

10 SE2003/1848/F – VARIATION OF CONDITION TO EXTEND PERIOD TO COMMENCE DEVELOPMENT BY A FURTHER 5 YEARS. (APPLICATION NO. SH971299PF). SITE FRONTING BROAD STREET, BROOKEND STREET & KYRLE STREET, ROSS-ON-WYE, HEREFORDSHIRE

For: B S GROUP PLC per Lennon Planning Limited, 4 King Street Lane, Winnersh, Berkshire RG41 5AS

Date Received: 18th June 2003 Ward: Ross-on-Wye West Grid Ref: 6002 2439

Expiry Date: 13th August 2003

Local Members: Councillor M R Cunningham and Councillor G Lucas

1. Site Description and Proposal

- 1.1 Planning permission (SH971299PF) was granted in January 1999 to erect a food store on this site at Brookend Street. This application is to vary condition number one of the permission, which requires the development to commence by January 2004, so that the permission does not expire. The renewal of this permission is therefore the only issue before the Committee. To remind Members of the proposal it is described in some detail in the following paragraphs.
- 1.2 The application site comprises an area of land of about 1.15ha including Red Meadow Car park, an adjoining private car park and the properties along the west side of Brookend Street from Kyrle Street up to and including Millbrook House but excluding 24-29 Brookend Street. The store would be principally on the site of Gardner Butcher Garage and the rear of 8-10 Brookend Street.
- 1.3 The retail store would be about 2415m² gross floor space, 1505m² net sales area. It would be an 'L'-shaped building of brick construction with a slate roof. The intention is to retain the 'shopfront' of Gardner Butcher Garage which would become the Brookend Street frontage of the store (the remaining buildings on site would be demolished). A shallow pitched hipped roof would cover the bulk of the building with eaves level of about 4m, the exception being the Brookend Street frontage where a second floor would be added to the former showroom to give the required scale along this shopping street.
- 1.4 A number of new buildings would be constructed to the south of the store, occupying the entrances to the two car parks and the site of 5 Brookend Street which would be demolished. These would provide an additional shop and ensure no break in the frontage.
- 1.5 Vehicular and pedestrian access to the car park and store would be beneath a new link building providing first floor shop storage or office accommodation. In design and scale these buildings are intended to complement the existing frontage along Brookend Street.

- 1.6 The existing access to Gardner Butcher Garage would be widened, incorporating part of the garden of Millbrook House, to form a separate delivery and lorry park. This would be of sufficient size for all vehicles to turn, provided no other lorries were obstructing this manoeuvre, except for articulated vehicles. The delivery vehicles would have to turn, in one continuous movement, within the Council's car park to the rear of the store.
- 1.7 The rear of No 24 (a night club which is part of a listed building) and of part of the rear of 2 Brookend Street, as well as dwellings at 10 and 10a Brookend Street, would also be demolished. Rear servicing to these Brookend Street properties would also be retained. The properties which would lose all or part of their gardens and be adjoined to or very close to the new store viz 7, 8 and 9 Brookend Street and Millbrook House would no longer be suitable for residential use and it is intended that they be used as shops or offices.
- 1.8 The car park would be hard surfaced and landscaped to provide a total of about 270 spaces, including the 120 spaces in the existing public car park. Access would be as at present via Brookend Street or Kyrle Street. The intention is that the whole becomes a public car park. This is in part a matter for the Council's Highways and Transport Committee but an arrangement similar to that at The Maltings would be acceptable to the developer. The developers preferred scheme includes demolition of the public conveniences in Red Meadow Car Park to be replaced by toilets within the store but accessible when necessary directly from the car park. They would be open for similar hours as the existing public conveniences.
- 1.9 Some works to the public highway are envisaged in the Traffic Impact Assessment submitted as part of the application. In particular minor improvements to the roundabout at Fiveways and a new mini roundabout at the entrance to the car park are proposed.
- 1.10 The site has been assembled, with the exception of the Council owned land, by the developer who would, it is understood, have vacant possession. The scheme was developed in response to the Development Brief for this site agreed by the Planning and Development Committee of the former South Herefordshire District Council for consultation purposes on 24th June 1997.

2. Policies

2.1 Department of the Environment

Policy PPG6	Town Centres and Retail Developments
Policy PPG13	Transport
Policy PPG15	Planning and the Historic Environment

2.2 Hereford and Worcester Country Structure Plan

Policy CTC1	Area of Outstanding Natural Beauty
Policy CTC9	Development Criteria
Policy CTC15	Conservation Areas
Policy S.1	Retail Development in Town Centres
Policy S.3	Retail Development outside Town Centres

2.3 South Herefordshire District Local Plan

Policy C5	Development within Areas of Outstanding Natural Beauty
Policy C23	New Development affecting Conservation Areas
Policy C30	Private Open Land in Settlements

Policy C34	Preservation and Excavation of Important Archaeological Remains
Policy R1	Provision of New Recreational Facilities
Policy RT1	Ross on Wye Town Centre
Policy RT11	Car Parking Provision
Policy T3	Highway Safety Requirements
Policy GD1	General Development Criteria
Policy 22	(Ross on Wye Section) Development Sites in Town Centres
Policy 23	(Ross on Wye Section) Redevelopment Sites in Town Centres

2.4 Herefordshire UDP (Deposit Draft)

Policy TCR1	Central Shopping and Commercial Areas
Policy TCR2	Vitality and Viability
Policy TCR9	Large Scale Retail Development outside Shopping and Commercial Areas

3. Planning History

3.1	SH861434PF	2 Brookend Street	-	Permitted	21.1.87
		Change of use to a betting office			
	SH881687PF	10 Brookend Street	-	Permitted	2.11.88
		Revert back to dwelling			
	SH891841A1	1 Brookend Street	-	Refused	4.1.90
		Projecting sign			
	SH892127PF	9 Brookend Street	-	Refused	4.1.90
		Projecting sign			
	SH901697PF	8 Brookend Street	-	Permitted	6.3.91
		Change of use to part shop and part domestic			
	SH901698PF	9 Brookend Street	-	Permitted	6.3.91
		Change of use to part shop and part domestic			
	SH910698LA	12 Brookend Street	-	Permitted	30.7.91
		New bay window and door alteration			
	SH920665PF	5 Brookend Street	-	Not determined	
		Change of use from A1 to A3			
	SH921399PF	5 Brookend Street	-	Permitted	13.1.93
		Change of use to laundrette and dry cleaning service			
	SH960077PF	7 Brookend Street	-	Permitted	24.6.96
		Change of use to tea rooms, restaurant and gift shop			
	SH971299PF	Site fronting Broad Street, Brookend Street and Kyrle Street	-	Permitted	7.1.99
		Erection of Class A1 food retail store, associated car parking, servicing and landscaping (revised scheme)			

4. Consultation Summary

- 4.1 Welsh Water's comments are awaited.
- 4.2 Environment Agency's comments are awaited.

Responses by internal consultees that raise material planning issues are summarised and considered in the Officers Appraisal.

5. Representations

5.1 The applicant's agent makes the following submission:

- 1) In granting planning permission the Council and their consultants accepted that there was sufficient capacity for additional foodstore floorspace in Ross on Wye. The additional floorspace would be supported by a combination of a growth in expenditure in the catchment area and "clawback" of expenditure which was leaking from the catchment area to foodstores in other towns.
- 2) At the time of submitting that application it was envisaged that the store would be trading by 1999. Clearly this did not happen and as a result the original conclusions of the retail impact statement still remain, given that there has been no additional Class A1 retail floorspace in Ross on Wye to meet the identified quantitative and qualitative need. Indeed since that time there has been increase in population and expenditure levels within the catchment area, as well as new foodstores which are continuing to draw trade out of the centre of Ross on Wye. This reinforces the continued requirement to provide additional Class A1 retail on this site.
- 3) A separate statement that deals with the need for the proposed store which is included as an Appendix to this report.

5.2 Town Council observe that any further delays in the proposed development would have a detrimental effect as it could deter possible investors in the area.

5.3 One letter of representation has been received which raises the following concerns:

- concerned about the traffic situation approaching Kyrle Street which it is taken will still be a one way street;
- already have traffic from Broad Street, Brookend Street and Station Street, and the swimming pool - houses are sandstone not brick and would be nice to be able to keep windows open all day.

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. Officers Appraisal

6.1 The former South Herefordshire District Council identified a need for additional retail floorspace in Ross on Wye. A study to identify a site within the Town Centre was undertaken which showed that the only site large enough to accommodate a food store of the size thought to be necessary was this site in Brookend Street. As noted above (paragraph 1.10) a brief was prepared and approved by the relevant Committee for public consultation. An application was submitted for a store above 10% larger than specified in the Brief. Nevertheless retail consultants advised the Council that a store of the size proposed (about 1395m² net sales area) would be unlikely to result in the closure of existing supermarkets Safeway and Somerfield and that there would be

additional benefits to the town centre : “total town centre convenience goods sales will increase appreciably.....and there will be increased expenditure in other shops and service businesses due to more linked trips”.

- 6.2 Although the store would be built almost entirely on the site of the existing repair garage the existing public conveniences would be demolished to be replaced by in-store facilities. In addition the store would rely on the Council’s car park for customers’ parking and to turn articulated delivery vehicles. It is understood that the Committee concluded a separate agreement with the developer regarding these matters.
- 6.3 The site was considered to be within Ross on Wye town centre although this is not defined in the South Herefordshire District Local Plan. The Unitary Development Plan however only includes the Brookend Street frontage within the defined town centre and hence under Policy TCR9 “a demonstrable need for the development both qualitatively and quantitatively in the location proposed” has to be shown and “a sequential approach has to be taken to site selection”. An objection has been made against not including this site within the defined town centre and the weight to be given to Policy TCR9 in relation to this current proposal is therefore limited. In view of the Council’s previous approach of treating this site as within the town centre, its encouragement of development and that there is no other appropriate site within or as close to the town centre it is considered that the requirements of UDP Policy TCR9 regarding demonstration of need should not apply to this proposal. Government advice is that demonstration of need is only necessary for new stores that are outside town centres. Nevertheless an assessment of need has been submitted (see Appendix to this report). This points to the benefits arising from the new store both in providing more choice to residents and enhancing the town centre (so called “spin-off” benefits through “linked trips”)
- 6.4 There have been no other changes within Ross on Wye town centre or in competing town centres that are likely to have a significant bearing on this proposal.
- 6.5 The development of a large retail store in the town centre would inevitably attract additional vehicles to the town, as well as delivery vehicles. However with appropriate conditions limiting hours of delivery to the Council was satisfied that additional noise and disturbance would be minimised to both immediate neighbours and those along the routes to the store. This is still considered to be the case and the effect on residential amenities is not considered to be grounds to refuse planning permission.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

1 A01 (Time limit for commencement (full permission))

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

2 The Class A1 food retail store shall be used for the retail sale of food within Class A1 of the Town and Country Planning (Use Classes) Order, 1987 only, except where the retail sale of non-food goods forms a minor and ancillary part of the operation of any of the retail activity but shall not include the following:

- i) a pharmacy and sale of pharmaceutical goods**
- ii) sale of newspapers and magazines**

- iii) reception of goods for dry cleaning
- iv) a post office

Reason: To define the terms of the permission and protect the vitality and viability of the town centre.

- 3** No development shall take place until details of the following have been submitted to and approved in writing by the local planning authority:

- i) the treatment of the exposed elevations of 24-32 Broad Street and 2 and 7 Brookend Street following demolition of rear extensions
- ii) the treatment of the boundaries of the site
- iii) new shop fronts
- iv) materials to be used on all new and altered external surfaces

Reason: To ensure that the development is satisfactory in appearance.

- 4** G04 (Landscaping scheme (general))

Reason: In order to protect the visual amenities of the area.

- 5** G09 (Retention of trees/hedgerows)

Reason: To safeguard the amenity of the area.

- 6** Details of the measures for the protection of trees to be retained on site during the course of construction shall be submitted to and agreed by the local planning authority in writing before the commencement of any work on site. Development shall be carried out in accordance with the approved details.

Reason: To preserve and/or enhance the visual amenities of the area.

- 7** No development shall take place until full details of the proposed layout, surfacing and drainage of all car parking areas including a programme and timetable of works, provision of footways, an oil interceptor, re-siting CCTV cameras, and trolley stores, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To preserve and/or enhance the visual amenities of the area and to avoid pollution of watercourses.

- 8** Notwithstanding the submitted drawing no. 9623/25SE/B, no development shall take place until details of the layout of the vehicular turning area, measures for protecting the safety of pedestrians and a scheme of management and supervision of the HGV turning area have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and scheme of management.

Reason: To minimise conflict between service vehicles, private cars and pedestrians within the car park.

- 9** Notwithstanding the details indicated on the submitted drawings, details of facilities for parking cycles shall be submitted to and approved in writing by the

local planning authority. These details shall include design and method of security. Development shall be carried out in accordance with the approved details before the store is opened for trading.

To encourage alternative means of transport to private cars.

10 F32 (Details of floodlighting/external lighting)

Reason: To safeguard local amenities.

11 The loading and unloading of service and delivery vehicles, together with their arrival and departure from the site shall not take place outside the hours of 0730 to 1700 hours Mondays to Saturdays nor at any time on Sundays, Bank or Public Holidays.

Reason: To protect the amenities of neighbours.

12 No vehicle shall enter the service area from the highway nor enter the highway from the service area in reverse gear.

Reason: In the interests of the safe and free flow of traffic on the highway.

13 The vehicle turning area as approved pursuant to Condition No. 8 above shall not be used for turning or parking HGVs except between 0730 to 0930 hours on Mondays to Fridays and between 0730 to 0900 hours on Saturdays nor at any time on Bank or Public Holidays.

Reason: To protect the amenities of neighbours.

14 No development shall take place until detailed drawings, plans and specifications for:

- the construction of a mini-roundabout at the existing entrance to the car park on Brookend Street, together with a central pedestrian refuge on Brookend Street
- modification of the existing access between numbers 9 and 12 Brookend Street
- the improvement of the two mini-roundabouts at the junctions of Brookend Street, Millpond Street, Brampton Street, Greytrees Road and Overcross Street

have been submitted to and approved in writing by the local planning authority and that part of the development that comprises a retail store shall not open for trading until all of the works specified above have been constructed in accordance with the approved plans.

Reason: In the interests of the safe and free flow of traffic on the highway.

15 H13 (Access, turning area and parking)

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway.

16 No development shall take place until a means of vehicular access and parking areas for construction traffic and site operatives have been provided in

accordance with a scheme submitted to and approved in writing by the local planning authority.

Reason: In the interests of the safe and free flow of traffic on the highway.

- 17 At all times from the date that the development is first open for trading the public shall be allowed access to, and the use (free of charge) of the public conveniences which form part of the development and which are shown on application drawing no 9623/25SE/B between the hours of 7.00 am and 9.00 pm on every day throughout the year except Christmas Day (or such other times and days as may otherwise be agreed in writing with the Council) such access to be either direct from the outside of the store which forms part of the development or from within the store which forms part of the development.

Reason: To ensure alternative facilities are made available permanently.

- 18 D01 (Site investigation - archaeology)

Reason: To ensure the archaeological interest of the site is recorded.

- 19 Development shall not begin until a scheme to deal with any contamination of the site has been submitted to and approved by the local planning authority. This scheme shall include an investigation and assessment to identify the extent of contamination and the measures to be taken to avoid risk to the public, buildings and environment when the site is developed. Development shall not commence until the measures approved in the scheme have been implemented.

Reason: To avoid harm to the environment and local residents/businesses.

- 20 The finished floor level of the food store shall not be lower than 33.100 AOD.

Reason: To minimise the adverse impact from flooding.

- 21 B01 (Samples of external materials)

Reason: To ensure that the materials harmonise with the surroundings.

- 22 Millbrook House and 7, 8 and 9 Brookend Street shall not be used for residential purposes from the date that the food store is first open for trading.

Reason: To avoid conflict between residential and retail uses.

- 23 No development shall take place until details of the loading bay including measures to reduce emission of noise during loading/unloading have been submitted to and approved in writing by the local planning authority. The approved details shall be implemented before the store opens for trading.

Reason: To protect the amenities of neighbours.

- 24 No goods, materials or equipment shall be stored in the open.

Reason: To preserve the visual amenities of the area.

25 No development shall take place until a scheme to ensure means of access to the swimming pool for buses and not less than 90 car parking spaces for users of the swimming pool are available throughout the construction period has been submitted to and approved in writing by the local planning authority.

Reason: In the interests of safety particularly for school bus parties.

26 A06 (Development in accordance with approved plans)

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development.

INFORMATIVE

1 HN07 - Section 278 Agreement

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.