

MINUTES of the meeting of Planning Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday 18 September 2013 at 10.00 am

Present: Councillor PGH Cutter (Chairman)
Councillor BA Durkin (Vice Chairman)

Councillors: AM Atkinson, AN Bridges, PJ Edwards, KS Guthrie, J Hardwick, JW Hope MBE, MAF Hubbard, Brig P Jones CBE, JG Lester, RI Matthews, FM Norman, AJW Powers, P Rone, GR Swinford and PJ Watts

In attendance: Councillors JG Jarvis, PJ McCaull and GA Vaughan-Powell

49. APOLOGIES FOR ABSENCE

Apologies were received from Councillors PA Andrews, DW Greenow and RC Hunt.

50. NAMED SUBSTITUTES

In accordance with paragraph 4.1.23 of the Council's Constitution, Councillor P Rone attended the meeting as a substitute member for Councillor RC Hunt.

51. DECLARATIONS OF INTEREST

Agenda item 7: 131391/F and 131390/O The Oval, Hereford

Councillor AN Bridges, non-pecuniary, member of The Oval Steering Group

Councillor PJ Edwards, non-pecuniary, Chairman of The Oval Steering Group

Councillor P Rone, non-disclosable pecuniary, Herefordshire Council representative on the Board of Herefordshire Housing Ltd.

Councillor GA Vaughn-Powell, non-pecuniary, member of The Oval Steering Group Sub-Groups.

Agenda item 9: 131631/F Land at Thorny Orchard, Coughton, Ross-on-Wye

Councillor PGH Cutter, non-pecuniary, Member of the Wye Valley AONB Joint Advisory Committee.

Councillor BA Durkin, non-pecuniary, Member of the Wye Valley AONB Joint Advisory Committee.

Councillor J Hardwick, non-pecuniary, Member of the Wye Valley AONB Joint Advisory Committee.

52. MINUTES

RESOLVED: That the Minutes of the meeting held on 7 August 2013 be approved as a correct record and signed by the Chairman.

53. CHAIRMAN'S ANNOUNCEMENTS

There were no announcements.

54. APPEALS

The Planning Committee noted the report.

55. 131391/F AND 131390/O THE OVAL, HEREFORD

(Councillor P Rone declared a non-disclosable pecuniary interest and withdrew from the meeting for the duration of this item)

The Principal Planning Officer gave a presentation on the two applications. She referred to an additional representation and a proposed amendment to the printed recommendation set out in the schedule of committee updates, as appended to these minutes.

In accordance with the criteria for public speaking, Mr Crowe, a resident, spoke in objection to the application. Dawn Killeen, of The Oval Support Group, then spoke in support of the application.

In accordance with paragraph 4.8.2.2 of the Council's Constitution the three local ward members spoke on the application.

Councillor GA Vaughan-Powell supported application 131391/F and commented on a number of issues, including:

- She highlighted the Transport Manager's general highways comments set out at paragraph 4.2 of the report and commented that she had requested traffic calming measures.
- The proposed relocation of the bus stop near The Oval required consideration. It was important any replacement was equally accessible.
- Better parking options would be favoured.
- She regretted the loss of public open space.
- She also regretted that reference to some letters of representation and a petition submitted to Property Services had not been included in the report.
- She declined to make specific comment on the community hub.

Councillor AN Bridges supported the applications and commented on a number of issues, including:

- There was an urgent need to regenerate the area and replace outdated property that was difficult to maintain with new energy efficient homes. The development would benefit the area and provide economic development opportunities offering jobs.
- A lot of work had been undertaken with the developer and Herefordshire Housing to try to ensure the scheme was right. The developer and Herefordshire Housing had communicated well with the community about the scheme and had agreed to work with the local community to reduce the impact of the works.
- There was a loss of public open space but the scheme provided secure private gardens.
- He welcomed the proposal to involve ward members in determining aspects of the detail of the final scheme.

Councillor PJ Edwards supported the applications and commented on a number of issues, including:

- The scheme had been under consideration for a long time and there had been wide consultation. The scheme had the community's support. The officer's report included only one letter of representation in objection to the scheme.
- The proposed development of houses with gardens was welcomed.
- He would like to see a one-way traffic system to benefit cyclists and pedestrians.
- He hoped consideration could be given to setting aside some further public open space at Argyle Rise.
- He welcomed a number of the specific conditions set out in the recommendations.
- The scheme as a whole would provide a welcoming approach to the City and be to the satisfaction of residents. It would also help with current housing problems in the area.

The debate opened and the following principal points were made:

- The involvement of local ward members in finalising aspects of the detailed design was welcomed.
- Whilst welcoming the scheme, a Member expressed a number of concerns about strategic aspects of the scheme where he considered there were failings. These included poor design of cycleways, insufficient effort to seek to develop the proposed biomass plant; and provision for car parking at every house but an absence of cycle parking provision. He was particularly concerned by the comments of West Mercia Police at paragraph 5.3 of the report which implied that opportunities to design out crime/and or the fear of crime and promote community safety were not being taken. He considered Herefordshire Housing had done a good job, in particular in its communication with the community, but could do better. It was important to ensure that the scheme stood the test of time.
- The Scheme needed to have good links with the rest of the City and consultation in relation to highways would be required.
- It was questioned whether the provision of one bedroom bungalows was appropriate given the Council's plans for the provision of social care.
- The scheme provided a great opportunity and every effort should be made to ensure the design was good.
- It was noted that the loss of public open space was unfortunate and that any potential for the regeneration of trees would be welcomed.
- It was suggested traffic calming would be needed at Goodrich Grove.

The local ward members were given the opportunity to close the debate. They reiterated their support for the schemes and requested that the applications be approved.

Application 131391/F

RESOLVED:

That subject to final clarification in relation to the acceptability of the proposed S106 Obligation terms, to enable phasing conditions to be framed and resolve technical highway and cycleway details in consultation with Ward Members, Officers named in the Scheme of Delegation to Officers be authorised to grant planning permission subject to the following conditions:

1. **A01 Time limit for commencement (full permission)**
2. **B01 Development in accordance with the approved plans**
3. **B07 Section 106 Agreement**
4. **C01 Samples of external materials**
5. **K4 Nature Conservation - Implementation**
6. **G11 Landscaping scheme - implementation**
7. **G15 Landscape maintenance arrangements**
8. **G03 – Retention of existing trees (construction)**
9. **G04 – Protection of trees / Hedgerows**
10. **G09 – Details of Boundary Treatments**
11. **G18 – Provision of play area / amenity area**
12. **G19 – Details of play equipment**
13. **I55 Site Waste Management**
14. **I51 Details of slab levels**
15. **L01 Foul/surface water drainage**
16. **L02 No surface water to connect to public system**
17. **L03 No drainage run-off to public system**
18. **L04 Comprehensive & Integrated draining of site**
19. **I16 Restriction of hours during construction**
20. **H18 – On Site Roads – Submission of details**
21. **H13 – Access, turning and parking**
22. **H29 – Covered and secure cycle parking**
23. **H27 Parking for site operatives**
24. **H26 Access location**
25. **The development shall not begin until any scheme for protecting the proposed dwellings from noise and from the road including detailed construction methods for noise mitigation has been submitted to and approved by the local planning authority; and all works which form part of the scheme shall be completed before any of the permitted dwellings are occupied.**

Reason: To protect the residential amenities of the future occupiers of the properties and to comply with Policy DR13 of Herefordshire Unitary Development Plan.

26. Restrictions during demolition and construction

A detailed Construction Method Statement (CMS) shall be supplied and approved prior to the demolition and commencement of development to minimise noise and nuisance to neighbours:

The CMS shall contain the following:

The methods and materials to be used to ensure that the generation of noise is minimised;

- **Choice of plant and equipment to be used;**
- **The use of prefabricated materials wherever possible;**
- **Regarding optimum site layout, noise generating activities to be located away from sensitive receptors; and**
- **Good housekeeping and management, to include:**

a) Review of plant and activities to ensure noise minimisation measures are in place and operating;

- b) Public relations, e.g. provision of telephone numbers for complaints, pre-warning of noisy activities including activities that might generate perceptible vibration, sensitive working hours;
- c) Controlling of site traffic and setting up of access routes away from sensitive receptors; and
- d) Provision of noise monitoring during activities likely to affect sensitive receptors;

Reason: To protect the residential amenities of the future occupiers of the properties and to comply with Policy DR13 of Herefordshire Unitary Development Plan.

27. I33 - External lighting

Informatives

1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. Negotiations in respect of matters of concern with the application (as originally submitted) have resulted in amendments to the proposal. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
2. HN10 No drainage discharge to highway
3. HN08 Section 38 Agreement and Drainage details
4. HN07 Section 278 Agreement
5. HN04 Private Apparatus within the highway
6. HN1 Mud on the highway
7. HN28 Highways design guide

Application 131390/O

RESOLVED:

That planning permission be granted subject to the following conditions:

1. A02 – Time limit for the submission of reserved matters
2. A03 – Time limit for commencement
3. C04 – Approval of Reserved Matters
4. C05 – Plans and Particulars of Reserved Matters
5. I16 – Restriction on hours during construction
6. L01 – Foul/ Surface water drainage
7. L02 - No Surface water to connect to the public system
8. L03 – No drainage run-off to public System
9. F06 – Restriction on use

Informatives:

1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations, including any representations that have been received. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

2. **Please note that as the proposal includes the use of the premises for the production and/or sale of food and drink, in accordance with Article 6 EU Regulation 852:2004 on the Hygiene of Foodstuffs, the business will be required to be registered as a food business with the Commercial team in Environmental Health and Trading Standards**
3. **Please note that the development will require a licence for the sale of alcohol.**

56. 123317/O LAND AT SOUTHERN AVENUE, LEOMINSTER, HEREFORDSHIRE

The Principal Planning Officer gave a presentation on the application. He referred to additional representations and a proposed amendment to the printed recommendation set out in the schedule of committee updates, as appended to these minutes.

In accordance with the criteria for public speaking, Mr Verity, representing Leominster Civic Society, spoke in objection to the application. Mrs Thomas, of Thomas Panels, then spoke in support of the application.

In accordance with paragraph 4.8.2.2 of the Council's Constitution Councillor PJ McCaull, one of the local ward members, spoke on the application. He commented on a number of issues including:

- He expressed concern in relation to the time taken to bring the application forward and its relative association with the application by Dales.
- He understood that the applicants had only been informed of the reasons for recommending refusal one week ago and considered this had not given them any opportunity to seek to address the matters identified.
- He argued that the distance from the site to the town centre should be measured to Corn Square. The site was closer to the town centre than the measurement given in the report and was easily accessible by foot. If the distance from the Dales site to Corn Square were measured that site would be further away.
- The report was mistaken in focusing on cycle and pedestrian access to the site ignoring the reality that people shopping at supermarkets generally travelled by car.
- The proposed development would support a large number of residential areas within the City.
- He made a number of observations about the effect of the introduction of car parking charges in Leominster, the prospect that existing supermarkets would begin to charge for use of their car parks and the implications of that for the town centre. The proposed development offered an opportunity for park and ride to the town centre.
- It was unsurprising that competitors were objecting to the proposal.
- He considered that the application should be deferred to allow the applicant time to respond to the grounds for refusal set out in the report.

The debate opened and the following principal points were made:

- Concerns about the proposed development had been known for some time.

- The viability of the town centre was a particular concern. The report by Deloittes considered the town centre was vulnerable.
- The proposal involved the loss of employment and industrial land. Additional housing was planned for Leominster and employment opportunities needed to be available. There were clear grounds for refusing such a retail development on employment land.
- The Environment Agency's concerns about water contamination were significant.
- A Member questioned the validity of the second ground for refusal set out in the report considering it hypothetical.
- Another Member questioned the validity of the sixth ground for refusal set out in the report, noting the comment in the report that the transition of responsibilities for highway works had meant detailed costing for works has not been provided and therefore an agreed Heads of Terms was not available.
- The use of alternative transport, specifically bicycles, is not realistic for a supermarket development.
- Some members spoke in support of a deferral.

In response to points raised the Head of Neighbourhood Planning commented that the application had been under consideration for some time. The applicant had sought pre-application advice and officers had expressed reservations to the applicant. Morbaine Ltd had been aware that the application was to be submitted to the Committee and of the outstanding matters that required resolution. The application was ready to be determined.

The Committee's Legal Advisor commented that she had no concerns about the legality of the reasons for refusal and no reason to question the advice of the Head of Neighbourhood Planning that there had been sufficient consultation with the applicant.

The local ward member was given the opportunity to close the debate. He reiterated his request for a deferral.

RESOLVED: That consideration of the application be deferred for two months to allow the applicant to respond to the content of the report.

57. 131631/F LAND AT THORNY ORCHARD, COUGHTON, ROSS ON WYE, HEREFORDSHIRE

The Principal Planning Officer gave a presentation on the application. He referred to an additional representation set out in the schedule of committee updates, as appended to these minutes. He added that two further letters of support had been received too late for inclusion in the papers.

In accordance with the criteria for public speaking, Mr Daniell spoke in objection to the application. Mr Gilbert then spoke in support of the application on behalf of the applicant.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillor JG Jarvis, the local ward member, commented on a number of issues including:

- The Parish Council's close vote against the proposal, as set out in the report, showed there were two main views of what should happen at the site. One view was that as a matter of principle the land should be returned to open countryside. However, the grant of planning permission in 2004 for development meant that this was not feasible. He could not therefore, on pragmatic grounds, support the Parish Council's view.
- The other view was that given that some form of development would take place on the site a judgment had to be reached as to whether a well designed sympathetic development of 3 houses, as proposed, was preferable to other development permitted by the extant planning permission. The entrance to the site was a concern. If the application were to be approved it would, however, be essential to ensure that stringent conditions were attached.
- He was also concerned at the possibility that an application by the owner to use the site as a garage and MOT test centre might succeed, the owner contending that this was permitted by the extant planning permission. Amongst other things, the road to the site could not cope with such traffic.
- He considered the issue relating to the reinstatement of the footpath at the site to be a separate issue.

The debate opened and the following principal points were made:

- That the Committee could insist on the requirement of the extant permission – erection of a building for the storage and repair of agricultural, horticultural and automotive plant and machinery. The application, which was contrary to numerous policies, should therefore be refused.
- One member queried why the option of a footpath diversion order had not been entertained.
- Concern was expressed that granting permission might lead to further residential development over time. In response the Principal Planning Officer commented that, whilst this could not be prohibited by a condition, it would be difficult to obtain permission for further development of the site since the remainder of the site formed part of the landscape restoration scheme.

The local ward member was given the opportunity to close the debate. He had nothing to add to his previous comments.

RESOLVED:

That planning permission be granted subject to the following conditions:

1. **A01 Time limit for commencement (full permission) (12 months)**
2. **B03 Amended plans**
3. **C01 Samples of external materials**
4. **F14 Removal of permitted development rights**

5. **Prior to the first occupation of any of the houses hereby approved, Public Footpath WA50 shall be reopened in accordance with a scheme to be submitted to and approved in writing by the local planning authority.**

Reason: To secure the re-opening of the footpath.

6. **H03 Visibility splays**
7. **H06 Vehicular access construction**
8. **H11 Parking - estate development (more than one house)**
9. **H13 Access, turning area and parking**
10. **H20 Road completion in 2 years**
11. **H21 Wheel washing**
12. **H27 Parking for site operatives**
13. **H29 Secure covered cycle parking provision**
14. **The recommendations set out in the ecologist's reports dated 03 April 2013 and 13 June 2013 should be followed. Prior to commencement of the development, a full working method statement and habitat protection scheme should be submitted to and be approved in writing by the local planning authority, and the work shall be implemented as approved. This should include details of external lighting and avoid light- spillage to woodland areas.**

Reason: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 and Policies NC1, NC6 and NC7 of the Herefordshire Unitary Development Plan.

15. **Prior to commencement of the development, a habitat enhancement and management scheme should be submitted to and be approved in writing by the local planning authority, and the work shall be implemented as approved.**
Reason: To comply with Policies NC8 and NC9 of Herefordshire's Unitary Development Plan in relation to Nature Conservation and Biodiversity and to meet the requirements of the National Planning Policy Framework and the NERC Act 2006.

INFORMATIVES:

1. **The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. Negotiations in respect of matters of concern with the application (as originally submitted) have resulted in amendments to the proposal. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.**

2. **An appropriately qualified and experienced ecological clerk of works should be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation work.**
3. **HN01 Mud on highway**
4. **HN05 Works within the highway**
5. **HN10 No drainage to discharge to highway**

58. 131519/CD THE COURTYARD THEATRE, 93 EDGAR STREET, HEREFORD

The Forward Planning Officer gave a presentation on the application.

A Member commented that whilst not in keeping with the design, the proposed development would be beneficial. He requested that cycle parking be provided at the entrance to the building in addition to that at the back.

RESOLVED:

That planning permission be granted subject to the following conditions:

1. **A01 Time limit for commencement (full permission).**
2. **B02 Development in accordance with approved plans and materials.**

Informatives:

1. **The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations, including any representations that have been received. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.**
2. **N19 Avoidance of doubt - Approved Plans.**

59. DATE OF NEXT MEETING

The Planning Committee noted the date of the next meeting.

APPENDIX 1 - SCHEDULE OF COMMITTEE UPDATES

The meeting ended at 12.45 pm

CHAIRMAN

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

