

15A DCSE2007/2556/F - ERECTION OF ALDI DISCOUNT FOODSTORE WITH ASSOCIATED PARKING, LANDSCAPING AND ACCESS AT GARDNER BUTCHER GARAGES, BROOKEND STREET, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7EG

15B DCSE2007/2555/C - DEMOLITION OF EXISTING BUILDINGS TO FACILITATE REDEVELOPMENT FOR ALDI FOODSTORE AT GARDNER BUTCHER GARAGES, BROOKEND STREET, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7EG

For: Aldi Stores Limited per Turley Associates, 10 Queen Square, Bristol, BS1 4NT

Date Received: 13th August, 2007 Ward: Ross-on-Wye West Grid Ref: 60046, 24395

Expiry Date: 12th November, 2007

Local Members : Councillor G Lucas and Councillor CM Bartrum

1. Site Description and Proposal

- 1.1 The application site comprises a vehicle repair garage, part of the front garden of a Georgian house (Millbrook House) and a terrace of 3 two-storey former shop/dwellings. This 0.34 ha. site on the west side of Brookend Street, to the north of the entrance to Red Meadow Car Park and to the south of Millbrook House. The public car park with swimming pool extend to the west of the site, with further shops and there are other commercial premises on the opposite side of brookend Street.
- 1.2 Planning permission was granted in 1999 and renewed in 2003 for the erection of a retail foodstore on this site. This scheme also included Red Meadow Car Park and the private car park to the south. The store would have occupied most of the garage site with customer car parking and service vehicle turning area using the public car park, to which the private car park would have been added. The applicant was not a retailer and no interest seems to have been shown in implementing this permission.
- 1.3 The current proposal is for a smaller store (1568 m² floorspace, 946 m² sales area) with its own car parking and service area wholly within the application site described above. The foodstore would front Brookend Street and occupy the southern part of the site. All the existing buildings on the site would be demolished. The section of the building fronting Brookend Street would be two-storeyed with a ridge roof, parallel to the street and gabled at both ends. The front elevation would be divided into 4 bays at ground floor level with shop windows. The upper floor would extend beyond the main store at the northern end to form a covered entrance area. The main store would extend to the rear, at a lower ridge height than the street frontage. The north elevation would be by brick piers; the other elevations would be rendered. A glazed canopy

would extend along the north elevation from the entrance area to form a trolley bay and cycle parking area. The roof would be covered with artificial slates.

- 1.4 The car park/service area entrance would be to the north of the store. 58 car parking spaces would be provided, including 5 disabled spaces and 3 parent and child spaces. The service bay and ramp would be positioned at the rear of the store. The site would be enclosed by existing or proposed brick walls and fences with a pedestrian link to the public car park at the western end of the site.
- 1.5 This scheme is a revised proposal following refusal of an earlier application and there has been further amendment since submission to response to officers' concerns. The earlier scheme is the subject of an appeal, the reasons for refusal were:
1. The proposed development, because of its design, massing and position, would detract from the street scene and consequently harm the character and appearance of the Ross-on-Wye Conservation Area. In addition, the proposal would involve the demolition of buildings which make a positive contribution to that Conservation Area. The proposal would conflict therefore with advice in paragraphs 25-27 of PPG.15 and Policies HBA.6, HBA.7, HBA.10 and DR.1 of the Herefordshire Unitary Development Plan 2007.
 2. The local planning authority is not satisfied with regard to the highway aspects of the proposal, in particular the access to the parking/service area is sub-standard with regard to use by hgv's, the trip generation is not sufficiently robust to fully assess the consequences for the local road network, and a Stage 1/2 Safety Audit has not been submitted. The proposal would conflict therefore with Policies T.9, T.13 and DR.3 of the Herefordshire Unitary Development Plan 2007.
 3. The local planning authority is not satisfied that the risks of flooding have been adequately assessed and appropriate mitigation proposed, so that development in the floodplain is justified. The proposal conflicts therefore with advice in PPS.25 and Policy DR.7 of the Herefordshire Unitary Development Plan 2007.

2. Policies

2.1 Planning Policy Statements and Guidance

PPS6	-	Planning for Town Centres
PPG15	-	Planning and The Historic Environment
PPG16	-	Archaeology and Planning

2.2 Herefordshire Unitary Development Plan 2007

Policy S1	-	Sustainable Development
Policy S2	-	Development Requirements
Policy S5	-	Town Centres and Retail
Policy S6	-	Transport
Policy S7	-	Natural and Historic Heritage
Policy TCR1	-	Central Shopping and Commercial Areas
Policy TCR2	-	Vitality and Viability
Policy TCR9	-	Large Scale Retail and Leisure Development outside Central Shopping and Commercial Areas
Policy HBA6	-	New Development within Conservation Areas
Policy HBA7	-	Demolition of unlisted Buildings within Conservation Areas

Policy HBA8	-	Locally Important Buildings
Policy HBA10	-	Shopfronts
Policy ARCH5	-	Sites of Lesser Regional or Local Importance
Policy ARCH6	-	Recording of Archaeological Remains
Policy T6	-	Walking
Policy T7	-	Cycling
Policy T11	-	Parking Provision
Policy T16	-	Access for All

3. Planning History

3.1	SH971299PF	Erection of food retail store, car parking, servicing and landscaping.	-	Approved 7.1.99
	DCSE2003/1848/F	Variation of condition to extend period to commence development.	-	Approved 17.9.03
	DCSE2007/0620/C	Demolition of existing buildings to facilitate redevelopment for Aldi foodstore.	-	Refused 4.6.07
	DCSE2007/0674/F	Erection of Aldi Discount Foodstore with parking landscaping and access.	-	Refused 4.6.07

4. Consultation Summary

Statutory Consultations

- 4.1 English Heritage advises: "We have previously raised two principal objections to the development, first, to the loss of the existing buildings on the frontage to Brookend Street and, second, to the setting back of the street frontage to form a splay in front of the proposed new building.

We are pleased to note that, in the current application, it is proposed to build the new building to the back of pavement thus retaining the strong prevailing building line in the street. This meets the second of our objections. In our view, however, if there is no need for a visibility splay as originally proposed, the case is weaker for demolishing the existing buildings.

We remain of the view, therefore, that the existing buildings should be retained and the new store built behind them, perhaps integrated functionally or perhaps with the existing buildings used in part or wholly for a related use introducing an element of desirable mixed use into the scheme. At the very least the developers should make a case for demolition in the terms set out in paragraph 3.19 of PPG15 as qualified by paragraph 4.27 in the case of an unlisted building in a conservation area.

The loss of the buildings would mean that the proposal would not preserve the character or the appearance of the conservation area and there is nothing in the standard commercial design proposed that would lead us to conclude that the scheme would enhance the character or appearance of the conservation area. On historic environment grounds, therefore, we would maintain our view that planning permission, and by implication conservation areas consent, should be refused.

Recommendation

We would urge you to address the above issues, and recommend that the application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice."

- 4.2 Welsh Water recommend that conditions are included with regard to drainage of the site.
- 4.3 Environment Agency points out that "the Flood Risk Assessment (FRA) is the same technical document to which we responded earlier raising concerns. We would raise an objection at this time and await an amended FRA which we understand is being prepared at this time."

Internal Council Advice

- 4.4 The Traffic Manager advises he is "working through a number of issues with them but still have a way to go. The issues can be broken down to the following:

Trips generated

Access - entrance works in theory but is tight due to on street parking, we would prefer a Grampian Condition to be imposed to ensure the TRO is in place prior to the site opening, if we are unable to do this, we need a restriction on deliveries, no vehicle must deliver outside these times 8am to 10am and 4pm to 7pm, weekdays, with Saturday having the same times except 6:30pm finishing, this will ensure the streets are not at the maximum intensity in regards to cars and pedestrians.

Cycle Parking

I understand they feel there will be no extra trips generated on the network, we feel that due to the number of car parking spaces acquired by Aldi, (59 maximum as per design guide) there will be a significant impact to the immediate area. Due to existing use of the location every effort must be made to reduce the use of the car and improve access by alternative means. Given the accessibility of the site to non vehicle trips, the applicant is doing little to encourage non vehicle use. I feel this can be achieved and to mitigate the impact of the site, we require Section 106 Contributions to be negotiated for the following:

Improvements to Bus Stops

Upgrade identified footpath to shared use

Upgrade existing pedestrian access to routes not identified by consultants such as the Car park entrance and route in the vicinity of the store

Street Furniture for the area - cycle racks, bollards, litter bins

Contribution to Re-line and improve parking to the rear of the Store due to access issues (rear entrance)

Public Art

Tourist Signing in the area

Community Services

Contribution to refurbishing the public Toilets

In support of deliveries and due to the reversing movement, they have stated that this will be supervised, can this be conditioned.

To support the TRO, Aldi's consultants have agreed that the parking will be open to the public, this is to mitigate against the loss of the on-street parking in Brookend Street. The on site parking times are similar to Aldi's. This will go a long way to helping the TRO progress, this will need to be conditioned.

Covered cycle parking is required and needs to be 1 space per 100m² which should equate to 16 short stay and 4 long stay, as per design guide."

- 4.5 The Conservation Manager notes that the design of the building has been amended to take account of his concerns. In response to the revisions he notes the following:

Brookend St ground floor 'arcade' - the three or so exposed brick courses above the main shop windows are visually weak in relation to the 'span' involved. A feature such as a soldier course over the windows would give a greater expression of solidity.

Piers to entrance 'portico' - the rectangular brick piers appear too insubstantial in relation to the mass of the gable when viewed from the north (ie the main axis of approach). Larger, square section piers would solve this problem.

Brookend St first floor windows - there is no over-riding need to employ C19 window details in a C21 building. Although correctly proportioned, the windows are slightly underscaled for the height of the elevation and a more contemporary style could avoid this constraint, and also be flexible enough to adapt to the half-bay over the entrance, which the regular rhythm of paired sashes cannot.

With regard to the archaeology no objection is raised to the development notwithstanding its location within the historic core of Ross on Wye. However given the sensitivity of the location and the potential for mediaeval finds indicated by the evaluation report the Conservation Manager would advise that an archaeological project will be necessary prior to/during any development. Accordingly he recommends a condition requiring a programme of works in line with PPG16 and Policy ARCH6.

- 4.6 The CCTV Officer has no objections but considers that a contribution towards CCTV in Brookend Street is required. Brookend Street has been identified as an area that would benefit, as there are a number of recorded incidents including criminal damage and disorder. Brookend Street is also the main vehicle and pedestrian route from town centre to a large proportion of the residential area of the town.

5. Representations

- 5.1 The applicant's agent has outlined the proposal:

1. The application is made in full and proposes a two-storey, 1,775 sq.m. foodstore (1,568 sq.m. ground floor area of which 946 sq.m. is net retail sales) together with ancilliary car parking, access and servicing arrangements.
2. This application is a re-submission. The proposals have been refined in response to the Council's reasons for refusal and comments received from statutory consultees.
3. The application hereby submitted differs from the previous application in that the frontage of the store has been extended to the site boundary, continuing the building line on Brookend Street. The reconfiguration also includes a change in the number of parking spaces. The Flood Risk Assessment addresses the Council's concerns regarding flooding and further work has been undertaken with the Council's highways department to address the highways reason for refusal.

4. The site is located in the Ross on Wye Conservation Area and, as such, an application for Conservation Area consent has been made for the demolition of the Gardiner Butcher Garage. This application should therefore be considered in conjunction with the Conservation Area consent application.

In addition a Planning Supporting Statement, Retail Statement, Transport Statement and Update, Design and Access Statement, Ground Conditions Report, FRA and Bat Survey and Update have been submitted. The conclusion of the Supporting Statement is:

1. This application proposes a new Aldi discount retail foodstore on Brookend Street, Ross on Wye. The store would be located within the defined 'Central Shopping and Commercial Area' and is therefore a sustainable town centre location facilitating access to new shopping facilities for all residents.
2. The application site has been identified as an appropriate retail location by the Council in a Development Brief adopted as SPG, and the suitability of the site to accommodate foodstore development, along with need, confirmed by the Council's retail consultants. There is, in addition, an extant permission for a larger foodstore development in this location (2,416 sq.m. gross).
3. The design solution responds to the site's existing context and strong townscape character. Attention has been paid to the existing built form and, in particular, the proximity of listed buildings, a building of local significance and the character of the Conservation Area. The design of the development proposed is sympathetic to the character of the area, and responds to the existing townscape by continuing the building frontage along Brookend Street.
4. The design of the store has been amended following the refusal of the previous application. The Brookend Street frontage has been aligned to reflect the existing building line and ensure a sensitive design, responding to the character of the existing streetscape.
5. The FRA submitted with the application demonstrates that the development would not have a detrimental impact on flooding.
6. The development would be accessed from Brookend Street, with additional pedestrian access provided to the public car park to the rear of the site. Whilst parking is provided on site, the site has considerable sustainability credentials given its central location. Convenient cycle parking facilities would be provided.
7. New employment will be created for 12-14 people, and there will be spin-off benefits to local services and suppliers.
8. The development has been designed to ensure no adverse impact on residential amenity.
9. The proposals will bring economic, social and environmental benefits to Ross on Wye, including additional employment opportunities and improved shopper choice and convenience, in a development of high quality.

5.2 Town Council has no objection to the proposed development.

- 5.3 Two letters have been received, one objecting to the proposal, the other raising concerns:
1. another supermarket is not needed in Ross,
 2. it will take trade from existing shops, especially the smaller ones,
 3. an indoor market has recently opened,
 4. the traffic problems will be horrendous,
 5. approving this one will encourage Tesco to submit a proposal,
 6. noise from loading and customer activity beyond reasonable customer hours should be controlled by planning condition,
 7. the boundary fence adjoining the retirement flats to the north of the site should have a planted area to act as a noise barrier.

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

6. Officer's Appraisal

- 6.1 The main issues are the principle of development in this location, the effect on the character of Ross on Wye Conservation Area, the effect on highway safety and flooding issues.
- 6.2 The Brookend Street frontage of the application site is within the Central Shopping and Commercial Area as defined under Policy TCR1. A need for additional retail food floorspace in Ross on Wye was pointed out by retail consultants during the 1990s and this site was identified as the only town centre site of sufficient size to meet that need. Subsequently an application for a retail foodstore was submitted and approved (SH971299PF). Despite permission being renewed in 2003 it is understood that there has been no serious interest from any of the supermarket chains in implementing that permission. From the retail analysis submitted by Aldi, as well as those relating to the approved applications, it is accepted that there remains a need for additional retail floorspace. Indeed this smaller store may not fully meet that shortfall. There are no other sites wholly within the town centre that could accommodate a store of this size. The proposal therefore meets in principle both Government and local (UDP) policies regarding retail development.
- 6.3 None of the buildings to be demolished is listed, although as English Heritage notes these fronting Brookend Street, including an early C20 car showroom, do contribute positively to the streetscene. These would have to be retained in the approved scheme, although it was anticipated that the showroom would have had to have been re-built. In addition Millbrook House has been identified as of good local interest, particularly in view of its historical associations. UDP Policies seek to protect the character and appearance of the Conservation Area, in line with national policies and legal requirements but also to retain historic shopfronts and protect the setting of buildings of local interest. Consequently while the demolition of these buildings is not precluded the replacement buildings must make an equivalent or better, contribution to the Conservation Area.

- 6.4 Significant improvements have been made to the design of the store since the original submission (SE2007/0674/F) and subject to minor revisions, the Conservation Manager considers the proposed building would be acceptable. Of the buildings to be demolished the shopfront is perhaps the most significant but as noted above it is unlikely that it could be retained as it is if the approved scheme, which is still extant, should go ahead. The terrace is not of particular architectural or historical interest and the remaining buildings are of lesser quality. I consider therefore that whilst the proposed building is not of high quality, its construction would preserve the character and appearance of the Conservation Area. Nevertheless this is subject to further design changes referred to in paragraph 4.5, and re-consideration of the boundary treatment. The erection of close-boarded fencing rather than walls is not ideal and the fence along the northern boundary is very close (about 3m) to the front of Millbrook House thus removing most of its front garden and compromising its setting. Further discussions are being held with the developers to seek to resolve the outstanding concerns.
- 6.5 Brookend Street is narrow for a main shopping street and on-street car parking is allowed on the east side of the street. Consequently the design of the access to allow safe entry and exit by delivery lorries has been difficult but I am informed by the Traffic Manager that two schemes have been accepted: one with the on-street car parking remaining and the other, once appropriate parking restrictions have been put in place. Revised plans are awaited. In addition however the Traffic Manager is seeking contributions towards the costs of these highway works and to mitigate other costs and to promote sustainable development. The developer has indicated that they would be willing to contribute £20,000 towards upgrading of two bus stops, £10,000 towards upgrading a footpath to shared use with cyclists and of other pedestrian links (rather than £5,000) and £2,500 towards the adjoining public car park (rather than £15,000). No contribution towards street furniture, public art, upgrading the public conveniences of CCTV system are offered but Aldi would provide a camera on their premises and will make recordings available to the police when requested to do so. The Traffic Manager does not consider that the contributions offered (£32,500 in total) would provide adequate mitigation and further discussions are being held, and which will be reported to the Committee Meeting.
- 6.6 The site is subject to flooding and falls within zones 2/3a. Retail shops are classified as 'less vulnerable' uses in PPS25 and may be appropriately located in such zones. Nevertheless a sequential test and an FRA are required. With regard to the former, as pointed out there is no other suitable site for this necessary development and it is considered that this test is met. The Environment Agency is currently considering the revised FRA and their advice will be reported at the Committee Meeting.
- 6.7 The rear of the site would be used for servicing and could lead to undue noise at unsocial hours. Suitable hours for servicing and other measures to control noise are being discussed with the Council's Environmental Health and Transport Managers. The concerns raised by local residents can be met by planning conditions.

RECOMMENDATION**In respect of DCSE2007/2556/F**

That

- 1) subject to submission of acceptable revised drawings with regard to design, boundary treatment and access, agreement in principle to enter a Section 106 Agreement and the Environment Agency withdrawing its holding objection with regard to the Flood Risk Assessment
- 2) The Legal Practice Manager be authorised to complete a planning obligation agreement under Section 106 of the Town and Country Planning Act 1990 to mitigate the highway impacts of the development and meet the costs of highway works:
- 3) Upon completion of the aforementioned planning obligation that the officers named in the Scheme of Delegation to Officers be authorised to issue planning permission 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 protect the viability of the town centre.
 - 3 B01 (Samples of external materials)

Reason: To ensure that the materials harmonise with the surroundings.
 - 4 G01 (Details of boundary treatments)

Reason: In the interests of visual amenity and to ensure dwellings have satisfactory privacy.
 - 5 G04 (Landscaping scheme (general))

Reason: In order to protect the visual amenities of the area.
 - 6 G05 (Implementation of landscaping scheme (general))

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

7 F32 (Details of floodlighting/external lighting)

Reason: To safeguard local amenities.

8 W01 (Foul/surface water drainage)

Reason: To protect the integrity of the public sewerage system.

9 W02 (No surface water to connect to public system)

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment.

10 W03 (No drainage run-off to public system)

Reason: To prevent hydraulic overload of the public sewerage system and pollution of the environment.

11 D01 (Site investigation - archaeology)

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

12 H31 (Outline Travel Plan)

Reason and Informative Notes as above.

13 H27 (Parking for site operatives)

Reason: To prevent indiscriminate parking in the interests of highway safety.

INFORMATIVES:

1 W02 - Welsh Water rights of access

2 HN01 - Mud on highway

3 HN04 - Private apparatus within highway

4 HN05 - Works within the highway

5 HN07 - Section 278 Agreement

6 HN10 - No drainage to discharge to highway

7 HN21 - Extraordinary maintenance

8 HN22 - Works adjoining highway

9 HN25 - Travel plans

10 N19 - Avoidance of doubt

11 N15 - Reason(s) for the Grant of Planning Permission.

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

In respect of DCSE2007/2555/C

That Conservation Area Consent be granted subject to the following conditions:

1 C01 (Time limit for commencement (Listed Building Consent)

Reason: Required to be imposed by Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2 C14 (Signing of contract before demolition)

Reason: Pursuant to the provisions of Section 17(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

INFORMATIVES:

1 N19 - Avoidance of doubt

2 N15 - Reason(s) for the Grant of Conservation Area Consent

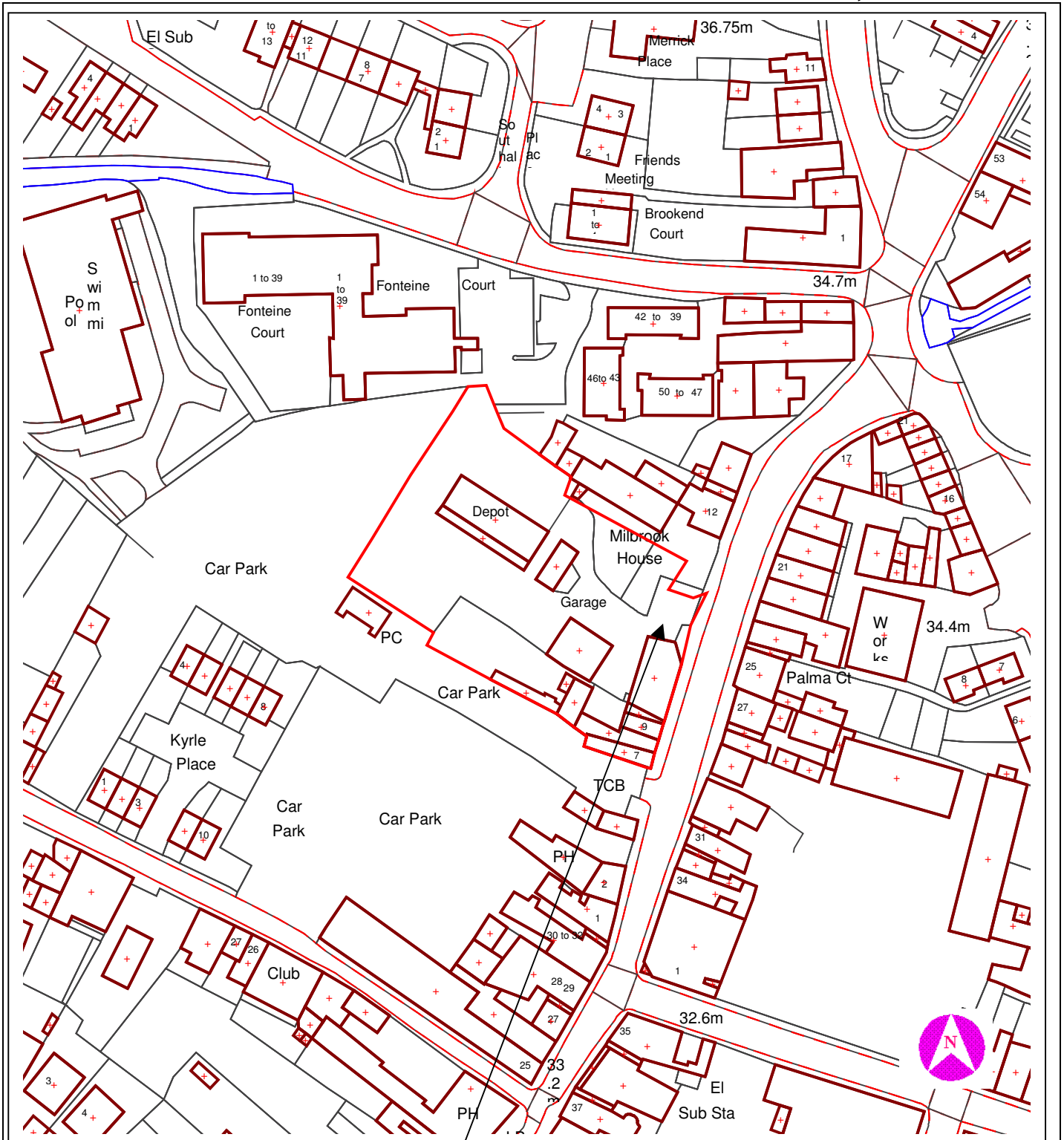
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCSE2007/2556/F DCSE2007/2555/C

SCALE : 1 : 1250

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