

PLANNING COMMITTEE

Date: 18 SEPTEMBER 2013

Schedule of Committee Updates/Additional Representations

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

SCHEDULE OF COMMITTEE UPDATES

131391/F - PROPOSED DEMOLITION AND REGENERATION TO INCLUDE 259 NEW BUILD FLATS/HOUSES, EXTERNAL REFURBISHMENT WORKS TO THE EXISTING FLATS ABOVE THE OVAL SHOPS, LANDSCAPING AND ASSOCIATED WORKS AT THE OVAL, HEREFORD

131390/O – NEW COMMUNITY HUB AT THE OVAL, HEREFORD

For: Keepmoat Homes/Herefordshire Housing per BM3 Architecture Ltd, 28 Pickford Street, Digbeth, Birmingham, West Midlands B5 5QH

ADDITIONAL REPRESENTATIONS

The applicant has re-confirmed their commitment to reach Level 4 of the Code for Sustainable Homes but is at present reviewing this following the decision to omit the biomass units.

OFFICER COMMENTS

In addition to the request for delegated powers to resolve the terms of the S106 Agreement, Officers would request that this be extended to enable an additional condition(s) to be framed to enable details to be discharged on a phase by phase basis and to resolve technical highway / cycleway details in consultation with Ward Councillors.

This will provide the applicant with the required flexibility in their build program whilst maintaining appropriate control over the development as it proceeds.

CHANGE TO RECOMMENDATION

Amend recommendation to extend requested delegated powers to enable phasing condition to be framed and resolve technical highway and cycleway details in consultation with Ward Councillors.

N123317/O - CLASS A1 FOOD STORE, PETROL FILLING STATION AND ASSOCIATED PARKING AND SERVICING FACILITIES, RESIZING AND REFURBISHMENT OF TWO CLASS B UNITS AND ASSOCIATED HIGHWAY WORKS AT LAND AT SOUTHERN AVENUE, LEOMINSTER, HEREFORDSHIRE, HR6 0QF

For: Mr Liptrott, Morbaine Ltd, The Finlan Centre, Hale Road, Widnes, Cheshire, WA8 8PU

ADDITIONAL REPRESENTATIONS

Correspondence has been received from Peacock & Smith Planning Consultants who act on behalf of Morrisons. They object to the application on the following grounds:

- The proposal is contrary to Policy E5 of the Herefordshire Unitary Development Plan. There is no evidence to suggest that the site has been actively marketed for alternative employment use and the applicant cannot be certain that there is no interest in the site for such purposes. It is also noted that the site achieves a 'Good' mark score in the Herefordshire Employment Land Study 2012.
- It is clear that the application site is an out-of-centre location. At 1.3 kilometres from the main shopping area, the proposal is unlikely to encourage linked trips to and from the town centre, particularly on foot, given the convoluted pedestrian route into the town centre.
- The applicant has considered and dismissed a number of potentially sequentially preferable sites, one of which is Broad Street Car Park, which is located within the town centre and identified as a potential site in the Council's latest Town Centres Study Update 2012. The Council should be fully satisfied that it does not represent a sequentially preferable site which is suitable, available and viable for retail development. This is particularly important when considering the potential impact of the application on existing convenience retail facilities within the town centre and Morrisons in-centre store at Barons Cross Road.
- The Council's Town Centres Study Update identifies sufficient convenience expenditure capacity to support an additional 1,483m² net of convenience floor space in Leominster at 2012, rising to 1,670 m² in 2016 and 1,938m² in 2021. It is clear that even in the longer term (2021) there is insufficient capacity to support the level of convenience floor space proposed.
- Whilst it is acknowledged that there may be an opportunity for additional foodstore development in Leominster, it is considered that this requirement should be provided in an in-centre location.
- The proposal is likely to have a significant adverse impact on existing retail convenience facilities in Leominster, including the vitality and viability of the town centre as a whole and the Barons Cross Local Centre.

Further correspondence has been received from Barton Willmore Consultants who are acting on behalf of Frank H Dale Ltd. They have endorsed the recommendation to refuse the application and consider that their client's site on Mill Street is sequentially preferable; highlighting that it is closer to the town centre and has better links.

They also draw attention to the fact that it is the subject of a 'live' application for a mixed use of retail, residential and commercial development, with Sainsburys contracted and committed to the site, and that this is a vital part of their client's plans to relocate. They note that the application to be considered does not have a specific end user and is speculative.

Further correspondence has also been received from the Environment Agency. Their comments are summarised as follows:

As submitted we are unable to remove our objection to the proposed development as there is insufficient detail in the letter (dated 19 February 2013 ref SEJ.E12353/2-L1) to allay our outstanding concerns in relation to the specific impact of the petrol filling station on the Groundwater Source Protection Zone 2 upon which part of the site is located. The proximity of the watercourses in this area also gives us some cause for concern as the shallow groundwater table in the underlying aquifers are in hydraulic continuity with the watercourses which increases the risk to such water features from any pollution incidents or accidental spills from a PFS for example or from any onsite drainage.

We adopt a precautionary approach to the protection of groundwater where the storage of potential pollutants is concerned. The proposed PFS is considered to represent a future potential source of contamination due to the sensitive water environment in this location and represents one of the main areas of concern for this application from a future pollution prevent point of view for the water environment.

Based on the further information provided in the letter, we understand that it is proposed that suitable pollution prevention measures shall be installed at the site and we agree with this approach. The installation should be robust and designed to highest of modern water protection measures specification and engineering standards in order to protect the precious groundwater resource in the underlying aquifer(s) and the nearby watercourses.

We understand from the letter that these measures will include the following for the application PFS: Double skinned tanks and associated pipe work; Encasement of the tanks in concrete surround; A suitably installed leak detection system; A staff training manual that explains the site-specific environmental risks associated with the PFS to future operators, together with actions to be taken in the event of a pollution incident. Whatever measures are chosen will need to be robust, have substantial mitigating factors and be appropriate to the development in question including any risks to the hydrogeological setting of the site.

Further to our previous letter (SV/2013/106725/01-L03 dated 28 January 2013), we requested for underground storage of pollutants in principal and secondary aquifers to be accompanied by a *risk assessment* appropriate to the volume and type of pollutants being stored and the hydrogeological situation. We cannot find this risk assessment provided specifically for the proposed new land-use of the PFS. This document should include an assessment of the site now and the risks associated with the PFS in the future. Mitigation can then be proposed for the level of risk assigned.

We would also query the depth to groundwater table as the proposed underground storage tanks could be being installed directly into the water table. Sub water table storage of hazardous substances is more problematic as any leak would potentially contravene legislation. The applicant should provide clarification of this as part of their PFS specific risk assessment.

Flood Risk: This site is primarily located in Flood Zone 2, which is the medium to low risk zone and is defined for mapping purposes by the Agency's Flood Zone Maps. This is land where the indicative annual probability of flooding is between 1 in 100 and 1 in 1000 years from river sources (i.e. between 1% and 0.1% chance in any given year).

It should be noted that the original Flood Map was provided to the consultant in May 2012 which showed that the whole site was located within the 1 in 100 year floodplain (Flood Zone 3) of the River Lugg. However, in November 2012, the Flood Map was updated with a more detailed digital terrain map which now indicates that the site lies just outside Flood Zone 3 but primarily within Flood Zone 2.

Following our initial response in January 2013, a detailed hydraulic model for the River Lugg through Leominster was completed. Detailed flood outlines and levels are now available from the EA for the site. The FRA for this application should therefore be updated with this new information and the development proposals reviewed accordingly. The applicant is advised to request the 1 in 20 year, 1 in 100 year, 1 in 100 year 20% (climate change) and the 1 in 1000 year flood outlines and levels for the River Lugg.

We note the comments from the Lugg IDB regarding the maintenance access strip alongside the Leominster Compensation Ditch (LCD). However, the flood risk from this watercourse has still not been assessed. We previously recommended that a minor assessment of the flood risk from this source be undertaken. We advised that the applicant obtain any information regarding localised flooding from this watercourse from Lugg IDB and the Drainage Engineer of the Local Authority (Martin Jackson) and incorporate it into any revised FRA. In the absence of any information regarding the flood risk from this watercourse, we recommend that a hydraulic model of the LCD be undertaken. The flood risk to the site and development proposals from the LCD on its own and in combination with the River Lugg should be fully assessed.

One further email has been received raising an objection to the application on the basis that it will negatively impact upon existing businesses.

OFFICER COMMENTS

The correspondence received from Peacock & Smith Planning Consultants reiterates matters that have been raised by others, particularly the consultants acting on behalf of Aldi and The Co-Operative, and these are dealt with in the main report to Planning Committee and do not require any further commentary or a change to the Officer's recommendation. However, their comments do refer to the Morrisons store as being 'in centre', and this needs some clarification. The site is referred to by Policy TCR13 as a 'local and neighbourhood shopping centre' and consequently is afforded specific designation by the UDP, and it is in this context that Morrisons is referred to as being 'in centre'.

The correspondence from Barton Willmore makes specific comparison between this application proposal and their client's scheme at Mill Street. Your Officers would reiterate the comments made in paragraph 6.9 of the main report that the two applications must be treated on their own merits. Whilst it has been made clear that the site at Mill Street is considered to be sequentially preferable in simple geographic and locational terms, there are a number of other matters that are material to the outcome of that application. It must not be assumed that the outcome of this application will determine that of the application on the site at Mill Street.

The comments from the Environment Agency maintain a technical objection to the scheme. In the absence of the additional risk assessment requested officers are unable to conclude that the proposed petrol filling station will not have an impact upon the Groundwater Source Protection Zone 2 and therefore the proposal does not accord with Policies DR4 or TCR18 of the Herefordshire Unitary Development Plan.

CHANGE TO RECOMMENDATION

In light of the comments from the Environment Agency a further reason for refusal is recommended as follows:

The petrol filling station is considered to represent a future potential source of contamination due to the sensitive water environment in this location, particularly the groundwater Source Protection Zone 2 for the Welsh Water drinking water supply at Midsummer Meadows. The application contains insufficient information for the local planning authority to determine the impacts of the proposed petrol filling station on groundwater Source Protection Zone 2 and is therefore contrary to Policies DR4 and TCR18 of the Herefordshire Unitary Development Plan.

131631/F - ERECTION OF 3 RESIDENTIAL DWELLINGS AND ASSOCIATED LANDSCAPING AND ACCESS WORKS INCLUDING A SCHEME OF LANDSCAPE ENHANCEMENT AND THE REINSTATEMENT OF A PUBLIC FOOTPATH AT LAND AT THORNY ORCHARD, COUGHTON, ROSS ON WYE, HEREFORDSHIRE

For: GB Garages per Hunter Page Planning, Thornbury House, 18 High Street, Cheltenham, Gloucestershire, GL50 1DZ

ADDITIONAL REPRESENTATIONS

An objection has been received from the Wye Valley AONB Office. The AONB question whether the work undertaken to date is in accordance with the original permission and whether that permission is extant. It is considered that the proposal is not appropriate within the context and that the land should revert to agricultural usage alongside restoration of the footpath.

Two letters of support have been received from local residents. Both express the view that the proposal will improve the appearance of the site and allow for reinstatement of the footpath. One of the letters considers that these dwellings will also help sustain village amenities.

OFFICER COMMENTS

Response to the AONB Office comments: The local planning authority has confirmed in writing that the 2004 permission is extant. The application site is no longer in agricultural use, but can be considered previously developed land.

NO CHANGE TO RECOMMENDATION