

12 DCSE2006/3633/F - ERECTION OF RETAIL WAREHOUSING AND A REPLACEMENT ROADSIDE RESTAURANT A3/A5, BP NORTHBOUND ROSS SPUR, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7QQ.**For: RL (UK) Ltd per Blencowe Associates, Old Parish Barn, Sandford St. Martin, Oxfordshire, OX7 7AG.****Date Received: 17th November, 2006 Ward: Ross-on-Wye Grid Ref: 60978, 25695
East****Expiry Date: 16th February, 2007**

Local Member: Councillor Mrs. C.J. Davis and Councillor Mrs. A.E. Gray

1. Site Description and Proposal

1.1 The application site comprises the land formerly occupied by a petrol filling station and restaurant (Red Hen) on the north side of the A449(T) at Overross and adjoining land to north-east and east. The latter is allocated in the South Herefordshire District Local Plan and Herefordshire Unitary Development Plan (Revised Deposit Draft) for employment purposes but has not been developed. This part of the site is bounded to the north by a stream and, particularly at the western end, is at a much lower level than the site of the petrol filling station which is presumably on made up ground. The main part of the roadside services site has been laid out as additional car parking for Ross Labels which adjoins it to the rear (north-west).

1.2 The proposed redevelopment scheme, as submitted, included 3 separate elements

- (i) A 3-storey office building would be sited to the east of the former petrol filling station on the lower ground. This part of the proposal has now been withdrawn.
- (ii) 3 retail units in a staggered row built mainly on the former petrol filling station site (with a lower floor level) but extending to the rear. The design and external materials would echo the adjoining Labels store. Each unit would have a floor area of 480m². Customers' parking (71 spaces) would be at the front, accessed off the A449(T). Servicing would be at the rear accessed via the service road at the rear of Labels store. The retail units would be operated by Carpetright, Pets at Home and probably Halfords.
- (iii) A MacDonalds restaurant to replace the existing restaurant. This would be sited towards the western end of the site within a small copse of birch trees. As the site drops steeply to the west the ground level would have to be raised and a retaining wall constructed. This flat roofed building would be constructed to the corporate design and external materials (light grey render and horizontal stained timber). A delivery road would be formed from the car park along the southern side of the building.

1.3 Additional proposals include a covered walkway linking Ross Labels front entrance and the three new retail units, and additional landscaping, with extensive planting on the eastern end of the site.

2. Policies

2.1 Planning Policy Statement

PPS.1	-	Delivering Sustainable Development
PPS.7	-	Sustainable Development in Rural Areas
PPS.6	-	Planning for Town Centres

2.2 Herefordshire Unitary Development Plan (Revised Deposit Draft)

Policy LA.1	-	Areas of Outstanding Natural Beauty
Policy LA.3	-	Setting of Settlements
Policy LA.6	-	Landscaping Schemes
Policy S.4	-	Employment
Policy S.5	-	Town Centres and Retail
Policy E.3	-	Confirmed Local Plan Employment Land Allocations
Policy E.5	-	Safeguarding Employment Land and Buildings
Policy E.8	-	Design Standards for Employment Sites
Policy TCR.1	-	Central Shopping and Commercial Areas
Policy TCR.2	-	Vitality and Viability
Policy TCR.9	-	Large Scale Retail Development Outside Central Shopping and Commercial Areas
Policy T.6	-	Walking
Policy T.7	-	Cycling
Policy T.11	-	Parking Provision

2.3 South Herefordshire District Local Plan

Policy C.4	-	Area of Outstanding Natural Beauty Landscape Protection
Policy C.5	-	Development within Area of Outstanding Natural Beauty
Policy C.6	-	Landscape and Area of Outstanding Natural Beauty
Policy ED.2	-	Employment Land
Policy GD.1	-	General Development Criteria
Policy RT.1	-	Ross-on-Wye Town Centre
Policy T.1A	-	Environmental Sustainability and Transport
Policy T.3	-	Highway Safety Requirements
Policy T.4	-	Highway and Car Parking Standards

Part 3

Policy 8	-	Class B1 Employment Land
Policy 10	-	Alternative Uses of Employment Land
Policy 22	-	Retail Use Outside Ross-on-Wye Town Centre

2.4 Hereford and Worcester County Structure Plan

Policy CTC.1	-	Development in Areas of Outstanding Natural Beauty
Policy CTC.9	-	Development Criteria
Policy CTC.18	-	Use of Urban Areas for Development
Policy E.12	-	Industrial Development in Urban Areas
Policy E.17	-	Office Development

3. Planning History

3.1	DCSE2004/0821/F	Demolition of petrol filling station.	-	Approved 30.04.04
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New entrance to factory outlet centre. Independent office suite and laying out of existing car park.

DCSE2006/2631/F Erection of offices (B1), retail warehousing and replacement roadside restaurant (A3/A5). - Withdrawn 09.11.06

4. Consultation Summary

Statutory Consultations

- 4.1 Highways Agency has directed that the planning authority shall not grant planning permission until the Agency's concerns have been addressed or overcome. These concerns relate to the traffic impact on the trunk road network and safety considerations. The Agency has confirmed that further information has been requested from the applicant's agents but it may not be possible to resolve the issues by 24th January, 2007.
- 4.2 Welsh Water recommends that conditions be imposed regarding drainage of the site.

Internal Council Advice

- 4.3 Conservation Manager has "no objection to the proposals for the retail warehousing and the replacement roadside restaurant. With regard to the previous scheme, a comprehensive landscape scheme had been drawn up (Drawing no. 2006./71 Rev. A), which incorporated a reasonable amount of new tree and shrub planting, in particular, to break up the large areas of car parking. It does not appear that a comparable amount of new tree and shrub planting has been proposed for this revised scheme. I consider that more new planting will be required within the three car parking areas (restaurant, retail units and office parking), in order for the scheme to be acceptable. I will require a landscape plan and full details of the proposed planting."
- 4.4 Environmental Health Manager recommends that conditions be imposed (no incineration and ventilation scheme).

5. Representations

- 5.1 The applicant's agent has submitted a planning statement, a design and access statement, a retail impact assessment and a transport assessment.
- The Planning Statement supports this application for a mixed use development. The proposal stems from Ross Labels acquisition of the BP filling station and roadside restaurant in order to ensure greater road prominence, control over its immediate environment and to consolidate the development land. The restaurant run by Ross Labels at the former Red Hen has not proved a success and needs a branded alternative. The current proposal seeks to meet those requirements. The site as a whole is within the settlement boundary. The retail warehouses do extend on to the employment land, however, the level of job creation is likely to be higher than if the land were to be used for B2 or B8 purposes - assuming such development came forward at all. The effect of the development on the Wye Valley Area of Outstanding Natural Beauty is considered in relation to the criteria in Policy LA.1 and it is pointed out that there is no indication in the either adopted

or emerging plans that development would be constrained in scale by landscape considerations.

- The development represents a package of proposals which completes the development of the land which has remained undeveloped for many years. The development would provide a major stimulus to the economy of Ross on Wye.
Visual Impact and the AONB: The area is clearly commercial in character and dominated by the trunk road and the development would be in keeping with this character. Part of the site was formerly the Ross Spur Services and had a generally untidy appearance with poorly maintained buildings and structures and large areas of hard standing with no significant landscaping. This development completes the visual improvements to the area started in 2004 by Ross Labels. The planning policy for AONBs, both nationally and in Herefordshire, acknowledges the need for social and economic development for local communities within AONBs. The proposal meets the criteria for economic development in the AONBs set out in Policy LA1.
Retail Planning Policy: The Retail Impact Assessment concludes that there is need for the development, that the development is of an appropriate scale for Ross on Wye and that the development would not have an adverse impact on the town centre. We considered the number of shop vacancies: this showed that the level of vacancy is neither a problem nor an indicator of a weak town centre (the vacancy rate is well below the national average in terms of units as well as floorspace). A survey also showed that there is considerable interest in shop units and good units are difficult to come by. Yields are low for a town the size of Ross which indicates a strong interest in the acquisition of freehold retail properties in the town and confidence in its future. We conclude that the development therefore complies with the retail planning policies.
The Employment Policies: The package involves the use of some land, which is allocated for employment, for retail use and consequently there is some conflict with policy E6. The retail warehouses would provide approximately another 60 jobs and the roadside restaurant about 40. The site has been marketed for a number of years without any interest and there is unlikely to be any alternative job creation on the site. However, for reasons of ensuring a suitable environment for the offices, the office development will not go ahead unless the future of the remainder of the site is determined at the same time. Moreover, the package will be developed and jobs created only if planning permission is granted. We conclude the proposed development overall complies with the applicable employment policies.
- The summary and conclusions of the Retail Impact Study are included as an Appendix to this report.
- The Transport Assessment investigated the additional trips likely to be generated by the development and concluded that there would be no material impact at the A449/A40 roundabout. The number of extra vehicle movement at the roundabout (including the office development) would be less than 50, an increase of only 1/5%. These increases are not considered to be significant. Road accident statistics have also been assessed and no accident problems have been identified that would be made worse by the proposed development. There is good accessibility by car but given the inherent constraints on the potential for walking and cycling trips it is proposed to contact local operators and the Public Transport Officer to determine if the site could be served on a more regular basis, principally through the diversion of existing routes (nos. 32 and 45). In addition, a Travel Plan will be developed for employees and visitors.

5.2 Three letters have been received objecting to the development, in summary, for the following reasons:

1. contrary to all current development plans and involves development partly on Greenfield land
2. completely unnecessary: there is a large number of existing premises (both shops and offices) available, including several pet shops and food establishments plus new car and home furnishing outlet all in the town centre
3. very detrimental to all Ross traders; the town centre does not have a 'buoyant mood' although may be slowly improving
4. out of town retail development destroy towns – comparison is made with Malvern where a retail park has resulted in closure of many businesses and had devastating effect on Malvern town centre and Malvern Link. Similar disastrous effect foreseen at Ross with as many jobs lost as created
5. lots of empty offices in Ross town centre, on industrial estates and the old school in Gloucester Road which would all be better located offices
6. potential for traffic problems: could be dangerous with high school nearby and cause congestion, as at roundabout near ASDA in Hereford
7. a McDonalds, or any fast-food outlet on this site would constitute huge health and safety risks in relation to the school. It is possible to reach the proposed site from school on foot although this means crossing two very busy roads with no pedestrian access. The outlet would undoubtedly act as a magnet for students and cannot man the school gate all day and even if we could there are numerous ways into and out of the school.

5.3 Advantage West Midlands points out that the application site is within the Rural Regeneration Zone that covers most of Herefordshire and that Ross is designated as a Group 3 Market Town. As the site's current use is predominantly retail and employment, and the redevelopment of derelict areas of the site will generate further jobs and economic growth, the Agency supports this proposal in principle. The initiative of the applicant to provide three retail warehouse units and create further career opportunities for local people, is considered to have favourable implications in the context of the aims and objectives of the WMES.

The full text of these letters can be inspected at Southern Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

6. Officer's Appraisal

6.1 The application site is within the defined settlement boundary of Ross-on-Wye. As noted above the northern and eastern section are allocated for employment purposes, the remainder of the site is not allocated but has lawful existing use as a restaurant and car parking for a retail store (Ross Labels). The site is located on the north-eastern periphery of Ross-on-Wye and forms a narrow tongue of land that projects

along the A449 into the surrounding countryside. Along with much of the town this land is within the Wye Valley Area of Outstanding Natural Beauty. Both the adopted local plan and the emerging Unitary Development Plan promote development of part of the application site and the remainder has already been developed. Whilst this must be taken into account the Council's policies regarding development in the Wye Valley Area of Outstanding Natural Beauty are specific that 'priority will be given to the protection and enhancement of the natural beauty and amenity of the area in the national interest' (LA.1, UDP). Development would be acceptable however provided 'it is small scale, does not adversely affect the intrinsic natural beauty of the landscape and can be demonstratedto meeteconomic needs' (LA.1).

- 6.2 The current proposal is not for small-scale development. This term is not defined but 3 retail warehouses, albeit smaller than is typical, would be sizeable buildings. They have been designed taking into account the lower ground to the rear of the application site to keep the development as low as possible. The retail units would occupy the site of the former petrol filling station (except for the rear section of each unit) the canopy of which was at a similar height to the roofs of the proposed development. The design and materials (matt black wall cladding with a grey roof) echo the Ross Labels store and the sub fusc colouring would help reduce the visual impact of these buildings. There is scope for further planting along the A449. In these circumstances, although the development would have a limited adverse impact on the Wye Valley Area of Outstanding Natural Beauty it is not sufficient to justify refusal of planning permission.
- 6.3 The applicant's agent claims that there would be benefits to the town from the retail development. Residents would not have to travel to Hereford or Gloucester and the new stores would 'reduce the propensity to regard the centre as the main shopping centre' (paragraph 9.13 of Retail Assessment. Furthermore there would be no significant harm to the vitality and viability of Ross-on-Wye town centre (paragraph 9.11). The Council have sought independent advice on the retail issues and these conclusions are called into question. The latter accepts that there is a quantitative need in that there is sufficient expenditure capacity in the area to support the proposed additional retail shops but points out that the range of shops selling bulky goods is reasonable for a town the size of Ross, with the key sectors represented and with recent investment in new carpet and furniture stores. Consequently although the proposal would attract multiple retailers not currently represented, the extent of these qualitative benefits would not in themselves justify development out-of-centre. Sites on the edge of the town centre may be available for retail development. The main site is in Brookend Street. Planning permission for development of a large food store was granted in 1999 and renewed in 2004 but it is understood that no operators are interested in this development. Various alternative proposals have been suggested, including a smaller food store, but to date no applications have been submitted. The Council's consultant considers this site has significant potential for a retail led mixed use development that would benefit the town centre as a whole. Given these opportunities there is a risk that the proposed out of centre retail units would divert some retail investment. The critique also considers that the proposed retail stores would conflict with the Council's retail strategy as an exception to focusing development in this market town's centre has not been shown to be warranted. The number of spin-off trips (shoppers visit the town centre after a specific trip to the shops at Overross) is questioned. It is also pointed out that with the existing factory outlet store (Ross Labels) and Focus Do-It-All DIY store, the proposal would result in an out of town centre with a floor space which would be comparable with the entire comparison goods floor space of the town centre. It is concluded that there would be a small but nevertheless significant negative impact on the town centre.

- 6.4 The critique therefore calls into question the benefits to the town from the retail development and confirm that it would conflict with the Council's retail development strategy. The applicant's agent makes the case that the proposals form a package. Thus the benefits of additional employment opportunities from the offices and MacDonalds (about 40 part-time jobs) and retail benefits referred to in paragraph 6.3 above would off-set the loss of employment land (the rear sections of the units and servicing/parking area at the rear). With the office building being withdrawn and the potential harm to the town centre identified in paragraph 6.3, these benefits would be limited and I do not consider that they would outweigh the harm arising from the loss of employment land.
- 6.5 One other consideration is whether the development would be accessible other than by private car. The Transport Assessment accepts that the location discourages cycling and walking from the town. There is a bus service with one trip each way per day. Although the Assessment states that a more regular service will be investigated there is no assurance that this would be secured. Predominantly therefore access to the development would be by private car. In relation to the retail units in particular this would conflict with the Council's policies for sustainable development.
- 6.6 The McDonalds building would be further forward on the site than the Red Hen and would involve the loss of part of a sizeable planting of birch trees. Nevertheless as this is a replacement of an existing building of comparable floor area there is unlikely to be significantly greater adverse visual impact. The concerns of the local secondary school are appreciated. The Red Hen is a restaurant whereas the proposal would include take-away facilities. However the new McDonalds would not be readily accessible by foot from the school and I do not consider that this concern is sufficient grounds to refuse planning permission.

RECOMMENDATION

That planning permission be refused for the following reasons:

- 1. The Council consider that the proposed retail warehouses would have an adverse impact on the vitality and viability of Ross-on-Wye town centre and that the tests for acceptable out-of-centre retail development have not been met. The proposal would conflict therefore with the Council's retail strategy as expressed in Policies S.5, TCR.1 and TCR.9 of the Herefordshire Unitary Development Plan (Revised Deposit Draft) and RT.1, C.1 and 22 (Part 3) of South Herefordshire District Local Plan.**
- 2. The retail warehouse development would not be located in a sustainable location, being not readily accessible from the town by cycle or on foot and with a limited bus service. The proposal would conflict therefore with Policies SR.6 and DR.3 of Herefordshire Unitary Development Plan (Revised Deposit Draft) and T.1A and GD.1 of the South Herefordshire District Local Plan.**
- 3. The proposal would involve the loss of proposed employment land to retail development and would conflict therefore with Policies E.3, E.5 and S.4 of the Herefordshire Unitary Development Plan (Revised Deposit Draft) and ED.2 and ED.4 of the South Herefordshire District Local Plan.**

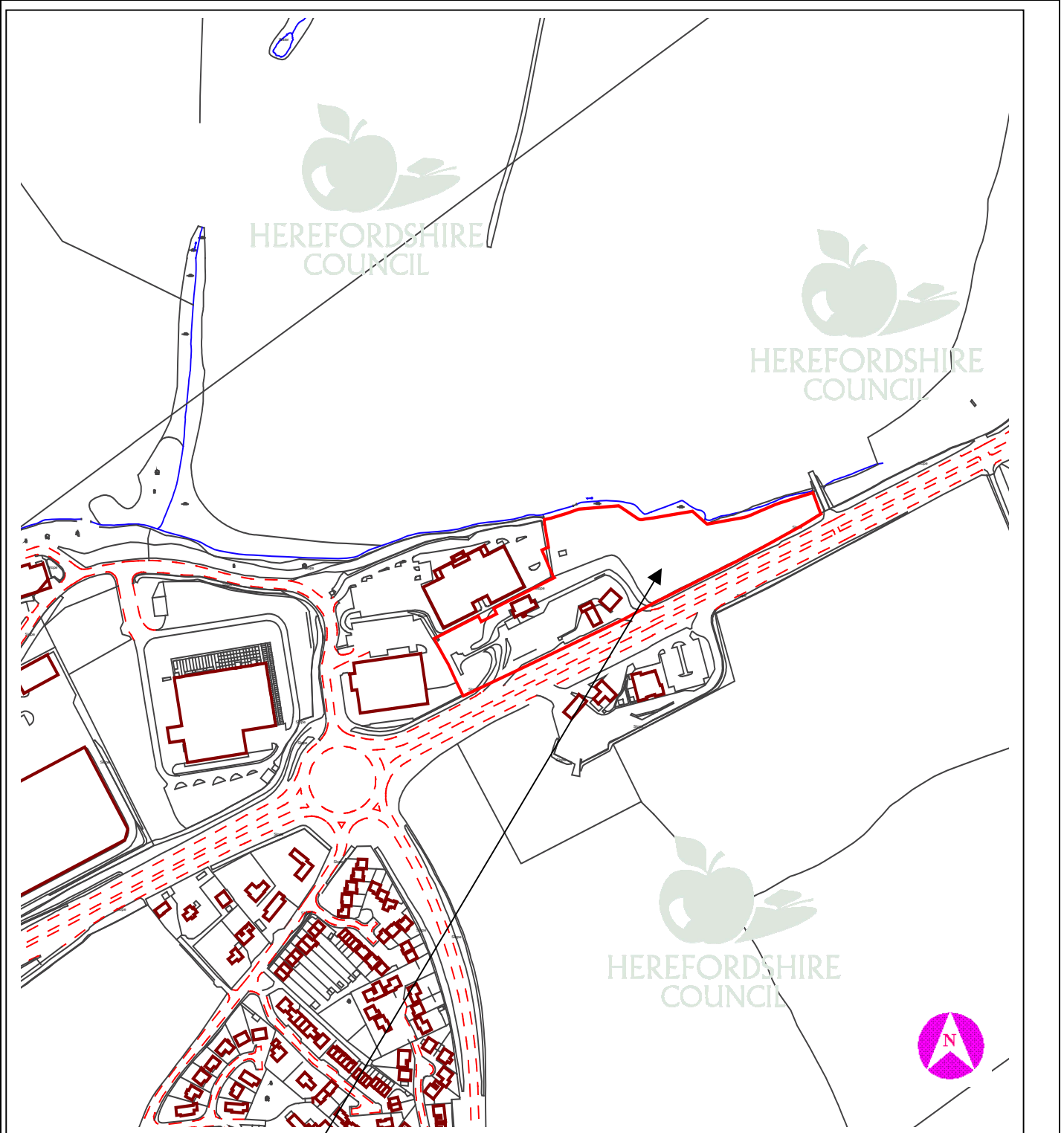
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCSE2006/3633/F

SCALE : 1 : 5000

SITE ADDRESS : BP Northbound Ross Spur, Ross-on-Wye, Herefordshire, HR9 7QQ

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