

From: Marcin Koszyczarek [<mailto:marcin.k@rapleys.com>]
Sent: 12 June 2019 13:18
To: Brace, Carl
Cc: Richard Huteson
Subject: RE: 190114 - Lidl's

Dear Carl,

Thank you for your call earlier.

We are obviously disappointed to hear that there is no further discussion on retail matters with the Council's retained retail consultant, despite our offer to cover the costs of doing so.

However, we still wish to address other outstanding matters namely, design, highways and S106 agreement as outlined below.

We would welcome feedback on these elements once relevant consultees have reviewed the recently submitted additional information.

If you have any other queries, please contact me.

Kind regards,

Marcin Koszyczarek

MPLAN (Hons) MRTPI
Senior Planner
Town Planning

07467 955293



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From: Marcin Koszyczarek
Sent: 12 June 2019 11:34
To: 'Brace, Carl'
Cc: Richard Huteson
Subject: RE: 190114 - Lidl's

Dear Carl,

Hope you are well.

Please could you provide a response to my email below? Do you require a more substantial piece of information with regards to S106 or the 'headline' summary is acceptable for the Council at this stage?

I also look forward to the Council's feedback on our latest submission of additional information as soon as practically possible.

Should you have any queries, please let me know.

Kind regards,

Marcin Koszyczarek

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From: Marcin Koszyczarek

Sent: 06 June 2019 13:52

To: 'Brace, Carl'

Cc: Richard Huteson

Subject: RE: 190114 - Lidl's

Dear Carl,

Thank you for your email which is noted.

On that basis, please can you advise which Planning Committee our application will be determined at?

In response to your previous email about the S106, I have been advised by my colleague Richard Huteson and my client that this position was agreed at the meeting. Essentially, we would provide headline wording for the Council's review and agreement prior to pulling together a full S106 legal document. Should you require a more formal document, such as a draft agreement or HoTs, then this is something we can readily provide. Please let me know if you require more detail in that respect.

If you have any other queries, please let me know.

Kind regards,

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From: Brace, Carl [<mailto:Carl.Brace@herefordshire.gov.uk>]
Sent: 05 June 2019 13:41
To: Marcin Koszyczarek
Subject: RE: 190114 - Lidl's

Dear Marcin

Thank you for your two emails today and yesterdays email and attachments. These are being publish and appropriate reconsultation instructed.

Following our meeting dated 30 April 2019 I provided detailed commentary as requested on matters such as design, along with outstanding requirements to be submitted from yourselves, on 2 May 2019. We have only received the complete package of plans, details and documents effectively today. On the basis of my detailed design comments, I have awaited the updated DAS before considering the amended plans.

Mindful of the agreed extension of time of 30 June 2019 and now in receipt of the outstanding matters, which I understand will be of your opinion to be appropriate responses to the Council's concerns or matters outstanding, we will be proceeding to determination unless minor clarification or amendments are required to address any material consideration or technical matter,

I trust this clarifies how the LPA will handle the application from this point,

Herefordshire.gov.uk

Carl Brace BSc (Hons), MA, MRTPI
Economy and Place Directorate
Principal Planning Officer
Development Management
Plough Lane Offices Hereford HR4 0LE
Tel | 01432 261947

Council's Homepage www.herefordshire.gov.uk
Planning Homepage <https://www.herefordshire.gov.uk/planning/>
Search Planning Applications <https://www.herefordshire.gov.uk/planning-and-building-control/development-control/search-and-comment-on-planning-applications/>

From: Marcin Koszyczarek [<mailto:marcin.k@rapleys.com>]
Sent: 04 June 2019 17:53
To: Brace, Carl
Cc: Richard Huteson
Subject: RE: 190114 - Lidl's
Importance: High

Dear Carl,

Further to my email below, as promised please see below our updated position with regards to our planning application.

In the first instance, I was wondering whether or not the Council had a chance to review the revised elevations we submitted about 3 weeks ago? As of today, we still have not received feedback on this therefore an update from your side would be much appreciated. In addition, could you confirm if the Council would be amenable to accept our client's suggestion to fund the Council's retail consultant's fees and conclude on retail matters.

In terms of the outstanding technical matters please see our updates below.

Highways

Please see the attached email sent today by Lidl's highway consultant to Council's Highway Officers. I trust this is all acceptable.

S106

Having reviewed this with the development team our suggested wording is as follows:

- *Reserved matters to be submitted within 3 months of outline permission being granted;*
- *Development of employment space fronting Alton Road as shown indicatively on the approved layout plan in buildings 1-4 shall be constructed to shell specification within 12 months of securing reserved matters approval; and*
- *The rear two employment units within the retained employment land to be retained for employment uses.*

I trust the above is acceptable and I look forward to receiving your comment on this matter.

Air Quality

Please use a link below to download the Air Quality Assessment with headlines conclusions below:

- A review of baseline air quality / monitoring data within the development locale illustrates that existing air pollutant concentrations are very low (<75% of the Air Quality Objective) - therefore, no Air Quality Management Areas have been declared.
- During construction phase, subject to a number of fairly standard construction mitigation measures the potential impacts from construction dust are 'not significant'.
- Results of the operational screening assessment concluded that additional vehicle trips would result in a 'not significant' effect on air quality. There are no predicted exceedances of annual mean AQO for either nitrogen dioxide (NO₂) or particulate matter with an aerodynamic diameter of less than 10µm (PM₁₀).

CGI & Design and Access Statement (DAS)

Please use a link below to download the CGI and revised DAS. I trust these are all acceptable.

Link to the technical reports and documents referenced above is as follows:

<https://rapleys.sharefile.com/d-sbc68f11d5e54f469>

I hope the above additional information is in line with the Council's requirements and hopefully you find our responses acceptable. However, should you have any queries on the above, please let me know.

I would be grateful if you could provide an update from your end as soon as practically possible.

I look forward to hearing from you.

Kind regards,

Marcin Koszyczarek

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From: Marcin Koszyczarek

Sent: 16 May 2019 11:22

To: 'Brace, Carl'

Cc: Richard Huteson; Daniel Wheelwright

Subject: RE: 190114 - Lidl's

Importance: High

Good morning Carl,

Further to my email below, please see the updates below on various and on-going technical matters with regards to our Lidl Ross-on-Wye planning application.

Design

As promised, please find attached the revised elevations. The proposed materials now include red brick slips, vertical timber cladding and metal cladding panels. We trust this enhances our proposal from the design perspective, especially when taking into consideration our proposed landscaping scheme. We are also in the process of updating the Design and Access Statement together with CGI renderings to reflect the above. These will follow shortly. Hopefully this can now be deemed satisfactory to the Council.

Retail Impact

Please find attached our response to JWPlanning comments on retail matters. As previously discussed, we would like to confirm that our client is still willing to pay for the Council's consultant's fees if that would enable us to directly discuss the outstanding issues and assumptions with Council's retail consultant and finally conclude on retail impact matters. We trust this is a fair proposition and hopefully the Council can deem this position acceptable.

Highways

I can confirm that the RSA brief will be provided to the Highway Officer for comment/agreement early next week.

S106

I can confirm that the S106 wording is currently being reviewed by our client's solicitors and will also follow shortly.

Lastly, we are in the process of preparing an Air Quality Assessment. We hope to submit this for Council's feedback within the next two weeks.

I trust the above is helpful and clear, but should you have any queries, please let me know.

Kind regards,

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From: Marcin Koszyczarek

Sent: 13 May 2019 11:52

To: 'Brace, Carl'

Cc: Richard Huteson; Daniel Wheelwright

Subject: RE: 190114 - Lidl's

Good morning Carl,

Thank you for your email.

In terms of Design, Highways and S106 matters, we shall provide an update to you shortly.

With regards to the further retail response from JWPlanning, we note that it has no further comments on the sequential assessment, other than to mention that the County and Town Council's have land interests in the sites and will be better placed to comment. Given the extensive information that has already been submitted on this matter, we therefore would appreciate if you could clarify the Council's position (as Local Planning Authority) on whether you are satisfied that the application proposal has satisfied the sequential test.

In terms of the impact assessment and having reviewed the comments received, we feel it is prudent that we provide clarification and additional information on the points raised. This will be provided to you this week.

Hopefully the Council can deem this acceptable.

If you have any other queries, please let me know.

Kind regards,

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From: Brace, Carl [<mailto:Carl.Brace@herefordshire.gov.uk>]

Sent: 10 May 2019 13:35

To: Marcin Koszyczarek

Subject: RE: 190114 - Lidl's

Dear Marcin thank you for your email and agreement to an extension of time.

I attach the Council's Retail Consultant's comments on your rebuttal of his original comments. These are also online.

I respond to your comments by the bullets below in turn –

Design

Following the meeting and in light of your comments below, we have undertaken a comprehensive review of the scheme with a view to providing a high quality design, which would complement the locality and designated landscape area. Therefore we can confirm that we are currently exploring alternative elevation treatment that will relate to the vernacular of Ross-on-Wye including redbrick and stone panelling. The revised drawings will also include dark PV panels on the roof as discussed at the meeting and will be circulated to you shortly for feedback.

We trust this can be deemed acceptable.

- **Noted and await receipt**

Retail Impact

Whilst we appreciate that the Council's retail consultant's reluctance to hold further conference call, we would like to reserve the right to hold a further conference call discussion once we are in receipt, and following our review of the feedback on our rebuttal. Given that we are making positive steps towards resolving all technical matters, it is prudent that we are afforded opportunity to discuss the principle of development which is still a matter of dispute.

Hopefully, the Council both understand and appreciate this position.

- **Noted however not agreed. The Council's Retail Consultant has made his position clear and that position is that of the Council. I note as advised to your request before in my previous email –**

I have made detailed comments on both applications, and Rapleys has responded to these comments. There are two principal 'impact' issues in respect of which we are in dispute. I have explained why I believe their assessments of existing store turnovers are in my view too high. I have also explained why I believe their assessment of inflow / clawback (and consequent trade impact) is not in my opinion reasonable.

Rapleys are of course entitled to disagree on any matters; but because my position on these issues have already been explained in detail on two occasions in writing and on a previous conference call, I cannot see that any purpose would be served by a further conference call.

Having reviewed this and the previous withdrawn application and as stated to you, we are not going to deliberate on the matter and delay determination further. You have the Council's position and as the Retail Consultant states you are free to disagree. I do not invite any further discussion or submissions on the Retail Impact issue and it will be your right to challenge the position at appeal.

Highways

In this regards, please find attached an email from Lidl's transport consultant to Mark Lewis, Council's Team Leader Area Highways Engineer providing a number of action points. We can also confirm that the Stage 1 RSA will be provided and audit brief will be sent to the Highway Authority for approval prior to commission.

- **Noted. The highway comments have been forwarded to Mark Lewis, Transportation Manager. We await your Stage 1 RSA brief for agreement.**

Section 106

The S106 sums are noted.

With regards to the draft Head of Terms, we hope to have the appropriate wording across to you for your review by next week. We are just awaiting confirmation from the Wolf Family.

Hopefully, the Council both understand and appreciate this position.

- **Noted. We await receipt**

I trust this is helpful and clear,

Regards

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