour contracts (Supporting Statement 5.4), the most a new Crew Member could earn at the site is £356.40 per week. **This is 8% lower than the median wage in the county** (Core Strategy 3.68 - £385 per week median wage). 3.68 also states "[l]ow wage levels are borne out in housing affordability issues". The McDonald's wage structure would not allow for long-term, sustainable careers where staff could feasibly enter the housing market. It is also untrue that a McDonald's, no matter if run by a local franchisee or from elsewhere, could possibly be a "small" or "medium sized" enterprise. Indeed, objections from independent businesses in the centre of Ross-on-Wye demonstrate that the only way to support small and medium sized enterprises in the town is to refuse the McDonald's application.

It also should be noted that the only reason McDonald's offers minimum 4 hour contracts is because its **staff held a strike against zero hours contracts in 2018**, as shown in The Guardian: <https://www.theguardian.com/business/2018/may/01/mcstrike-McDonald's-workers-walk-out-over-zero-hours-contracts>

## Conclusion

The proposed McDonald's premises is one usually found in retail parks or service stations not residential areas, and the comparison restaurants used in the application are all retail park style restaurants on existing commercial land much further from residential properties than in this application. There is no comparison data offered for a McDonald's restaurant with access from a residential road. McDonald's has not offered a retail assessment as required. It fails to explain why a 37% larger premises is required to cater for only 82% of the average customer base. 892,060 cars will visit McDonald's per year with **at least 200,000 specific journeys to the site**. As described throughout this document this is likely to be an underestimate as the data has been skewed in an attempt to justify the application in the context of the Core Strategy and NPPF, and to create a false impression that the size of the restaurant in relation to the size of the town is different to an unsuccessful application previously considered by Herefordshire Council.

It would bring chaos to traffic, degrade the quality of life for local families and local residents, it would impose higher pollution levels and impact on town centre businesses. It would not have sufficient parking spaces for its customers even using the "best case scenario" data presented in the application. It would adversely impact on long term traffic plans and would make the Council's stated position on carbon reduction much harder to achieve. A Drive-Thru should be for road side use and accessed through similar services (such as adjacent to a petrol station or large supermarket) rather than through a narrow residential street. A pedestrian based restaurant should be in the town centre to attract visitors and add to the prosperity of the town. Combining the two on the edge of a residential area in a small market town, especially when the supporting data in the application has been manipulated to such a degree, is unacceptable. The data in this document proves that the proposed restaurant would not be of benefit to Ross-on-Wye, local residents or the wider community.

**204242 & 204243 - DEMOLITION OF EXISTING BARNs WITHIN THE GROUNDS OF A LISTED BUILDING. PROPOSED NEW FARM SHOP AND CAFE AND OFFICE ACCOMMODATION BUILDINGS WITH ASSOCIATED CAR PARKING AREA AT WARHAM COURT FARM, BREINTON, HEREFORD, HR4 7PF**

**For: Mrs McMinn per Mr Nick Carroll, 42 Broad Street, Worcester, WR1 3LR**

### **ADDITIONAL REPRESENTATIONS**

#### **Cllr Toynbee (Neighbouring Ward Cllr)**

Thank you for receiving my statement as councillor for the adjoining ward to Credenhill Ward. I am pleased that this application is coming to Committee, and thank committee members for taking note of the numerous and well-informed representations from a wide variety of people and organisations. I have had many communications, over three years, about this application; I understand the concerns raised, and am surprised that the recommendation coming to committee is for approval.

Warham Court Farm is a few hundred metres outside my ward, Greyfriars, and very much part of our local community. The countryside between the city and Breinton is a green lung for hundreds of residents of West Hereford, and they deeply value its greenery, peace, wildlife, rural heritage and opportunity for exercise. The ancient lanes, lined by wonderful hedges, are enjoyed by dog walkers, runners, families and cyclists, not to mention tourists, including those who walk the Wye Valley walk and the paths that link it to historic Warham and Breinton (see Policy E4 – Tourism, Core Strategy p137).

The lanes around Warham are narrow and winding, with poor drainage, very few passing places and poor visibility. A few hundred metres to the South of the site of this application is the River Wye, Site of Special Scientific Interest and Special Area of Conservation, the ecological sensitivity of which we are all more aware of than ever. A few hundred metres to the East is Broomy Hill Conservation Area, designated for its special architectural, historical and natural interest.

The area between Hereford and Breinton has a particular local distinctiveness, that should be preserved and enhanced (see policy SS6, Core Strategy p42)

Paragraph 6.20 of this report is particularly surprising: “It is acknowledged that there may be some increased car journeys to access the shop/café and businesses however, this would be somewhat offset by the number of journeys made by local people to access shops and employment in Hereford as there is no current facilities within the locality”. A **brand new** business and café, with a large car park, would necessitate a lot more than “some increased car journeys” to be financially viable, and the offsetting argument does not reflect reality.

To the West of the site are tiny lanes – indeed this proposal is served exclusively by extremely narrow lanes. There are no pedestrian walkways, and the verges and culverts are already damaged by vehicles manoeuvring or trying to pass each other. Surprisingly, the speed limit is 60mph, and there are no length or weight restrictions on vehicles.

I enclose a couple of photos shared with me from just this week, which show that in places the single track lanes around the site of this application are barely one vehicle wide.

For vehicles moving from this site towards Hereford, the right turn from the end of Broomy Hill onto Barton Road is notoriously dangerous, and an increase in traffic would pose a certain risk.

As far as social and community facilities are concerned, (see policy SC1, Core Strategy p128), this industrial development would have a detrimental effect on a unique area that fulfils Herefordshire Council's policy of maximising opportunities for city residents to access the countryside without the need for a car. Evidence of any benefits to the local community of this application being approved is very weak.

Knowing the area extremely well, having read all the documents, and heard from experts and residents, my view is that approving this application would have a negative impact on the people, traffic flow, quality of life, heritage and environment of the neighbourhood, and would not be in keeping with the sort of development we want to encourage in Herefordshire.



## **Julie Milsom – Director of Herefordshire Community Farm**

I am contacting you in my capacity as Director at Hereford Community Farm which is referenced in the above application. Having read the Officer Report which is listed on the Herefordshire Council Planning website I wish to bring to your attention areas of concern and inaccuracies that are pertinent to the application and ask that the committee be made aware of these points as a matter of urgency and integrity to the decision making process.

With regret I am unable to attend the Planning Committee Meeting in person to raise these points as I already have a commitment at the Hereford Community Partnership Meeting where a film about the work of the Community Farm made in conjunction with Herefordshire Healthwatch is being previewed.

Hereford Community Farm is an established community asset and as such falls within the Core Strategy policy SC1 which states that;

*'Existing facilities will be retained, unless it can be demonstrated that an appropriate alternative facility is available, or can be provided to meet the needs of the community affected, or it can be shown that the facility is no longer required, viable or is no longer fit for purpose: and where appropriate it has been vacant and marketed for community use without success. Viable alternative facilities must be equivalent to those they replace, in terms of size, quality and accessibility.'*

*Please note:*

It is stated in the report section 5.2 in response to the public consultation that '*Hereford Community Farm states that they feel reassured that they can continue on the 5 acre site and support the diversification scheme*'

To clarify **At no point has any representative of Hereford Community Farm been directly in communication with the Case Officer or other members of the planning team with regard to this application or supplied the above statement.**

The position of HCF regarding this application is already stated in a comment dated 03/02/2021 which remains unchanged neither supporting or objecting to the application.

The proposal as it stands will result in a 40% reduction in footprint of the Hereford Community Farm site currently leased from the landlord and the loss of all critical infrastructure - the portable classroom facilities - kitchen, office, accessible toilets, and heated workrooms essential to ensure an inclusive environment for our clients. In addition the 'tin barn' parallel to the lane which is to be demolished for the new building is still in active use as the woodwork workshop. The loss of the orchard area to the east which also comprises a cabin and covered area used for our schools session (installed by HCF) would affect the viability of schools and SEND provision.

The 5 acre field referenced has been leased by HCF since 2013 when it was formerly a grazing paddock and all existing enhancements - greenhouse, vegetable growing areas, garden, portable buildings, pathways and fixtures have been installed by HCF.

**However it is to be noted that this field was identified as being within the chosen route for the Western Relief Road (Hereford Bypass) which if built would render the site unuseable for HCF use.**

Consequently it is now impossible for HCF to have any guaranteed security of tenure on this part of the site even with the support and agreement of the landlord and this inhibits the organisations ability to raise grants or social funding for capital works or developmental works on this 5 acre field.

The potential building identified as an alternative premises for HCF to the west is a redundant former dairy that was identified in the previous application as unfit for use and to be demolished - it is currently used as storage space.

**To provide clarity and give context we therefore extend an invitation to the Planning Committee to visit the Hereford Community Farm site and view the premises during their site visit on 26/07 in advance of their meeting.**

With reference to points 6.11 & 6.12 it is misleading and inaccurate to state that the proposal as it stands for maintaining HCF on the site would '*provide an enhancement and continuity to the existing facilities for the Community Farm and overcome the concerns raised in regard to the loss of the Community facility.*'

There are no detailed plans for the relocation of Hereford Community Farm on this site ahead of the new development commencing and without specific conditions there is no guarantee that the Hereford Community Farm will be protected or able to continue at Warham Court so an alternative has to be sought to ensure that this Community Asset is not lost.

In conclusion Hereford Community Farm is appreciative of the opportunities that have been provided by the landlord and recognises that the farm diversification proposal that has been put forward reflects the landowners right to develop the commercial viability of the site. However the absolute priority for Hereford Community Farm is to safeguard delivery of service provision for the people that need it, to safeguard the jobs of a skilled and dedicated team and to 'future proof' the organisation as a community asset.

Three further letters of objection have been received and are detailed as below:

### **Representation 1**

Have the people who run the Community Farm been consulted via the planning authority or others about the impact that this planning application would have on the Community Farm and do you have a detailed record of their response which will be discussed at the meeting?

What measures are put in place to ensure that the Community Farm service is not disrupted?

The Community Farm, based at Warham Court Farm, provides vital social care placements for children, young people and adults living with disability, long term health conditions and mental health issues. Crucially, the Community Farm fills the gap left by closure of other services due to funding cuts, and is provided at no operational cost to the local authority. The facility provides a lifeline to disadvantaged people in and around Hereford.

### **Representation 2**

This site already has an existing approval for a café and shop on a much more suitable scale for the location ([Town and Country Planning Act 1990 \(herefordshire.gov.uk\)](http://Town and Country Planning Act 1990 (herefordshire.gov.uk))).

If it has not been viable to build in accordance with this planning approval, why would an much bigger application with a car park the size of Aldi, be more economically viable?

The Planning Officer report is inaccurate and misleading on many occasions.

1. The site is not within a "settlement" but open countryside which is very rural despite its close location to the city of Hereford.
2. The officer omits to mention that there is already a farm shop in the parish, Breinton Manor, which does grow and sell its own produce. This is in addition to Wyevale Garden centre which provides a range of retail goods and a large café/restaurant. How does the development of another shop and café support local food and drink production by setting up in competition with these existing operations? How does this development support the vitality of the retail shops and office space in Hereford, which is a much more sustainable location for offices and retail and located just 1/2mile from the site?
3. Para 6.20 in the officers report is factually incorrect, spurious and misleading. " It is acknowledged that there may be some increased car journeys to access the

shop/cafe and businesses however, this would be somewhat offset by the number of journeys made by local people to access shops and employment in Hereford as there is no current facilities within the locality.” The proposed ventures if successful will undoubtedly result in a significant increase in car journeys. The residents of working age often work locally or from home, residents will continue shopping at supermarkets, etc. so many of these offset journeys do not exist. As the objectors have highlighted there are already shops, including a farm shop selling their own local produce, within Breinton Parish.

4. The current farm operation is an intensive livestock unit and does not even grow its own feed for these operations, despite what they said they would do in their original barn development. Currently, the farm only produces beef and the feed is trucked in regularly from Northamptonshire on articulated lorries through Hereford City and residential areas of Breinton/Barton Road. How does the proposal support local food and drink production?
5. The plans for the relocation of the Community Farm to the west of the site do not make clear how the repurposed farm buildings will provide the same or improved facilities for the Community Farm or how they can continue to use the historic apple orchard to the east of the new car park. The new location of the Community Farm surrounded by the access for delivery and waste vehicles poses a risk to the users of this facility as well as impacting clients through increased vehicle noise and pollution.. As such the development actually risks the loss of established jobs and opportunities offered by the Community Farm, listed as a Community Asset.

The application should be refused as it is contrary to the following Core Strategy Policies: -

- Policy RA5 Reuse of Rural Buildings makes it clear that development will only be permitted where “The building is capable of accommodating the proposed new use without the need for substantial alteration or extension, ancillary buildings, areas of hard standing or development which individually or taken together would adversely affect the character or appearance of the building or have a detrimental impact on its surroundings and landscape setting. As the officers report Para 4.9 overview describes it “The Applicant proposes the demolition of existing barns within the grounds of a Listed Building and the construction of a new farm shop and cafe and office accommodation buildings” this application is therefore contrary in every way to this policy and cannot be considered compliant.
- Policy RA6 (Rural Economy) which permits applications where they: “*ensure that the development is of a scale which would be commensurate with its location and setting*”; “*do not cause unacceptable adverse impacts to the amenity of nearby residents*”; “*do not generate traffic movements that cannot safely be accommodated within the local road network,* ”. The vehicle movements CANNOT BE INCORPORATED INTO THE LOCAL ROAD NETWORK as the officer is recommending the REMOVAL OF ANCIENT HEDGEROWS AND THE CREATION OF 3 PASSING BAYS ON ONE ACCESS ROAD ( via Broomy Hill ) to accommodate the additional vehicle movements this development will generate. The officer makes no comment about the lorries, vans and cars accessing the site from other roads across the parish and their impact on other road users and residents and other farmers, needing access to their crops and livestock.
- Policy SC1 which states “*Existing facilities will be retained, unless it can be demonstrated that an appropriate alternative facility is available, or can be provided to meet the needs of the community affected; or it can be shown that the facility is no longer required, viable or is no longer fit for purpose; and where appropriate, it has been vacant and marketed for community use without success. Viable alternative facilities must be equivalent to those they replace, in terms of size, quality and accessibility.*” Where are the new toilets, classrooms and changing facilities for the Community Farm and its vulnerable users in the plans? With no detailed plans and clear delivery for the relocation of the Community Farm ahead of the new development commencing, this application is contrary to Core Strategy policy SC1.

- Policies SD3 or SD4. This farm site had an Environment Agency investigation in 2021 as untreated, dirty farm water was contaminating land and running directly into water courses, flowing into the adjoining River Wye SAC. Despite being asked to do so, the Planning Office has not consulted with the Environment Agency on this development, despite the proximity of the discharges to the River Wye SAC and local water courses. The application does not accord with NDP policy RA6 which states the rural developments “*do not undermine the achievement of water quality targets in accordance with Policies SD3 and SD4*”. The drainage proposals are insufficient and therefore are not able to show compliance with Core Strategy Policies.

This application also fails to comply with the following Breinton Neighbourhood Development Plan policies:

- Breinton NDP Policy B4 which does not support the re-use of buildings for office space. The officers recommendation for office use is contrary to this Neighbourhood Plan Policy.
- Breinton NDP Policy B13 provides for “*the re-use or conversion of existing buildings for outdoor recreation and tourism related uses appropriate to the tranquil and unpolluted open countryside*”.

**To properly protect the Community Farm the officer should be recommending that the Condition should be amended** to make it clear that should the application be approved so that it reads something like :-

**“The application CANNOT proceed, until the Community Farm has been successfully relocated in equivalent or improved facilities as they currently application outlines.**

Processes need to be agreed with the planning authority to minimise the noise and danger to staff and users of the Community Farm from delivery and waste vehicles manoeuvring close to the relocation area. Safe access to the historic apple orchard across the site which plays an important part of the therapy provided by the Community Farm should be protected for use by the staff and beneficiaries of the therapeutic support.

The heavy, articulated feed and livestock lorries are coming & going on a regular basis to Warham Court Farm are causing the following damage to:-

1. the Longmeadow junction due to the weight and load of articulated lorries turning tightly on this junction.
2. the lanes from Brecon Road to Warham Court Farm (C1189 and U73022), including Magpie Lane (U73023) - which are crumbling away and narrowing as the vehicles wheels are wider than the road widths in places.
3. collapsing the culverts under the roads causing flooding and erosion of the road surfaces (see the long term problems of the culvert outside Warham Farm Cottages, and the pitted and patched dangerous road surface just below where the water accumulates).
4. damaging residents water mains supplies that sit inside the lanes and driveways;
5. eroding the banks of some of the roadside fields and verges.
6. damaging hedges and trees.
7. intimidating other road users eg. car drivers, walkers, cyclists, etc.

This is why weight & length restrictions on the roads are urgently needed and have been requested by the Parish Council and residents outside of this planning application.

Under the latest planning application for Warham Court Farm, Herefordshire Highways say it is fine for there to be increased traffic on the lanes & the Broomy Hill road has sufficient width for delivery, building and waste vehicles and there is no issue with the 60mph speed limit.

The driver of the Northamptonshire feed lorry that forced 6 residents to have to find an alternative route into Hereford on Monday due to blocking the Warham road (C1189), says he has been told by Warham Court Farm (Kevin Hammett) to deliver along the C1189 and not the Broomy Hill Road. Is this what the farm will be telling all the other delivery and building lorries to the new development? If so, why are Highways only requiring passing



bays for the Broomy Hill Road, and not the C1189 and other lanes in the parish, if the deliveries can take any route they like to the farm?

I do not believe that this application should be given approval. However, as a smaller farm shop and café as part of the location of the Community farm was previously been given approval may I suggest that if planning are approval of the development at Warham Court Farm is to be recommended that Councillors at the planning meeting need to add and approve the following conditions to any consent:

1. Condition that Broomy Hill Road is the vehicle access route to Warham Court Farm for all vans and lorries accessing the farm business units, shop and café and for the development vehicles.

2. A condition restricting the length and width of vehicles going to and from Warham Court Farm is applied to all routes in Breinton, including the C1189,U73022, U73023, Broomy Hill and Brecon Road and limiting vehicle speeds to 40mph, the same as outside Wyevale Garden Centre.

3. the hours of delivery vehicles to Warham Court Farm should be restricted from 9.00am to 5pm weekdays. With Warham Court Farm looking to sell their own food and drink, deliveries should not be required at the weekend. This would protect the quiet lanes for the access and amenity of local parish and city residents for walking, cycling, running, horse riding, etc. particularly out of school/office hours, when most people utilise the quiet rural lanes for leisure and amenity. (The adjoining wards of Greyfriars, Whitecross, Kings Acre, etc have the lowest proportion of open space for residents than any other part of the City. Breinton is an important leisure area for these residents, accessible by sustainable modes of transport).

4. If planning cannot condition a particular route for vehicles in and out of the Warham Court Farm site, then the condition for parking bays needs to be expanded so that the developer needs to provide more passing bays around the Parish to prevent delivery and farm vehicles restricting the movement of other road users and residents around the parish.

5. There needs to be a section 106 request for the culverts along the length of the C1189 (Breinton Lane to Hereford) and the Broomy Hill road, to be upgraded so that they can take the weight of the vehicles during the demolition and development and the delivery and waste lorries, and to make good the junctions at Long meadow and upgrade the road surfaces between Longmeadow and the Warham House turning, caused by damage of culverts and failure of the farm ditches to prevent field run off eroding the road surfaces.

6. The farm owner needs to maintain the ditches and drainage around Warham to prevent field run-off and localised flooding and to accommodate the additional waste water generated by this development, which according to the drainage plans are to be discharged into the local water courses.

7. Breinton Parish only has one bus a week, and is often over capacity and does not currently go past Warham Court Farm. To help minimise the number of vehicle movements generated by the site, there should be further S106 request or condition, that the development funds another regular, local bus service between Hereford and around Breinton Parish, to link the site by local public transport and enable all residents, regardless of whether they are able or own a car, to access the jobs offered by this development. This would accord with sustainable development and enable local residents and other users to access the site by means other than private car.

It seems very odd that when the City has so many empty shops, offices and other business units, that the officer would recommend development of more retail and café away from Hereford, especially when it will rely on so many car journeys from Hereford residents. Breinton is not an area of high unemployment or deprivation requiring diversification. Breinton is not marked as an area for employment or commercial development in the Core Strategy.

This is a car reliant development in open countryside accessible only by narrow, single track roads and no consideration has been given to other travellers, such as walking, running, cycling, horse-riding.

## **OFFICER COMMENTS**

The objectors further comments are acknowledged though do not raise any new material considerations that are not covered within the Committee Report.

Whilst recognising the views expressed, the scheme has been subject of consultation with all relevant technical consultees and is considered to be in accordance with planning policy in that it supports farm diversification and conversion of rural buildings.

The Transport Statement provided has stated that the majority of traffic will come from the east along Breinton Road and therefore requiring the passing bays to the east. Condition 8 states that development cannot begin prior to the details of the passing bays being agreed.

Additional conditions are suggested below that seek to control the use of the farm shop and café (Office use already has a suggested condition).

To protect the future of the Hereford Community Farm, condition 9 requires full details of the relocation and siting of the Hereford Community Farm use and any associated structures to be submitted to and approved prior to first use of the proposal.

A HRA has been undertaken with regard to the proposed development and concluded that there would be no adverse effects on the integrity of the identified River Wye Special Area of Conservation subject to appropriate mitigation being secured, condition are included in the report. Natural England has reviewed the HRA and has no objections.

A separate discharge licence may need to be obtained from Environment Agency. Any separate regulatory licence requirement is outside of planning controls and any HRA associated with this planning application.

## **CHANGE TO RECOMMENDATION**

### **ADDITIONAL CONDITIONS SUGGESTED:**

- The area identified as café in building 5/6 on plan number 2011/P/04E shall be used for Class E (b) and for no other purpose (including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason: The local planning authority wish to control the specific use of the land/premises, in the interest of local amenity and to comply with Policies MT1 and SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- The premises within unit 5/6 identified as the farm shop on plan number 2011/P/04E shall be exclusively for the sale of goods and produce supplied either as the owners own produce or from neighbouring farms or the local areas, defined as being within 5miles radius of the approved farm shop.

Reason: The local planning authority wish to control the specific use of the land/premises, to support local produce and growers and to preclude the establishment of an unrestricted out of town retail unit and in the interest of local

amenity and to comply with Policies MT1, E5 and SD1, of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework and Policy B4 of Breinton Neighbourhood Development Plan.

