

6 DCSE2008/1091/F - ERECTION OF RETAIL WAREHOUSING (A1 NON-FOOD) AT BP NORTHBOUND ROSS SPUR, ROSS ON WYE, HEREFORDSHIRE. HR9 7QJ.

For: R.L. (UK) Ltd per Blencowe Associates, Old Parish Barn, Sandford St. Martin, Oxfordshire, OX7 7AG.

Date Received: 22 April 2008 Ward: Ross-on-Wye East Grid Ref: 60905, 25675

Expiry Date: 22 July 2008

Local Members: Councillors PGH Cutter and AE Gray

1. Site Description and Proposal

- 1.1 The site is located within the identified settlement boundary of Ross-on-Wye, within the Wye Valley Area of Outstanding Natural Beauty and adjacent to the A449(T). A small part of the site (to the east) is allocated as employment land. There is a significant change in land levels between the upper and lower parts of the application site.
- 1.2 The site comprises the land formerly occupied by a petrol filling station and restaurant on the north side of the A449(T) at Overross. The main part of the roadside services site has been laid out as additional car parking for Ross Labels and Kentucky Fried Chicken (KFC) which adjoins it to the north-west. Planning permission was granted in June 2007 for a storage building (1408 m²) adjacent to Ross Labels and located at the lower level car park and an office building (2137 m²) located at the eastern end of the site on land allocated for employment use.
- 1.3 The application proposes the erection of 3 retail units each with a floor area of 480 sq.m. (totalling 1440 sq.m.) situated between Ross Labels, KFC and the approved office building. The units would be in a row and built mainly on the former petrol filling station site (with a lower floor level) but extending to the rear. Each building would be 20m wide with eaves height of 6m. By lowering the ground slab level, the eaves height above the road is 4.5m. The design and external materials would echo the adjoining Labels store. Customer parking (70 spaces) would be at the front of the buildings. The retail units would be for bulky goods sales and operated by Carpetright, Pets at Home and probably Halfords.
- 1.4 The site would be accessed from the A449(T) and incorporate a one way link for vehicles to leave the site via Netherton Road. Servicing would be at the rear accessed via the service road at the rear of Labels store. The proposal incorporates a contribution towards the upgrade of footpath ZK1 or ZK2 which runs from Brampton Road to the application site and a contribution towards the provision of a bus service to access the site. Negotiations are currently progressing with regards to providing a bus service to the site linked with the town centre and surrounding area.

2. Policies

2.1 Planning Policy Statement

PPS.1	-	Delivering Sustainable Development
PPG.4	-	Industrial, Commercial Development & Small Firms
Draft PPS.4	-	Sustainable Economic Development
PPS.6	-	Planning for Town Centres
PPG.13	-	Transport

2.2 Herefordshire Unitary Development Plan 2007

Policy LA1	-	Areas of Outstanding Natural Beauty
Policy LA6	-	Landscaping Schemes
Policy S.4	-	Employment
Policy S.5	-	Town Centres and Retail
Policy TCR.1	-	Central Shopping and Commercial Areas
Policy TCR.2	-	Vitality and Viability
Policy TCR.9	-	Large Scale Retail and Leisure Development outside Central Shopping and Commercial Areas
Policy T6	-	Walking
Policy T7	-	Cycling
Policy T11	-	Parking Provision

3. Planning History

3.1	DCSE2004/0821/F	Demolition of petrol filling station - New entrance to factory outlet centre. Independent office suite and laying out of existing car park	-	Approved	30.04.04
	DCSE2006/2631/F	Erection of offices (B1), retail warehousing and replacement roadside restaurant (A3/A5)	-	Withdrawn	09.11.06
	DCSE2006/3633/F	Erection of offices (B1), retail warehousing and replacement roadside restaurant (A3/A5)	-	Refused	24.01.07
	DCSE2007/0181/O	Erection of offices (B1) 25,000 sq ft (net lettable) 28,000 sq ft gross with 86 car parking spaces.	-	Approved	20.06.07
	DCSE2008/1534/F	Change of use from A3 to A3/A5 mixed use	-	Undetermined	

4. Consultation Summary

Statutory Consultations

- 4.1 Highways Agency are satisfied with the Transport Assessment and recommends that a condition be attached requiring the development to be in accordance with the September 2008 Travel Plan.
- 4.2 Welsh Water recommends that conditions be attached regarding drainage of the site.

Internal Council Advice

- 4.3 The Traffic Manager recommends that a contribution be paid towards the upgrade of either footpath ZK1 or ZK2 and provide the following comments:

“We understand that Ross Labels has proposed the use of Section 106 funding solely for the provision of an infrequent bus service designed for employees living in Ross-on-Wye. It is our view however, that the proposal to divert the 32 service into the site would provide the most cost-effective and sustainable option for the provision of public transport to Ross Labels using Section 106 funding.”

- 4.4 Environmental Health Manager has no objection to the proposal.
- 4.5 Economic Regeneration Manager cautiously supports the proposal in the interests of improving the long-term viability and vitality of the Ross retail economy and catchment area.
- 4.6 Forward Planning Manager questions the need for the development and whether the site is the most sequentially preferable.

5. Representations

- 5.1 The application is supported by the following documents:

Planning Statement and Design and Access Statement

Planning Policy - The site is unallocated within the Herefordshire Unitary Development Plan but located within the identified settlement boundary. There would be no loss of employment land. The Statements consider the effect of the development on the Wye Valley Area of Outstanding Natural Beauty in relation to the criteria in Policy LA.1. It concludes that the area is clearly commercial in character and dominated by the trunk road. The development would be in keeping with this character and the different site levels are of benefit by creating development platforms below the road level, which will allow the apparent mass of buildings to be reduced especially when viewed from Brampton Abbots. The scheme proposes the retention of existing landscaping and additional landscaping as required. The Statement concludes that the proposal complies with Policy LA1 - Areas of Outstanding Natural Beauty.

In relation to the retail impact, the units would enable residents to shop locally for goods they currently travel to Hereford or Gloucester to purchase. It would also provide additional employment opportunities. The retail impact is considered in detail in the Retail Impact Assessment and concludes that the proposal is in accordance with Policies TCR1, TCR2 and TCR9.

Design - The proposed scheme completes the development by providing a visual link between Ross Labels, KFC and the proposed office building. The building design provides a continuation of the features and materials already used in Ross Labels. Roof pitches and feature glazing are consistent.

Access - Access will be provided throughout the site which will be suitable for the disabled, older people and parents with young children. Relevant parking areas will have a good relationship to site facilities and building entrances. A contribution would be forthcoming from Ross Labels towards the upgrade of either footpath ZK1 or ZK2. Discussions are continuing regarding the provision of a service for general employee travel and also shopping trips linked to the town.

Retail Impact Assessment

The Retail Impact Assessment considers the relevant local plan policies. This notes that the population of Ross-on-Wye and its hinterland is poorly served for the purchase of bulky goods and concludes that there is need for the development, that the development is of an appropriate scale for Ross on Wye, the site is sequentially preferable and that the development would not have an adverse impact on the town centre. The retail warehouses would provide approximately 60 jobs. It concludes that the development complies with the retail planning policies TCR1, TCR2 and TCR9.

Transport Assessment

The Transport Assessment investigated the additional trips likely to be generated by the development and other committed development within the area. It concluded that there would be no material impact at the A449/A40 roundabout. 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 contribute to the upgrade of footpath ZK1 or ZK2 and provide a contribution towards negotiating the provision of a bus service to the site through a local provider. If these negotiations are unsuccessful, a shuttle bus service will be operated for employees and the public linking the site to the town.

Travel Plan

The applicant accepts that a Travel Plan will be a condition of planning permission. This would concentrate on the promotion of car sharing by employees via the creation of a car share data base, reservation of parking spaces for car sharers and the creation of emergency Get-Me-Home schemes.

- 5.2 Ross Rural Parish Council supports the application but consideration should be given to pedestrian access to the whole site - footbridge over dual carriageway and upgrading of footpath at rear of Somerfield Depot.
- 5.3 Ross Town Council has no objections but strongly recommend that the Section 106 payment be put towards pedestrian safety.
- 5.4 Two letters of representation have been received from Ross Feed Ltd, Alton Road, Ross-on-Wye, HR9 5ND and R.J Cook, 1 Sussex Avenue, Ross-on-Wye, HR9 5AJ objecting to the development, in summary, for the following reasons:
 - Proposal would cause great hardship for many small businesses in the area, who will inevitably be forced to close, leaving a longer trail of empty shops in the town.
 - Are we to become another vast retail park with a lonely ghost town and complete loss of heritage and community?
 - We were advised that retail development would not be supported on Alton Road Industrial Estate when looking to expand business.
 - Unless small businesses are afforded the same equal support in aiding our expansion then we will be unable to compete on an equal level and will be forced out of the town for good.
 - Care should be taken in design of lighting, in order to reduce light spillage.
 - Would be reprehensible for the access to be exclusively for motor traffic. Safe access should also be provided for bicycle users and pedestrians.

- 5.5 One letter of support has been received from Mrs J. Thomas, 1 Royal Parade, Palace Pound, Ross-on-Wye, HR9 5HY supporting the development, in summary, for the following reasons:
- The area is a Rural Regeneration Zone where the objective is to broaden the local economy and reduce the traditional dependency on agriculture. Proposal has backing of Advantage West Midlands, the Town Council and the Chamber of Commerce for this reason and the Council should be seen as doing something positive.
 - Although site has been tidied up, it is clearly under-used and it is important that the development in this area is completed
 - Proposed bus service and improved footpath links would benefit whole area, where approximately 500 people work. Will expand the opportunity for employment for people in the community who do not have a car or cannot use one to get to work.
 - Retail warehouses would bring new retailers to Ross-on-Wye and provide a wider choice of shopping
 - Would not seriously affect trade in the town centre because people are currently going to Hereford and Gloucester. This trend will continue when the development in those centres comes to fruition unless something is done about it. Ross is being held back.
- 5.6 The Ross-on-Wye & District Civic Society objects to the development. The scheme is entirely inappropriate on the outskirts of a market town, and in an Area of Outstanding Natural Beauty.
- 5.7 Chamber of Commerce Herefordshire and Worcestershire supports the development, in summary, for the following reasons:
- The application compliments the surrounding stores and is blended into a retail mixture which would not be viable to an existing town centre location, within Ross-on-Wye.
 - Full Retail Impact Assessment establishes the need for comparative goods within the Ross area therefore providing justification for the application.
 - Site is within Rural Regeneration Zone, therefore the provision of jobs is important to the local community, as this designation highlights economic weaknesses.
 - Reinstatement of bus service between the site and town centre is important for local people and visitors alike.
 - Traffic movement will not have an overly negative impact on the roundabout and traffic movement.
 - Although site is within AONB, the current appearance does nothing to enhance the status and the development does provide a more aesthetic view of the environment
 - Alternative town centre sites are not available: Gardner Butcher site has been agreed by Aldi, the old Carpet Shop by Morrisons is constrained in terms of access and size.
 - Would like to highlight the potential for extra jobs that this application brings to the area.
 - Potential to retain spend in the south of the county, due to this development, instead of people travelling further afield for comparative goods. Can only be a positive outcome for Ross-on-Wye and the surrounding area's economy.
- 5.8 Advantage West Midlands welcomes the scheme which will complete the redevelopment of the site. The proposal will also benefit the aims of the Rural Regeneration Zone and help broaden the rural economy as currently there is a high dependency on employment in agriculture, manufacturing and tourism.

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 for consideration of the application are:

- the impact of the proposal on the Wye Valley Area of Outstanding Natural Beauty;
- whether the proposal complies with retail policy.

6.2 Impact on Wye Valley Area of Outstanding Natural Beauty

The application site is within the defined settlement boundary of Ross-on-Wye. The northern and eastern section are allocated for employment purposes, the remainder of the site is not allocated but has a lawful existing use as a restaurant and car parking for 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.

The policies regarding development in the Wye Valley Area of Outstanding Natural Beauty state that Policy LA1 states 'priority will be given to the protection and enhancement of the natural beauty and amenity of the area in the national interest'. 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'.

The current proposal is not small-scale development although this term is not specifically defined, but it is accepted that the 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 and reduce the massing of the buildings particularly when viewed from Brampton Abbots and the A449(T). 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 echo the Ross Labels store and would be in keeping with the prevailing commercial character of development on the site.

There is scope for further planting on the site. A landscaping and management scheme could be imposed by condition. 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, given its context in relation to existing and approved commercial development.

6.3 Compliance with retail policies

The application proposes the erection of 3 retail units for the sale of bulky goods (comparison goods) in an out of town centre location. Policy TCR9 – Large Scale Retail and Leisure Development outside Central Shopping and Commercial Areas is the key policy relevant to the proposal. This states that:

Proposals for large scale retail and leisure development outside the central shopping and commercial areas of Hereford and the market towns will only be permitted where:

1. It can be demonstrated that there is a need for the development in the location proposed

Need can be assessed in both quantitative (amount of floorspace) and qualitative (mix of retail uses) terms. However, greater weight will be placed on the quantitative need for new retail provision, which is defined as additional floor space required for a type of goods in that location. The Retail Impact Assessment submitted in support of the application concludes that there is a quantitative need in that there is sufficient expenditure capacity in the area to support the proposed additional retail units. The Council has sought independent advice on the retail issues and the assessment accepts that there is a quantitative need.

This is further endorsed in the Retail Study - Draft Summary Review Paper being undertaken by consultants to provide the need for further retail, leisure, office and other main town centre uses within Herefordshire. This study is intended to form part of the evidence base supporting the retail and town centre policies within the Council's Local Development Framework (LDF). With reference to Ross-on-Wye the Summary Review Paper concludes: 'Ross on Wye currently retains some 37% of residents' total comparison (non-food) goods expenditure from its catchment area. There is theoretical expenditure capacity to support more comparison goods floorspace in the town. However, achievement of new development will be dependent on retailer demand and the confidence of the market in the town as a retail destination for comparison goods shopping.'

The Retail Impact Assessments identify the growth in expenditure on bulky goods requiring an additional 3330 sq.m. of floorspace compared with the 1440 sq.m. proposed. Taking into account the 1646 sq.m. proposed floorspace in item 5 of this agenda means the combined floorspace of both applications (3086 sq.m.) would not exceed this figure and therefore not provide excess floor area for the identified need for bulky good retail.

Regarding qualitative need, the Retail Impact Assessment assesses business representation within Ross and concludes that whilst some sectors are represented, it is limited and the proposal would attract multiple retailers (Carpetright, Pets at Home and Halfords) that are not currently represented in Ross-on-Wye.

2. It can be demonstrated that a sequential approach has been taken to site selection, and that land and buildings in each of the following categories have been thoroughly assessed in turn and found not to be available before considering less central locations:

- ***Within central shopping and commercial areas***
- ***Edge-of-centre locations***
- ***Out-of-centre locations which are well served by public transport***

By their very nature, retail warehouses require considerable land-take and this immediately limits the number of sites available, particularly in tight-knit centres such as Ross-on-Wye. Notwithstanding this, the applicant has undertaken a

sequential assessment of all available sites for retail development within the central shopping and commercial areas and edge of centre locations. The sites must be suitable, viable for the development proposed and available within a reasonable period of time. The town centre is historic and within the Conservation Area and the scale of any vacant buildings limits their use for bulky goods retail. There are also issues regarding the listed status of some buildings and the work required to adapt them to make them suitable for bulky goods retail. Other constraints included sites liable to flooding, sites with poor access particularly for large delivery vehicles and sites that lack sufficient site frontage.

The applicant's handling of the sequential approach is considered to be thorough with reasoned and sound conclusions. It is considered that having regard to the limited number of available sites for this form of development and the general unsuitability of all the sites, that an alternative out of town centre site is an acceptable option. Accordingly the application site which relates to established retail outlets (Ross Labels and Focus DIY) is considered acceptable in sequential terms.

3. *The proposal is compatible with and does not undermine the Plan's central shopping and commercial area strategy or the overall Plan strategy:*

Policy S5 – Town Centres and Retail sets out the overall Plan strategy with regards to focusing retail development within the central shopping and commercial areas of existing town centres. Part 4 of this policy recognises that in some instances development will be in edge of centre or out-of-centre locations. Policy TCR1 states that town centres will be the 'prime focus for retail activity and Policy TCR2 directs proposals for new shopping development to the central shopping and commercial areas of the City and market town centres 'where opportunities exist'. Thus policies TCR1 and TCR2 both envisage retail development out-of-centre in certain circumstances. In this case there has been a demonstrated need for bulky goods retail and there is no sequentially preferable site available.

4. *The proposal will not seriously harm the vitality and viability of the existing central shopping and commercial areas, either by itself or in conjunction with other recent and proposed retail development:*

PPS6 requires the assessment of impact of the proposals on existing centres to be undertaken for a main town centre use which would be in an edge of centre or out of centre location. A quantitative assessment of trade diversion from the town centre is required for retail developments over 2,500 square metres. The proposal however, is substantially less than the threshold but as Ross-on-Wye is a smaller centre the impact must be considered to some extent.

The Retail Impact Assessment identifies 218 units in the town, of these; there are 6 individual shops that may be affected by the proposal. As a worst-case scenario, the proposed units would contribute to the closure of 2 or 3 shops. The independent assessment identifies a trade diversion of between 3% and 5%. Whilst it is acknowledged that there would be a negative impact on the town centre, the test in Policy TCR 9 is one of serious harm and the impact on the vitality and viability is not considered to be so serious to warrant refusal of the application.

Taking into account the combined impact of this proposal to that identified in item 5 of this agenda and the potential closure of 4-6 shops would still not seriously harm the vitality and viability of Ross-on-Wye so as to warrant refusal of the application.

Retaining market share is important because people are increasingly shopping in national retail companies and if they cannot do so they will travel to a larger town to do so. This impacts more widely on the town because in going to a larger town (i.e. Hereford or Gloucester) for one type of goods, people will take advantage of wider choice to buy other goods there. People become more familiar with the shops and parking in the larger town and less familiar with those of the local town and the pattern of more frequent trips to the larger town becomes established. The benefits of "clawing back" such expenditure are difficult to quantify at this scale but it is considered that there would be a positive impact in terms of providing a wider choice for local residents.

Concern has been expressed about the potential for Overross to operate as an alternative town centre. It is considered that the site would not offer the same variety of activities and services as the town centre including banks, hairdressers, chemists, work, education and browsing. It is the combination of facilities that creates the footfall in town centres and retail warehouse parks do not offer the same range of activities. Accordingly it is not considered that such concern is warranted and would not substantiate a reason for refusal when weighed against the limited impact of the development on the town centre.

In order to protect the vitality and viability of the town centre a condition would be imposed to restrict the range of goods to be sold such as the sale of non-bulky goods such as clothing, toys and footwear outside central shopping and commercial areas.

5. *The site is easily and safely accessible to customers and staff by a choice of modes of transport and will not lead to an increase in the use of the private car:*

Herefordshire Unitary Development Plan Policy S6 and TCR9 requires development sites to be accessible by a choice of means of transport that integrate with the wider transport system to improve access and reduce congestion. The Transport Assessment accepts that the location discourages cycling and walking from the town and that there would be reliance on the car to access the site. There are two public footpaths (ZK1 & ZK2) that link the site from Brampton Road. There are difficulties at present in terms of securing an upgrade of either of these footpaths due to land ownership and establishing the definitive lines of the footpaths. These matters are being progressed with the relevant Officers of the Council. The applicant has calculated the cost of upgrading either of these footpaths and has proposed a contribution of £67,000 towards the upgrade of the footpath. In addition, they have proposed a contribution of £70,000 in securing a bus service to the site. The total contribution (£137,000) exceeds that which would be secured through the Planning Obligations Supplementary Planning Document. Transport Officers have agreed to negotiate with local transport providers to see if they can offer this service. If these negotiations are unsuccessful, the applicant has agreed to provide a service through H&H Coaches to run a shuttle bus from the site to the town centre for employees and the general public.

The applicant has also submitted a Travel Plan that has been agreed by the Highways Agency and requires the developer to secure initiatives within set targets. These initiatives include car share for employees, dedicated car parking spaces for those who car share, cycle parking provision and showering facilities. Ongoing discussions are taking place with the Council's Sustainable Travel Officer. Implementation of the Travel Plan would be secured by condition.

It is considered that whilst there would be a reliance on the car to access the site, the contribution towards securing the upgrade of the public footpath and bus service, in addition to the range of measures contained within the Travel Plan and the reduction in vehicle movements to Gloucester/Hereford contributes to the site being sustainable and accessible by a choice of means of transport.

6. *The proposal is not sited within open countryside or on land allocated or safeguarded for another use.*

The site is located within the identified settlement boundary of Ross-on-Wye and is not safeguarded for another use.

6.4 Conclusion

The proposal identifies a need for additional bulky goods and satisfactorily demonstrates that there is no sequentially preferable town centre or edge of centre site to accommodate the need. Whilst the proposal may result in the closure of some shops and a small amount of trade diversion, it is not considered seriously harmful to the vitality or viability of Ross-on-Wye to warrant refusal of the application. The provision of improved transport links through Section 106 contributions and the implementation of a Travel Plan ensure that the site is accessible by a range of modes of transport. The proposal is considered to comply with PPS6 and Herefordshire Unitary Development Plan policies S5, TCR2 and TCR9 and is recommended for approval.

RECOMMENDATION

That:

- 1) Subject to securing a resolution to approve planning permission, the application be advertised as a departure to the development plan and further consideration be given to the need to notify the Secretary of State based upon the responses received.**
- 2) The Legal Practice Manager be authorised to complete a planning obligation agreement under Section 106 of the Town and Country Planning Act 1990 regarding contributions towards highway works and the provision of a bus service and any additional matters and terms as he considers appropriate.**
- 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 and any additional conditions considered necessary by officers:**
 - 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 premises shall be used as a retail warehouse within Class A1 of the Town & Country Planning (Use Classes) Order 1987 with the exception of the following uses:
- i) the sale of food and drink to be consumed off the premises;
 - ii) sale of clothing and footwear;
 - iii) sale of cutlery, crockery and glassware;
 - iv) sale of jewellery, clocks and watches;
 - v) sale of toys, camping and travel goods;
 - vi) sale of books, audio and visual recordings and stationery except for the retail sale of office supplies, office equipment and office furniture including the sale of both bulky and non-bulky catering packs of food and drink for office use;
 - vii) sale of medical goods, cosmetics and toiletries;
 - viii) sales of sports goods, equipment and clothing;
 - ix) all uses within Categories A1 (B to K) of Class A1;

except where the retail sale of these goods forms a minor and ancillary part of the operation of any of the retail activity.

Reason: The Council's policy as set out in the Hereford Unitary Development Plan is directed towards the protection of the commercial viability of the existing central shopping and commercial areas. This condition is imposed in order to clarify the terms of the permission in accordance with the Council's stated policy, having regard to the need to protect the vitality and viability in accordance with Herefordshire Unitary Development Plan Policies TCR2 and TCR9.

3. C01 (Samples of external materials)

Reason: To ensure that the materials harmonise with the surroundings so as to ensure that the development complies with the requirements of Policy DR1 of Herefordshire Unitary Development Plan

4. G01 (Earthworks)

Reason: In order to ensure that the development conforms with Policies DR1 and LA5 of Herefordshire Unitary Development Plan).

5. G10 (Landscaping scheme)

Reason: In order to maintain the visual amenities of the area and to conform with Policy LA6 of Herefordshire Unitary Development Plan.

6. G11 (Landscaping scheme - implementation)

Reason: In order to maintain the visual amenities of the area and to comply with Policy LA6 of Herefordshire Unitary Development Plan.

7. G15 (Landscape maintenance arrangements)

Reason: In order to maintain the visual amenities of the area and to conform with Policy LA6 of Herefordshire Unitary Development Plan.

8. H15 (Turning and parking: change of use - commercial)

Reason: To minimise the likelihood of indiscriminate parking in the interests of highway safety and to conform with the requirements of Policy T11 of Herefordshire Unitary Development Plan

9. H27 (Parking for site operatives)

Reason: To prevent indiscriminate parking in the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan

10. H29 (Secure covered cycle parking provision)

Reason: To ensure that there is adequate provision for secure cycle accommodation within the application site, encouraging alternative modes of transport in accordance with both local and national planning policy and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan

11. H30 (Travel plans)

Reason: In order to ensure that the development is carried out in combination with a scheme aimed at promoting the use of a range of sustainable transport initiatives and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan

12. I33 (External lighting)

Reason: To safeguard the character and amenities of the area and to comply with Policy DR14 of Herefordshire Unitary Development Plan.

13. L01 (Foul/surface water drainage)

Reason: To protect the integrity of the public sewerage system and to comply with Policy CF2 of Herefordshire Unitary Development Plan.

14. L02 (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 so as to comply with Policy CF2 of Herefordshire Unitary Development Plan.

15. L03 (No drainage run-off to public system)

Reason: To prevent hydraulic overload of the public sewerage system and pollution of the environment so as to comply with Policy CF2 of Herefordshire Unitary Development Plan.

16. L04 (Comprehensive & Integrated draining of site)

Reason: To ensure that effective drainage facilities are provided for the proposed development, and that no adverse impact occurs to the environment or the existing public sewerage system so as to comply with Policy CF2 of Herefordshire Unitary Development Plan.

INFORMATIVES:

1. **N19 - Avoidance of doubt - Approved Plans**
2. **N15 - Reason(s) for the Grant of Planning Permission**

Decision:

Notes:

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Background Papers

Internal departmental consultation replies

DRAFT HEADS OF TERMS

Proposed Planning Obligation Agreement

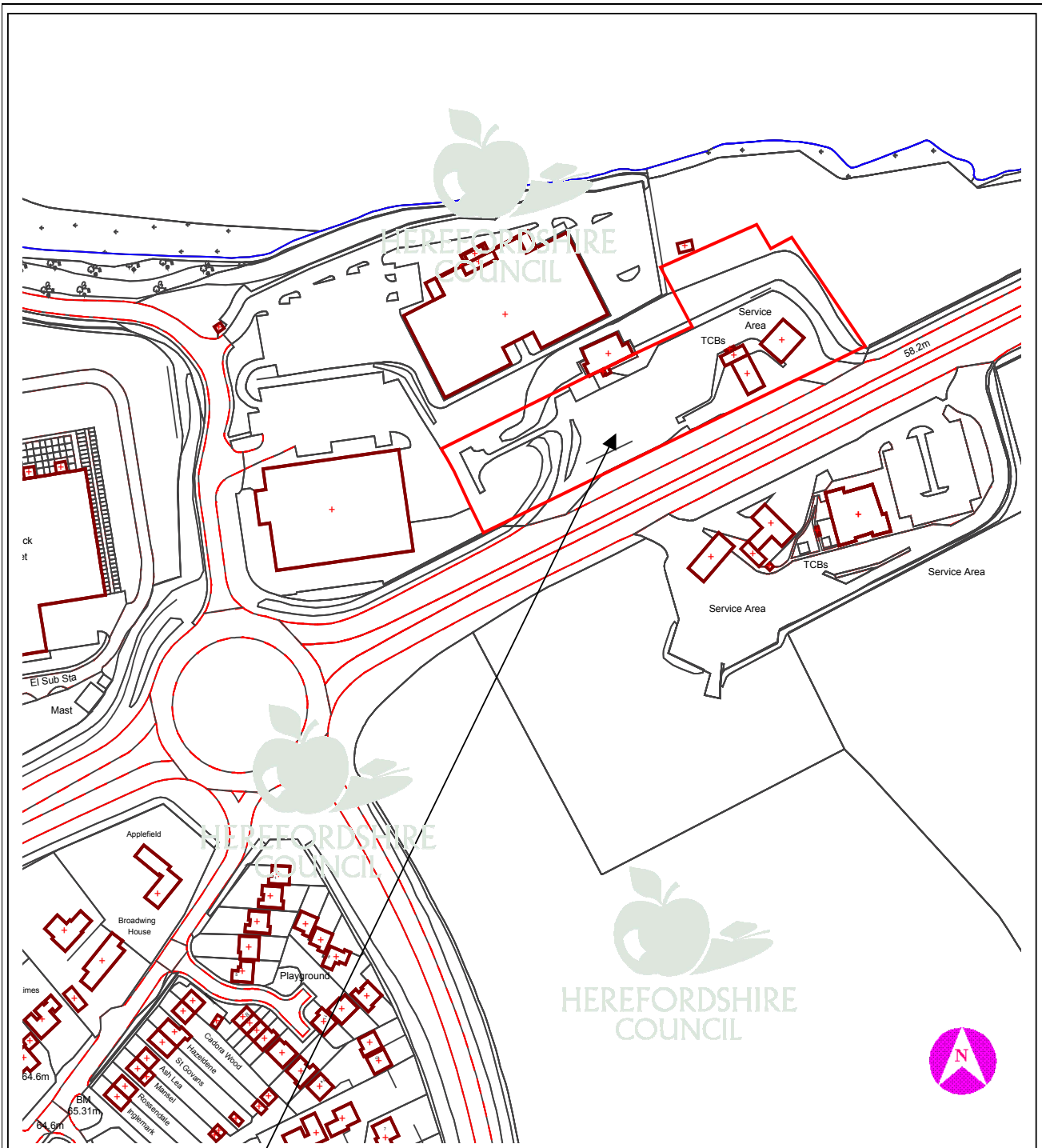
Section 106 Town and Country Planning Act 1990

Planning Application – DCSE2008/1091/F

Erection of retail warehousing (A1 Non-Food) at
BP Northbound Ross Spur, Ross on Wye,
Herefordshire, HR9 7QJ.

1. The developer covenants with Herefordshire Council, to pay Herefordshire Council the sum of £67,000 for improved sustainable transport infrastructure to serve the development.
2. The monies shall be used by Herefordshire Council at its option for any or all of the following purposes:
 - a. Improved pedestrian and cyclist connectivity with the site
 - b. Improved pedestrian crossing facilities
3. In the event that Herefordshire Council does not for any reason use the said sum of Clause 1 for the purposes specified in the agreement within 10 years of the date of this agreement, the Council shall repay to the developer the said sum or such part thereof, which has not been used by Herefordshire Council.
4. The developer covenants with Herefordshire Council, to pay Herefordshire Council the sum of £70,000 towards the provision of a bus service which sum shall be paid on or before the commencement of development.
5. In the event that Herefordshire Council does not for any reason use the said sum of Clause 4 for the purposes specified in the agreement by the opening of the development, the Council shall repay to the developer the said sum or part thereof, which has not been used by Herefordshire Council, for the provision of the shuttle bus service as detailed in the Travel Plan.
6. The developer covenants with Herefordshire Council to pay Herefordshire Council an additional administration charge of 2% of the total contributions detailed in this Heads of Terms to be used toward the cost of monitoring and enforcing the Section 106 Agreement.
7. The developer shall pay to the Council on or before the completion of the Agreement, the reasonable legal costs incurred by Herefordshire Council in connection with the preparation and completion of the Agreement.

Yvonne Coleman - Senior Planning Officer



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APPLICATION NO: DCSE2008/1091/F

SCALE : 1 : 2500

SITE ADDRESS : BP Northbound Ross Spur, Ross on Wye, Herefordshire. HR9 7QJ

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