

DELEGATED DECISION REPORT

APPLICATION NUMBER

181599

Co-operative Store and Petrol Filling Station, Holmer Road, Hereford, HR4 9RX

CASE OFFICER: Mrs Charlotte Atkins
DATE OF SITE VISIT:17.5.2018.....

Relevant Development Plan Policies: Herefordshire Local Plan – Core Strategy
Policies:
SS1, SS4, SS5, SS6, SS7, HD1, HD3, MT1, E2, E5, LD1, LD2, LD4, SD1, SD3, SD4, ID1

Hereford Area Plan – drafting stage

NPPF

NPPG

Relevant Site History: CW2005/4138/F - Demolition of existing structures and removal of existing LPG tanks to provide an upgraded Petrol Filling Station (PFS) consisting of a new sales building/forecourt shop (Class A1), ATM, storage compound, car parking, car wash (including a car wash plant room) and landscaping – WITHDRAWN 26.1.2006

110345/A - Proposed erection of 3 fascia signs external illuminated by overhead trough light and 5 non illuminated triangular panel signs – APPROVED 28.3.2011

184328/A - Proposed Signage consisting of 4 X External illuminated fascia with internally illuminated CO-OP logos, 1 Non illuminated set of "welcome to" acrylic text, 2 X Internal illuminated co-op logos, 16X Non Illuminated signs. 1 internally illuminated 5.5M totem. 5 X non illuminated aluminium banner frames UNDETERMINED

CONSULTATIONS

	Consulted	No Response	No objection	Qualified Comment	Object
City Council	√√		√√		

Transportation	√		√amended		√
Ecologist	√		√		
Environmental Health (noise/smell)	√√√			√√√	
Environmental Health (contamination)	√√			√√	
Land Drainage	√			√√	
Environment Agency	√√			√additional info	√
Natural England	√			√	
Welsh Water	√			√	
Highways England	√ multiple times, see commence below			√ multiple times, see commence below	
Site Notice	√			√ x2	
Local Member	√see below				

PLANNING OFFICER'S APPRAISAL:

Site description and proposal:

The 0.36ha site is located on the western side of the A49(T) opposite the southern section of the Holmer Road Retail Park. Immediately to the south lies residential development within the Widemarsh Common Conservation Area, to the west there are post war industrial units and beyond the service road to the north lies Holmer Primary School

The site comprises a petrol filling station with a shop, canopies, car wash and the typical signage. Levels are flat within the site and a low brick wall demarks the eastern boundary to the footway. The access into the site is to the southeast corner and the exit is via a service road that runs parallel and adjacent to the eastern boundary in a northerly direction and joins the road serving the industrial units where they exit onto the A49(T)

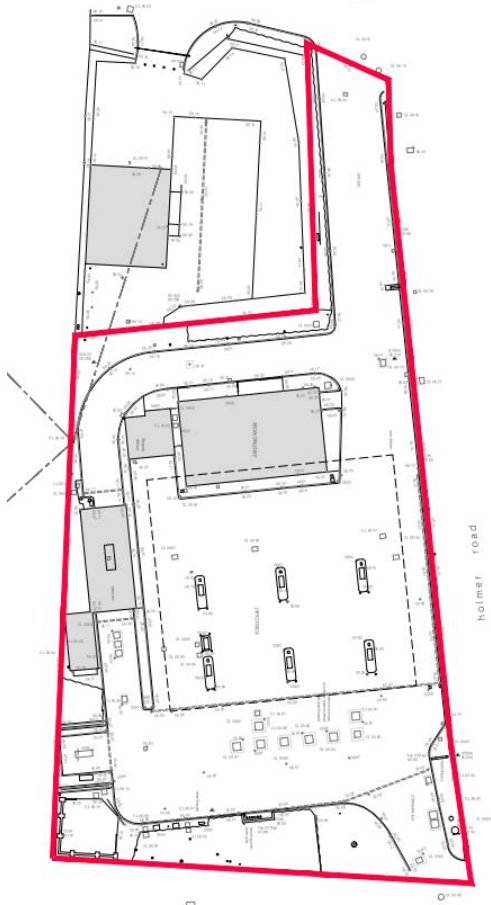


site viewed from the north



site viewed from the southeast

Planning permission is sought to demolish/remove the existing facilities: retail store, car wash, fuel pumps and tanks and canopy and provide a new retail store/kiosk, fuel tanks and pumps and canopy along with the re-configuration of the car parking layout and installation of associated plant (within an enclosure).



Existing Site Layout



Proposed (amended) Site Layout

The proposal includes a larger retail store (277m² sales area and 139m² back of house) with dedicated parking areas (total of 21 spaces – 3 staff, 18 customers) both in front of the store and to the southern site boundary. A 1.5m wide section of the eastern boundary wall would be removed to facilitate pedestrian access. Due to the revised alignment of the pumps the canopy would be a more linear form, reduced in area compared to the existing and some 5.2m in height to the underside. The building would have a flat roof with cladded elevations. The facility would remain operating 24 hours per day.

The application was accompanied by a host of supporting documents, which have also been supplemented during its assessment, and all of which are viewable on the website at:

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=181599&search=181599

Representations:

Environment Agency

Thank you for referring the above application which was received on the 17 May 2018.

We object to the proposed development, as submitted, and request additional information as detailed below.

Groundwater: The site is located upon the Raglan Mudstone Formation which is designated as a Secondary Aquifer (Class A). The site does not lie within a designated Source Protection Zone (SPZ). Previous investigations have suggested shallow groundwater depths.

Environment Agency Guidance “Groundwater Protection” (Previously known as ‘GP3’), was published in March 2017 and is available at: <https://www.gov.uk/government/collections/groundwater-protection>

This contains information about the Environment Agency’s approach on the storage of potential pollutants, as set out in Position Statements available at: <https://www.gov.uk/government/publications/groundwater-protection-positionstatements>

Position Statement D2 – Underground Storage (and associated pipework): Where underground storage already exists, as in this instance, we recommend that the applicant mitigates the risks by changing to above ground storage.

However, we will not object to the retention of underground storage on Principal and Secondary aquifers, outside SPZ 1, if there is evidence of overriding reasons why:

- (a) the activity cannot take place on unproductive strata, and
- (b) the storage must be underground (for example public safety), in which case we expect the risks to be appropriately mitigated, including above ground tanks.

In consideration of the above we would expect confirmation that there are no other reasonably available sites on unproductive strata. A feasibility study should be submitted to confirm that there is a need for the tanks to be below ground; and that above ground options are not possible. We acknowledge there is a balance to be struck between environmental harm and proximity to sensitive uses, public safety, hazard zones including consideration of comments by your Petroleum Officer.

Providing this is confirmed we would recommend that the tanks be set above the water table in line with Position Statement D3 and the following advice taken into account.

Position Statement D3 – Sub Water Table Storage: For all storage of pollutants underground (hazardous substances and non-hazardous pollutants), operators are expected to adopt appropriate engineering standards and have effective management systems in place. These should take into account the nature and volume of the materials stored and the sensitivity of groundwater, including the location with respect to SPZs.

For existing sites that store or transmit hazardous substances or non-hazardous pollutants below the water table, or where the water level subsequently rises, we advise operators to mitigate the risks, with an aim to change to above ground storage.

The Environment Agency will normally object to any redevelopment scheme involving retention of sub water table storage of hazardous substances unless it can be demonstrated that risks to groundwater can be adequately mitigated.

The Environment Agency expects proposals 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. The study needs to demonstrate the depth of the tanks in relation to the groundwater, including seasonal variation in groundwater levels, if the base of the tanks are sub water table we would expect tanks to be within a concrete vault offering tertiary containment with hydrocarbon resistant membranes.

We would therefore request a groundwater assessment be provided to confirm the depth to the water table in the current location. This may demonstrate that the tanks will be sited an appropriate distance above any possible groundwater levels. Alternatively, if there is likely to be sub water table storage of pollutants, it will be necessary for the application to demonstrate substantial mitigating factors to help minimise impact upon groundwater.

The Assessment should also include an assessment of the potential site design options in the context of the hydrogeological situation. As a minimum it should include the following:

1. Legislative and EA constraints on storing hazardous substances sub-water table – this should include the Water Framework Directive and Groundwater Daughter Directive (2006/118/EC), and the Agency's Groundwater Protection: Principles and Practice (2013).

2. Options appraisal – above ground and below ground site options For each proposed option, as a minimum this should include:

(i) Detailed designs of above ground and below ground tank systems with assessment on preferred option.

(ii) Health and safety issues associated with above ground and below ground option.

(iii) Compliance with appropriate engineering standards and environmental guidance, including

- The Blue Book, APEA & EI, 2011

- Prevent groundwater pollution from underground fuel storage tanks: <https://www.gov.uk/guidance/prevent-groundwater-pollution-from-underground-fuelstorage-tanks>

- "Groundwater protection code: petrol stations and other fuel dispensing facilities involving underground storage tanks" Defra, 2002

- PPG2: Above Ground Oil Storage Tanks, EA, 2011a

- PPG3: Design and Operation of Oil Separators, EA, 2006

- PPG7: Safe Operation of Refueling Facilities, EA, 2011b • PPG21: Incident Response Planning, EA, 2009

(iv) Hydrogeological impact assessment – particular reference should be made to near surface piezometric surface of the aquifer, the site's location to watercourses, and any abstractors in the locality.

(v) Details of how the issue of tank buoyancy under sub-water table conditions will be dealt with during installation and operation (when fuel volumes are low)

- (vi) Potential for accidental discharge and corresponding pollution prevention control measures for tanks, pipework, fuel dispensers, tank access chambers, oil/water separators and drainage, fuel delivery, site operation and maintenance
- (vii) Sustainability – in terms of the potential impacts on the groundwater resource and the possible loss and cost of replacement of public water supply sources which could be affected by a release event.
- (viii) Details of Effective Management Systems including maintenance, inspections, wetstock reconciliation & monitoring
- (ix) Planning considerations including details of any discussion and preliminary decisions.
- (x) Petroleum Licensing Authority considerations including details of discussions and preliminary decisions.

3. Final Report detailing all of the above with conclusions and recommendation on the above ground and below ground tank system option.

Conclusion: We object to the planning application, as submitted, because the applicant has not supplied adequate, current, information to demonstrate that the risks posed to groundwater can be satisfactorily managed and mitigated.

Should the proposed tanks be below the groundwater table, we would expect to see substantial mitigating factors in place to protect groundwater and minimise any impact if the preferred option of underground storage tanks after the risk assessment and feasibility study are demonstrated to present a low risk to the groundwater environment.

Environment Agency – amended comments (2.8.2018)

I refer to further detail received in support of the above application and, specifically, to address our current concerns. We are in a position to remove our objection and would offer the following comments for your consideration at this time.

Groundwater: The site is located upon the Raglan Mudstone Formation which is designated as a Secondary Aquifer (Class A). The site does not lie within a designated Source Protection Zone (SPZ). Previous investigations have suggested shallow groundwater depths.

We have reviewed the following reports:

- ☐ Groundwater Verification Monitoring Report, dated March 2018, Report No: CP18156 CL 001
- ☐ Appraisal of Proposed replacement Petroleum Installation, dated June 2018, Report No: CP18156 RE 001

Environment Agency Guidance “Groundwater Protection” (Previously known as ‘GP3’), was published in March 2017 and is available at:

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Position Statement D2 – Underground Storage (and associated pipework):

Where underground storage already exists, as in this instance, we recommend that the applicant mitigates the risks by changing to above ground storage.

However, we will not object to the retention of underground storage on Principal and Secondary aquifers, outside SPZ 1, if there is evidence of overriding reasons why:

- (a) the activity cannot take place on unproductive strata, and
- (b) the storage must be underground (for example public safety), in which case we expect the risks to be appropriately mitigated, including above ground tanks.

We acknowledge there is a balance to be struck between environmental harm and proximity to sensitive uses, public safety, hazard zones including consideration of comments by your Petroleum Officer.

Providing this is confirmed we would recommend that the tanks be set above the water table to avoid the potential for a high risk of groundwater pollution, in line with Position Statement D3, and the following advice taken into account.

Position Statement D3 – Sub Water Table Storage: We will normally object to storage of hazardous substances below the water table in principal or secondary aquifers. However, in this instance, where such storage already exists we advise operators to mitigate the risks, with an aim to change to above ground storage. We will object to any redevelopment scheme involving retention of sub water table storage of hazardous substances unless there are substantial mitigating factors, which offer betterment.

We understand that mitigation and technical specification for the tank installation is to be in the form of 2 x 70 000 litre double skinned containment tanks to BS EN 12285- 1:2003 with concrete surround with the provision for class 1 interstitial monitoring and monitored wells. Tanks will be built within a cofferdam solution with interlocking sheets to reduce groundwater ingress and to allow for dewatering where necessary to enable below ground construction. Tanks to be strapped down to a base slab before being surrounded in tertiary containment (concrete) to counter any buoyancy effects.

We also understand the tanks will also be constructed with leak detection technology to monitor for and alarm upon leaks within the primary and secondary containment of the tanks. The additional installation of 2 No. monitoring wells in the tank farm is also detailed and another measure to detect any losses.

During the operation of the site, it is understood that wet stock reconciliation will be used in the form of a Veeder-Root's TLS-350R monitoring system which will manage product stock levels and also is another way to understand any losses should they occur.

After consideration of the detailed site specific risk assessment provided, we agree in principle that it is acceptable to develop a petrol retail filling station with underground storage tanks at this location as long as the abovementioned mitigation proposals are in place to protect the groundwater environment. The submitted report has demonstrated that this objective can be met with the right combination of mitigation measures and control options so that the underlying aquifer is protected from this development.

We agree with the conclusions that the 'use of underground storage tanks will require management, construction mitigation and control measures to ensure that should containment fail, it does not occur and impact upon the secondary aquifer beneath the site. Should proposed mitigation measures be subject to changes we would want to be consulted on any revisions.

Pollution control: All areas within the curtilage of a filling station should be positively drained on an impervious surface. Any joint in the surface must be adequately sealed and those sealants must be resistant to attack from petrol and oil products.

Surface water drainage from all areas, except uncontaminated roof water, must discharge through a full retention oil / petrol separator. It must be designed to receive flows from storms of 50mm / hour intensity from the connected area, with minimum 6 minute retention. The capacity of the separator should be adequate to contain at least the maximum contents of a compartment of a road tanker likely to deliver petrol at the filling station. Gullies draining to the separator should be of the trapped type to prevent the spread of fire. Oil separators require regular maintenance in order to ensure they remain effective.

Routine inspections should be undertaken at least every six months and a log maintained of inspection date, depth of oil and any cleaning that is undertaken. Access to the separator should be kept clear and not used for storage.

A separator will not work properly for dissolved (soluble) oils or if detergents or degreasers are present. Such discharges should be drained to the foul sewer.

Other effluents - Vehicle wash waters should not be discharged to surface water drains, watercourses or soakaways, but may be discharged to the foul sewer, subject to the consent of the local sewerage undertaker.

In the absence of a suitable foul sewer, such effluents should be contained in a sealed storage vessel and either recirculated or disposed of off-site. A dedicated area, graded to ensure wash waters are directed to the effluent collection point, should be provided.

Forecourts that drain to either foul or combined sewers which discharge to a treatment plant, degreasing or steam cleaning of the forecourt shall not take place unless:

- i) Any liquid is soaked up using absorbent material which is suitably disposed of off-site at an appropriate waste facility. Sealing of gullies will be necessary during these operations to prevent liquid or absorbent entering the drainage system, or
- ii) A closure valve is fitted at the oil separator outlet, which is closed during the cleaning operation and all accumulated washings removed for suitable disposal off-site. An alarm should be installed to indicate that the closure valve is in the 'shut' position.

Fuel Storage - All above ground fuel storage tanks should comply with current guidelines. Domestic oil storage over 3,500 litres and oil storage containers larger than 200 litres used for business purposes must be bunded under the Control of Pollution (Oil Storage)(England) Regulations 2001.

Where pollutants are stored underground we would expect operators to adopt appropriate engineering standards. For petrol stations, systems should meet the specifications within the 'Blue Book' (APEA, 2011) as a minimum requirement with monitoring systems.

Informative - Pollution / enforcement note: Operators of petrol filling stations should take appropriate measures to manage their sites to ensure they do not cause an unacceptable risk to groundwater quality. The Environment Agency has powers to take action where groundwater pollution occurs, or is likely to occur.

If pollution was to occur, Section 161, Water Resources Act 1991 empowers us to recover all costs reasonably incurred in:

- carrying out works, operations or investigations to prevent pollution of surface waters or groundwater;
- undertaking remedial action following a pollution of surface waters or groundwater.

Should we be required to undertake such work we would be able to recover these from the company or person responsible.

Where we consider that other forms of control or voluntary action do not give sufficient protection to groundwater, we will serve EPR groundwater activity notices to avoid or restrict inputs of pollutants to groundwater including from, for example, underground storage and distribution facilities

Previous contaminated land – from tank removal area, or elsewhere:

We would make no bespoke comment on contaminated land matters associated with this planning application. However you are advised to seek the comments of your Public Protection team and refer to the following advice:

All redundant tanks and pipe work associated with the existing PFS should be appropriately decommissioned and removed from the site. Following their removal the bases and sides of the tanks should be validated to demonstrate that no leakage has occurred, this should be undertaken as part of a comprehensive SI of potential sources of contamination. Our guidance on installation, decommissioning and removal of underground tanks is available on the link below.

Any contamination encountered should be suitably removed and the groundwater sampled to assess the extent of contamination beneath the site. We would advise that you refer to the 'preliminary risk assessment' as part of the planning application to give certainty on the above approach.

A preliminary risk assessment (desk study) would assist in determining the need for and scope of further investigation, the problems that may require remediation and whether remediation can be secured by means of planning conditions. It may provide sufficient evidence that the planning decision can be made based on an appropriate conceptual model and the LPA being satisfied that there is a viable remedial solution. However, further investigations and risk assessment may be needed unless this initial assessment clearly and reliably demonstrates that the risk from contamination is acceptable. Where the preliminary risk assessment (desk study) does not provide sufficient information to assess the risks and

appraise remedial options, you might seek further investigations before the application is determined.

Note - You should seek evidence to demonstrate that such investigations have been carried out to an acceptable professional standard. Advice on the assessment and development of land affected by contamination is contained in guidance published by the British Urban Regeneration Association (BURA), the National House Building Council (NHBC) and the Environment Agency. The BURA Guide includes checklists for the desk study, site investigation and remediation.

We would expect a developer to carry out sufficient investigation to allow clear decisions to be made and to give you certainty on the application including funding to be finalised. In the absence of an appropriate investigation and options for remediation the potential costs for remediation etc are unknown.

You may wish to impose the following condition to secure future investigation and/or remediation in consultation with your Public Protection team. This is advisory for your consideration and we would not wish to be party to any future discharge of condition application.

Condition: Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1) A preliminary risk assessment which has identified:

all previous uses
potential contaminants associated with those uses
a conceptual model of the site indicating sources, pathways and receptors
potentially unacceptable risks arising from contamination at the site.

2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To protect ground and surface waters ('controlled waters' as defined under the Water Resources Act 1991).

Pollution Prevention guidance: We note that the planning application refers to our pollution prevention guidance. All pollution prevention guidance (PPGs) that was previously maintained by the Environment Agency has been withdrawn from use and can now be found on The National Archives

(<https://www.gov.uk/government/collections/pollution-prevention-guidance-ppg>) but may still be of assistance to inform the above. Pollution prevention guidance contained a mix of regulatory requirements and good practice advice. The Environment Agency does not provide 'good practice' guidance. Current guidance explains how to: report an environmental incident, get permission to discharge to surface or groundwater, manage business and commercial waste, store oil and any oil storage regulations, discharge sewage with no mains drainage, work on or near water and manage water on land.

Flood Risk: The site lies within Flood Zone 3 (high risk) of an Ordinary Watercourse.

We would have no bespoke comment to offer with regards flood risk and would refer you to our Standing Advice and the comments of your Drainage Team as the Lead Local Flood Authority.

Highways England (29.5.2018)

Following our review of the application we have identified a number of concerns relating to engineering, traffic and matters of site layout which conceivably may disrupt the safe and efficient operation of the SRN.

Access

Of concern in relation to the current access arrangements are the increase in traffic, particularly in relation to conflicting (right turning) movements associated with traffic turning off the A49 mainline without dedicated provision of turning facilities.

The application and accompanying Transport Statement has not assessed the implications of the increased levels of traffic on the safety of the A49 accesses and whether the present arrangements remain suitable in engineering terms. It is a requirement of the Design Manual for Roads and Bridges (TD 42/95) as set out in paragraph 2.16 that consideration be given to the potential to the upgrading of infrastructure be made when form of junctions present at the access exceed a daily traffic flow greater than 500 vehicles per day. The application site already exceeds this threshold and will be intensified in use therefore the need for such an improvement should be fully considered.

Layout

The site's proposed layout is also been considered a factor in any future risks of conflicting movements of traffic that may give rise to a higher risk of accidents. Further information is require to consider whether the amended layout would give rise to an increased risk of queuing traffic blocking back out of the site onto the A49 mainline. Furthermore the lack of a detailed non-vehicular access strategy has also been identified as a concern with regards safe means of access to the food convenience for non-motorised users.

Removal/Replacement of Tanks

There is a lack of information regarding the exact location of existing underground fuel tanks and therefore the applicant should provide detailed plans showing the location and depth of these tanks relative to the A49. It is necessary for the applicant to set out the extent of excavation works, provide excavation method statements and risk assessments and evidence that consideration has been given to ground stability relative to the A49.

Drainage

The current drainage strategy intends to provide a connection to a Highways England maintained asset which forms part of the A49 drainage system. The DfT Circular 02/2013 (Paragraph 50) and DMRB HD 49/16 (Paragraph 2.4) prohibit new connections being made to highway drainage assets. The applicant should therefore revise the drainage strategy to make clear that no new connection will be required.

External Lighting

No details have been provided regarding external lighting at the development site. It is expected that external lighting will be included in the redevelopment and as such the design, installation and maintenance of lighting will need to be approved to avoid light spill affecting the A49 and providing a distraction to road users.

On this basis of the above, Highways England recommends a period of non-determination of three-months from the date of this response to allow the applicant time to provide further details and address these matters.

Highways England (10.8.2018)

Highways England had previously issued a formal holding response in relation to this application on 24 May 2018, with concerns raised regarding matters of access, layout, and removal/replacement of tanks and drainage. This response considers updates in relation to these matters and, in light of the short amount of time remaining on our previous recommendation of non-determination, replaces the previous response with a renewed recommendation.

We have provided comment regarding the applicant's latest response below:

Access

With regard to the form of access layout, the applicant's response with regards to the consideration of traffic generation and the potential safety implications has not suitably considered the design requirements for the increased traffic arising from the development.

We note that the applicant has identified DMRB TD 42/95 Table 2/1 in relation to the choice of a major/minor priority junction for an S2 Urban carriageway but their assessment does not acknowledge that a ghost island junction is also an appropriate solution on this type of carriageway. The applicant has not acknowledged explicitly that the DMRB is the appropriate design standard for all All-Purpose Trunk Roads.

We note that with reference to TD 42/95 that Figure 2/2 and Paragraph 2.16 are mandatory requirements. In the context of the anticipated development traffic flows these state that the upgrading an existing simple priority junction should always be considered. Where the appropriate junction layout cannot be provided, further consideration is required regarding the need for a Departure from Standard.

Further discussion between ourselves and the applicant will therefore be required to agree the necessary assessment of the site access.

Internal Layout

In our previous response we identified that the internal layout of the development and the potential for conflicting traffic flows to cause blockages that would result in queuing traffic affecting the A49. While we acknowledge the applicant have sought to address this issue within the narrative of the updated Transport Statement, we consider there to still be conflict occurring within the development layout between vehicles accessing the fuel pumps/circulating and vehicles parking in the customer/staff bays to access the retail unit.

The layout also does not adequately address the issue of a pedestrian route to the retail unit from the parking bays nearest the site access. Although there appears to be a block-paved route around the northern perimeter of the site, pedestrians are likely to wander between vehicles at the fuel pumps as this is the most direct route. The inclusion of the give way at the site access is welcomed in principle, but may require additional signing to increase the conspicuousness of the junction priority.

Non-Motorised Users (NMU) Access Strategy

Notwithstanding the above comments regarding pedestrian access in the Internal Layout section, the inclusion of facilities from the boundary with the A49 footway leading NMUs through the site to the retail unit are welcomed. However, we would comment that no consideration appears to have been given to any impact this may have on NMU desire lines affecting the A49.

There also appears to be a level difference between the A49 footway and development forecourt, therefore we recommend that the applicant confirm that they have considered NMUs of all mobility.

Removal/Replacement of Tanks and Drainage

The submission of additional information in the form of the existing underground fuel tank plan, illustrative depth cross section and removal/installation risk assessments and method statements (RAMS) are welcomed and adequately address our concerns regarding the potential proximity of the tank and construction impact on interests affecting the SRN.

It should however be noted that the underground tanks will of interest to the Environment Agency (EA) due to potential ground water contamination. This issue will be for the EA to consider rather than Highways England,

Drainage

The updated TS refers to matters regarding the drainage strategy, which is still to be updated. Our comments on these matters therefore remain.

External Lighting

The external lighting plan and specification submitted shows there will be minimal light spill from the development affecting the SRN. As such we would suggest that, in the event planning consent is granted, an appropriately worded planning condition is attached requiring the installation and maintenance thereafter (in perpetuity) of external lighting to accord with the approved external lighting layout plan (drawing no. DM90) and specification (doc. ref DM90).

On this basis of the above, Highways England recommends a period of non-determination of three-months from the date of this response to allow the applicant time to provide further details and address these matters

Highways England (9.11.2018)

Highways England had previously issued a formal holding response in relation to this application on 2 August 2018, with concerns raised regarding matters of access, layout, and removal/replacement of tanks, drainage and lighting.

We have provided comment regarding the applicant's latest response below:

The applicant has submitted two mitigation schemes which consider access arrangements that are DMRB compatible, with junction impact assessments undertaken in the Junctions 9 (PICADY) program to support these new designs.

Highways England has undertaken a preliminary review of the information provided, and upon further discussion with the applicant we consider the junction impact assessments to be robust and suitable for further assessment.

With regard to engineering matters, further discussion is being undertaken with the applicant to consider both matters outstanding from our previous response, as well as the compliance of the proposed mitigation schemes with the guidance of DMRB.

On the basis of the above, Highways England recommends a period of non-determination of three-months from the date of this response to allow time for further discussion with the applicant to address these matters.

Highways England (7.2.2019)

We have continued to engage with the applicant and further information was sent directly to Highways England on 6 February 2019 including an updated Safety Risk Assessment related to vehicular access options, a revised layout drawing and further evidence related to drainage. We are in the process of reviewing the additional information and will respond shortly. In the meantime our position on the outstanding matters is as follows.

Access

Based on our previous comments the applicant submitted two mitigation schemes which consider access arrangements that are Design Manual for Roads and Bridges (DMRB) compatible, with junction impact assessments undertaken in the Junctions 9 (PICADY) program to support the new designs.

Our overall view was that access Option B was the preferred choice as it should, theoretically, be capable of delivering efficient traffic flow while also achieving a DMRB compliant design and therefore present the safest solution. The existing layout is not DMRB compliant, but we are cognisant of the potential viability issues that may arise with the delivery of Option B. Should the applicant consider Option A to be the preferred choice then a Safety Risk Assessment of the existing non-compliant access layout should be undertaken in accordance with the requirements of DMRB GG104. This should consider safety risks arising in the Do-Nothing scenario as well as implications for the Option A selection.

Internal Layout

In our previous responses we identified that the internal layout of the development and the potential for conflicting traffic flows to cause blockages could result in queuing traffic affecting the A49. While we have acknowledged the applicant has sought to address this issue within the narrative of the updated Transport Statement, we considered there would still be conflict occurring within the development layout between vehicles accessing the fuel pumps/circulating and vehicles parking in the customer/staff bays to access the retail unit.

The layout also did not adequately address the issue of a pedestrian route to the retail unit from the parking bays nearest the site access. Although there appears to be a block-paved route around the northern perimeter of the site, pedestrians are likely to wander between vehicles at the fuel pumps as this is the most direct route. The inclusion of the give way at the site access is welcomed in principle, but may require additional signing to increase the conspicuousness of the junction priority.

Non-Motorised Users (NMU) Access Strategy

Notwithstanding the above comments regarding pedestrian access in the Internal Layout section, the inclusion of facilities from the boundary with the A49 footway leading NMUs through the site to the retail unit are welcomed. However, we commented that no consideration appeared to have been given to any impact this may have on NMU desire lines affecting the A49.

There also appeared to be a level difference between the A49 footway and development forecourt, therefore, we asked the applicant to confirm that they have considered NMUs with a range of mobility.

Drainage

The drainage strategy intended to provide a connection to a Highways England maintained asset which forms part of the A49 drainage system. DfT Circular 02/2013 (Paragraph 50) and DMRB HD 49/16 (Paragraph 2.4) prohibit new connections being made to highway drainage assets. The applicant was therefore asked to revise the drainage strategy to make clear that no new connection will be required.

On the basis of the above, Highways England recommends that permission not be granted for a further period of up to three months from the date of this response to allow time for further discussion with the applicant to address these matters.

Highways England (7.5.2019)

Highways England have previously issued formal holding responses in relation to this application, most recently in February 2019 regarding outstanding issues relating to Access, Internal Layout, NMU Access Strategy and Drainage. Following this, information was submitted that has resolved some of these concerns and in May 2019 Highways England met with Tom Bentley to discuss and clarify outstanding conclusion of the Safety Risk Assessment (SRA).

Never the less, it is still apparent that some concerns remain outstanding and these are summarised below.

Access

Further to our previous advice, a revised SRA dated February 2019 has been provided. However, a review of this report has highlighted the following concerns:

- Anomalies apparent in AADF values presented within report.
- Data does not include proportion of turning movements (main reason for conflicts).
- Annual Safety Risk of Death Calculation – the presented data does not provide a meaningful basis for considering the potential risk of collisions as a result of intensification of flows.
- ‘Table 5 – PFS Entry and Exit Road Annual Safety Risk of Death Calculation’ in the report incorrectly suggests the risk of a collision decreases with increasing turning flow, in reality the proportion of turning movements would increase the risk of a collision conflict occurring. Therefore the SRA should show that an intervention is required to address the access movements (especially the entry) to reduce risk level.
- ‘Table 6 – Risk Assessment’ in the report suggests that ‘Do Nothing’ scenario is preferable to ‘Option B’ (staggered crossroad layout with ghost island right turning facilities), however we consider this conclusion to be highly questionable.

On the basis of the above, Highways England recommends that permission not be granted for a further period of up to three months from the date of this response to allow time for further discussion with the applicant to address these matters.

Highways England (7.8.2019)

c) recommend that planning permission not be granted for a specified period (see Annex A – further assessment required);

Highways England have previously issued formal holding responses in relation to this application, most recently in May 2019. Nevertheless, it is still apparent that some concerns remain outstanding regarding Drawing no. 2163-F01 Rev B and Road Safety Audit (RSA) and Departure from Standard these are summarised below:

SRA

The latest version of the SRA, it has been developed to a satisfactory level. The document will need to be formally considered by the Overseeing Organisation’s Activity Manager.
Drawing no. 2163-F01 Rev B

The commentary for the latest drawing has been noted and the design philosophy is agreed in principle. However, the proposed introduction of the bollard at the existing uncontrolled crossing is likely to be struck on occasions, leading to a maintenance liability. Whilst the reason for its inclusion is understood, the inclusion of the bollard will be raised during the RSA.

RSA Audit Brief

1. Terms of Reference – this should be a short statement, requiring the Audit Team to follow the procedural requirements of DMRB GG119 together with the content of the RSA Audit Brief.
2. Design Speed – should be presented in kph (as per DMRB TD9/93).
3. Existing Traffic Flows – whilst it is acknowledged data is appended to the RSA Audit Brief, it would be helpful if the flows could be summarised under this heading.
4. Forecast Traffic Flows - whilst it is acknowledged data is appended to the RSA Audit Brief, it would be helpful if the flows could be summarised under this heading.

5. Pedestrian, cyclist and equestrian desire lines - whilst it is acknowledged data is appended to the RSA Audit Brief, it would be helpful if the desire lines could be summarised under this heading.
6. Description of Locality – is rather brief, suggest additional context is provided.
7. General Description – is rather brief, suggest additional context is provided.
8. Strategic Decisions – the statement implies a Departure from Standard for the form of junction (existing sub-standard) has been agreed, which is not the case.
9. Checklist – this is missing from the Audit Brief.

Departure from Standard

As referred to in the RSA Audit Brief, as the development materially increases flows through a sub-standard junction layout, a Departure from Standard is required to retain the layout. An Approval in Principle (AiP) will need to be sought from HE SES in due course. The SRA, proposed mitigation scheme and RSA will be relevant in support of the Departure.

On the basis of the above, Highways England recommends that permission not be granted for a further period of up to three months from the date of this response to allow time for further discussions with the applicant to address these matters.

Highways England (9.8.2019)

c) recommend that planning permission not be granted for a specified period (see Annex A – further assessment required);

(same text as for 7.8.2019 response)

Highways England (7.2.2020)

c) recommend that planning permission not be granted for a specified period (see Annex A - further assessment required):

Highways England have previously issued formal holding responses in relation to this application, most recently in November 2019. No new information regarding the proposal has been uploaded to the Local Planning Authority's website since March 2019. Our position on the proposal therefore remains as previous. The below summarises the outstanding issues:

Safety Risk Assessment

The Safety Risk Assessment (SRA) has been accepted, although it is noted that there are several issues with the manner in which the document has been compiled, which have been addressed in previous responses. The Overseeing Organisation Activity Manager is content with the Casualty Evaluation and Safety Objective. Therefore, the SRA has been useful in channelling the Design Organisation's consideration of the issues and associated risks towards a potentially achievable targeted solution.

Road Safety Audit Report Response

Highways England provided comments on the Road Safety Audit Report Response (RSARR) in September 2019 related to the problems 2.1 and 2.2 in the RSA. For this response Highways England are listed as the Overseeing Organisation (OO).

With regards to RSA Problem 2.1, we stated:

“At this time, drawing 2163-SP05 does not illustrate the proposed location of a bollard that will prevent overrunning of the tactile paving - as such the OO is not convinced the Problem and Recommendation have been addressed. We would agree that the details of the bollard can be dealt with at detailed design stage.”

With regards to RSA Problem 2.2, we stated:

“The OO agree the issue of signage and carriageway markings can be agreed during the detailed design stage; however please note that prohibition signs will require the making of a PTRO.”

Based on our review of the RSARR, we were not entirely satisfied with the Design Organisation's Response (DOR) to problem 2.1. From reviewing drawing 2163-SP05, the location of the bollard would not prevent an HGV overrunning the pedestrian crossing point.

Highways England would suggest that the source of the HGVs isn't relevant in addressing the safety issue and the same argument could be used for anyone using the A49 who is not a customer of the development.

The proposed highway scheme (and development) interacts with the highway and its users. Therefore, the question is whether, as a result of the scheme, pedestrians would be at risk of being struck by an HGV overrunning the crossing landing (note DMRB GG 119 para. 2.1 below):

“2.1 Where there are physical changes to the highway impacting on road user behaviour or resulting in a change to the outcome of a collision on the trunk road and motorway network, road safety audit (RSA) shall apply, regardless of the procurement method.”

The RSA has raised this outcome as a possibility; therefore appropriate mitigation is required, which is suggested to be in the form of an appropriately located bollard (as per the RSA Recommendation). The location is to be determined by swept path analysis.

Following the above, if this leads to the need for a bollard to be located in an area where it would impede pedestrians. Highways England would suggest such implications are investigated further. For instance, does the scheme need to be amended slightly to address both issues? Is there an alternative solution to a bollard?

However, if there are no viable solutions to the location of the bollard, then we would advise that you will need to consider which is the greatest risk to pedestrians - being struck by an HGV or colliding with the bollard? Is the resultant risk 'tolerable'?

Departure from Standard

As referred to in the RSA Audit Brief, as the development materially increases flows through a sub-standard junction layout, a Departure from Standard is required to retain the layout. An Approval in Principle (AiP) will need to be sought from HE SES in due course. The SRA, proposed mitigation scheme and RSA will be relevant in support of Departure.

Also, to obtain a provisional agreement to a Departure from Standard, I have previously been advised by colleagues in our SES division that all relevant documents supporting the Departures will need to be uploaded and submitted via the DAS 3.0 system. Access to this

system can be provided by emailing departures@highwaysengland.co.uk - access will be granted after the proposer has been cleared through the Nuns process, i.e. HE IT security.

On the basis of the above, Highways England recommends that permission not be granted for a further period of up to three months from the date of this response to allow time for further discussions with the applicant to address these matters.

Highways England (9.4.2020)

b) recommend that conditions should be attached to any planning permission that may be granted (see Annex A – Highways England recommended Planning Conditions);

Highways England have previously issued formal holding responses in relation to this application, most recently in February 2020. We have since received further information which has been reviewed and our responses are as follows:

As referred to in the RSA Audit Brief, as the development materially increases flows through a sub-standard junction layout, a Departure from Standard (DfS) is required to retain the layout. An Approval in Principle (AiP) will need to be sought from Highways England's Safety, Engineering & Standards (SES) team. We can confirm that the relevant documents in support of the Departures have been submitted via the Departures Approval System (DAS) 3.0 (departure case reference: 101195), and a provisional approval has been granted.

A Construction Environmental Management Plan (CEMP), including a Construction Traffic Management Plan (CTMP), is required for the demolition and redevelopment of the site. The scope of this is to be discussed and agreed with Highways England and the documents approved prior to the commencement of construction works. The CEMP and CTMP are to be implemented as approved.

Informative Note to Applicant

The highway mitigation works associated with this consent involve works within the public highway, which is land over which you have no control. Highways England therefore requires you to enter into a suitable legal Section 278 Agreement to cover the design check, construction and supervision of the works. Contact should be made with the Highways England Section 278 Business Manager Mary Otemu to discuss these matters at Mary.Otemu@highwaysengland.co.uk.

Based on the above, Highways England recommends that the following planning conditions are attached to any planning permission that may be granted:

Condition 1: Prior to the commencement of the development, the Departure from Standards (DAS Departure case reference: 101195) shall be formally submitted to and approved in writing by the Local Planning Authority in consultation with Highways England.

Condition 2: Prior to the first occupation of the development, full details of the proposed mitigation scheme to the Holmer Road junction as generally illustrated on the Proposed Mitigation Scheme drawing 2163-F01 Revision B (or as amended by Road Safety Audit or Detailed Design) shall be submitted to and approved in writing by the Local Planning Authority in consultation with Highways England, and implemented and completed in full.

Condition 3: Prior to the commencement of the development, a detailed Construction Environmental Management Plan (CEMP) incorporating a Construction Traffic Management Plan (CTMP), Construction Phasing and Routeing Plans, plus construction traffic arrival and departure times, shall be submitted to and approved in writing by the Local Planning Authority in consultation with Highways England. Thereafter all construction activity in respect of the development shall be undertaken in full accordance with such approved details unless otherwise approved in writing by the Local Planning Authority in consultation with Highways England.

Reason for Recommending Planning Conditions: To ensure that the A49 Trunk Road continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10(2) of the Highways Act 1980 by minimising disruption on the Trunk Road caused by the application site and in the interests of road safety.

Transportation (29.5.2018)

Objection

Proposal is unacceptable but can be made acceptable by way of the following amendments to the deposited application:-

The impact of the proposals on A49 trunk road falls under the jurisdiction of Highways England, therefore I will not comment in that respect.

I would firstly comment that the layout now proposed is totally different from that provided at pre-app stage, in terms of pump numbers and location and parking space provision and location. I would comment that the now proposed parking layout introduces far more conflict between pump users and kiosk users driving through the filling area to access and then reverse to leave the parking spaces fronting the kiosk.

With the now proposed layout, the delivery vehicle route through the forecourt is very tortuous and relies on one of the pump space and all approaches to the pumps being clear to allow lorry access, and then many of the parking spaces being free fronting the kiosk to allow access to the offloading point. Offloading results in the vehicle obstructing a number of the parking spaces fronting the kiosk, and I would comment that the offload location of the vehicle on the swept path Drawing 2163- SP02 in the Transport Statement is shown with back doors against a fence which is also not practical. The proposals for deliveries overall are likely to cause significant disruption to the operation of the forecourt and kiosk and are therefore not considered acceptable.

A better situation could be achieved by having the vehicle accessing along the unobstructed east side of the forecourt and then offloading while parked to the east of the kiosk in the wide exit road, which could be readily achieved irrespective of the forecourt queueing situation. This would need re-orientation of the internal layout to have the back of house on the east side of the building or a reduction of the kiosk size and access for deliveries created along the rear to the BOH location shown.

The opportunity should be taken to address the vehicle conflict and provide road markings either to give way to the industrial road at the exit point or vice versa depending upon inter-visibility rather than drivers exiting the forecourt assuming they have priority over that traffic.

It is also unclear why the offset fill point is located to obstruct pump operation, rather than located to the side in the clear access area alongside A49.

Some secure cycle parking should be included.

Transportation (8.10.2018)

The impact of the proposals on A49 trunk road falls under the jurisdiction of Highways England, therefore I will not comment in that respect. HE comments have been provided.

Site Location and Access

The site is the Co-op filling station on Holmer Rd. No new access is proposed as part of the scheme.

Applicant Response to Previous Transportation Comments

A transport response was previously provided by HC based on the applicants' now revised drawings. A technical note has been provided by the client which satisfactorily addresses the previous concerns addressed based on now superseded plans. These relate to the manoeuvring of users in the kiosk space, HGV access and service yard arrangements, pedestrian access and cycling provision. In response to this the amended plans show that changes have been made as such that the previous comments made have adequately been addressed.

The plans show cycle parking facilities, a pedestrian crossing and a revised access plan for HGVs to the relocated service yard, thus removing the conflict that was associated with the previous access and delivery plan set out in the now superseded plans.

Conclusion

The transportation department has no objections to this application.

Welsh Water

We have reviewed the information submitted as part of this application with particular focus on PROPOSED COMMERCIAL REDEVELOPMENT FLOOD RISK ASSESSMENT AND DRAINAGE STRATEGY which states that the indication is to remove the existing surface water connection to the public combined sewer and redirect towards the culvert in Holmer Road. We welcome the introduction of sustainable drainage techniques and therefore offer our support to the proposal.

We also note that an existing trade effluent consent is in place and that discussions have taken place to renew this under the new proposal, however a note is included below under Advisory Notes.

Finally the proposed site is crossed by and in close proximity to two separate public watermain, with the approximate position shown on the attached extract plan. More details are included in the advisory notes below.

Therefore, if you are minded to grant planning permission we request that the following Conditions and Advisory Notes are included within any subsequent consent

Conditions

No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

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

Advisory Notes

The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com

The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

If the development will give rise to a new discharge (or alter an existing discharge) of trade effluent, directly or indirectly to the public sewerage system, then a Discharge Consent under Section 118 of the Water Industry Act 1991 is required from Dwr Cymru / Welsh Water. Please note that the issuing of a Discharge Consent is independent of the planning process and a consent may be refused although planning permission is granted.

The proposed development is crossed by an abandoned distribution watermain and there is a 110mm trunk watermain running adjacent to the site, the approximate position being shown on the attached plan. Dwr Cymru Welsh Water as Statutory Undertaker has statutory powers to access our apparatus at all times. I enclose our Conditions for Development near Watermain(s). It may be possible for this watermain to be diverted under Section 185 of the Water Industry Act 1991, the cost of which will be recharged to the developer. The developer must consult Dwr Cymru Welsh Water before any development commences on site.

Our response is based on the information provided by your application. Should the proposal alter during the course of the application process we kindly request that we are re-consulted and reserve the right to make new representation.

If you have any queries please contact the undersigned on 0800 917 2652 or via email at developer.services@dwrcymru.com

Land Drainage

Our knowledge of the development proposals has been obtained from the following sources:

- Application for Planning Permission;

- Location Plan (Ref: 5972(P)100 Rev A);
- Existing Site Plan (Ref: 5972(P)502 Rev B);
- Proposed Site Plan (Ref: 5972(P)503 Rev D);
- Flood Risk Assessment and Drainage Strategy (Ref: 1432-C300);
- Groundwater Verification Monitoring Report (CP18156CL001).

Site Location

Figure 1: Environment Agency Flood Map for Planning (Rivers and Sea), June 2018



Overview of the Proposal

The Applicant proposes the demolition of the existing retail store and car wash facility to create an enlarged retail store. The petrol filling pumps and canopy are to remain as existing. The topography of the site is relatively flat.

Flood Risk

Fluvial Flood Risk

Review of the Environment Agency's Flood Map for Planning (Figure 1) indicates that the site is located within the high risk Flood Zone 3. It is believed that the source of Flood Risk is from the Ayles Brook which is culverted from the north, below the racecourse and out under Holmer Road, discharging into an open channel approx. 100m to the east of the site.

It is not possible to raise the floor level of the proposed retail outlet due to insufficient room to create DDA compliant access. It is later stated that the finished floor levels will be set 150mm above external levels. It is assumed that these statements are not contradictory.

We stated the following in our pre-application advice: *If the Applicant can confirm that the building will accept flood waters during a flood event, finished floor levels can remain as existing (it is assumed that existing levels will be retained for pedestrian access).*

In a flood event, the store will be evacuated and closed. We support the recommendation in the FRA that flood resilient measures are used e.g. high level electrical sockets. The use of flood resistant measures are also mentioned, however the use of such features e.g. flood guards on external doors, will prevent flood waters from entering the building. As the finished

floor level cannot be raised, the building must be allowed to accept flood waters to prevent the need for compensatory flood storage.

The Applicant should establish the 1 in 100 year + climate change allowance flood level using the flood map for planning and topographic levels at the site. The power sockets should be raised in accordance with the report: 'Improving the Flood Performance of New Buildings: Flood Resilient Construction, Communities and Local Government, May 2007'. We note the of timber floors. The following is taken from the afore mentioned report: Suspended timber floors, particularly when including timber engineered joists, are not generally recommended in flood prone areas because most wooden materials tend to deform significantly when in contact with water and therefore may require replacement.

Surface Water Drainage

The site currently discharges to the local combined sewer network. Welsh Water have stated a preference to remove this. There is a separate storm water sewer network in Holmer Road, however following the hierarchy, storm water drainage should be discharged to a watercourse if possible.

'Dirty' storm water from the forecourt contained area currently passes through a full retention interceptor and discharges to the combined sewer network. This regime will be maintained. Runoff outside the contained area will be passed through an interceptor with final outfall to the culverted watercourse.

The runoff will be restricted to 5l/s by using a flow control device with orifice diameter 75mm. An attenuation tank of 105m³ has been calculated to provide the necessary storage for the 1 in 100 year + 30% climate change event.

Further to discussions with the Applicant, we consider that given the small size of the development, the attenuation features will not be required. We understand that the flows to the foul sewer will be reduced and this will reduce episodes of foul flooding in the city.

Foul Water Drainage

It is understood that the site will be largely disconnected from the existing foul system. Further discussions with Welsh Water should be undertaken to establish the foul water disposal.

Comments

We request that the above comments are reviewed and the proposals are amended prior to the Council granting Planning Permission.

Land Drainage (additional comments 137.2018)

I have reviewed the FRA and confirm that we have no objection to these proposals.

Please include a condition for a Land Drainage Consent for connection to the culvert.

Submission of a Land Drainage Consent to facilitate the proposed connection onto the culverted watercourse

Natural England

SUMMARY OF NATURAL ENGLAND'S ADVICE

NO OBJECTION

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection.

Natural England's advice on other natural environment issues is set out below.

European sites – River Wye Special Area of Conservation

Based on the plans submitted, Natural England considers that the proposed development will not have likely significant effects on the River Wye Special Area of Conservation and has no objection to the proposed development.

We advise that surface water should be disposed of in line with Policy SD3 of the adopted Herefordshire Core Strategy and the CIRIA SuDS Manual (2015) C753

To meet the requirements of the Habitats Regulations, we advise you to record your decision that a likely significant effect can be ruled out. The following may provide a suitable justification for that decision:

☐ Application form stating that foul effluent will be disposed through sewer mains River Wye/Lugg Site of Special Scientific Interest

Based on the plans submitted, Natural England considers that the proposed development will not damage or destroy the interest features for which the site has been notified and has no objection.

Sites of Special Scientific Interest Impact Risk Zones

The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires local planning authorities to consult Natural England on "Development in or likely to affect a Site of Special Scientific Interest" (Schedule 4, w). Our SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI. The dataset and user guidance can be accessed from the data.gov.uk website

Further general advice on the consideration of protected species and other natural environment issues is provided at Annex A

Ecology

Based on supplied information and in line with comments from Natural England there are no identified 'Likely Significant Effects on the River Wye SSSI/SAC from this proposed development.

In addition – I note the supplied ecology report and that there are no indications of protected species being present (at the time of the survey) the suggested working method statement should be used by the applicant and their contractor to help ensure that they fulfil their own legal obligations in relation to wildlife protection afforded under UK wildlife legislation. This legislation is over and above the planning system and so this LPA has no reasonable cause in this instance to include a specific wildlife protection condition.

Given the operational uses and nature of the development it is not reasonable to require any specific biodiversity enhancements in this case as anything requested/possible is unlikely to be utilised due to immediate light and noise disturbance and so be of no meaningful benefit to local wildlife.

Environmental Health (contamination)

I refer to the above application and would make the following comments in relation to contaminated land issues only.

Given what's proposed and the use of the sit, I'd recommend the condition below be appended to any approval. This is notwithstanding the 'groundwater verification report' submitted in support of the application. I'd also recommend the EA be consulted.

1. No development shall take place until the following has been submitted to and approved in writing by the local planning authority:

a) a 'desk study' report including previous site and adjacent site uses, potential contaminants arising from those uses, possible sources, pathways, and receptors, a conceptual model and a risk assessment in accordance with current best practice

b) if the risk assessment in (a) confirms the possibility of a significant pollutant linkage(s), a site investigation should be undertaken to characterise fully the nature and extent and severity of contamination, incorporating a conceptual model of all the potential pollutant linkages and an assessment of risk to identified receptors

c) if the risk assessment in (b) identifies unacceptable risk(s) a detailed scheme specifying remedial works and measures necessary to avoid risk from contaminants/or gases when the site is developed shall be submitted in writing.

The Remediation Scheme shall include consideration of and proposals to deal with situations where, during works on site, contamination is encountered which has not previously been identified. Any further contamination encountered shall be fully assessed and an appropriate remediation scheme submitted to the local planning authority for written approval.

Reason: In the interests of human health.

2. The Remediation Scheme, as approved pursuant to condition no. (1) above, shall be fully implemented before the development is first occupied. On completion of the remediation scheme the developer shall provide a validation report to confirm that all works were completed in accordance with the agreed details, which must be submitted before the development is first occupied. Any variation to the scheme including the validation reporting shall be agreed in writing with the Local Planning Authority in advance of works being undertaken.

Reason: In the interests of human health.

3. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted, and obtained written approval from the local planning authority for, an amendment to the Method Statement detailing how this unsuspected contamination shall be dealt with.

Reason: In the interests of human health.
Technical notes about the condition

1. I would also mention that the assessment is required to be undertaken in accordance with good practice guidance and needs to be carried out by a suitably competent person as defined within the National Planning Policy Framework 2012.
2. And as a final technical point, we require all investigations of potentially contaminated sites to undertake asbestos sampling and analysis as a matter of routine and this should be included with any submission

Environmental Health (contamination) 8.1.2019

I refer to the above application and would make the following comments in relation to contaminated land and human health issues.

Further to our comments of 15th June and various correspondence since, we would revise our recommendation to that below, which echoes the applicant's most recent submission from their technical experts - "Petrol Holmer Road, Holmer Road, Hereford." Prepared by Subadra, Dated December 2018, ref:CP18156 CL 003.

The applicant should also be mindful of the comments made by the Environment Agency.

Recommended conditions

- 1."Prior to first occupation, a Verification Plan shall be prepared and submitted to and agreed in writing by the Local Authority. The plan shall identify measures necessary in removal of redundant infrastructure and confirmation that any residual contamination (such as below the removed tanks) does not present a risk to human health or the wider environment and that the proposed development site is safe and suitable for its intended use."
2. "Upon completion of the works required by the Verification Plan, a Verification Report shall be submitted and approved in writing by the Local Authority to demonstrate the objectives of the Verification Plan have been achieved as previously agreed."

Reason: In the interests of Human Health.

- 2."If during the course of the development unexpected contamination not previously identified is found to be present at the site then the work shall be stopped and no further development shall be carried out unless or until the developer has submitted a written method statement to be approved in writing by the local planning authority. The method statement shall include details about how the unexpected contamination shall be dealt with. Thereafter the development of the site will be carried out in accordance with the appropriate method statement."

Reason: In the interests of Human Health

Environmental Health (noise)

My comments are with regard to potential noise and nuisance issues that might arise from development.

I am in receipt of the Noise Impact Assessment supplied by the applicant in relation to the installation of new refrigeration and condensing plant and have no objections to this proposal.

I have no objections in general to this proposal. However I do recommend that if the proposal is approved, a condition that the applicant supply a Demolition and Construction Method Statement prior to the commencement of works.

The Demolition and Construction Management Statement shall contain the following:

- 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

Reason: In order to protect the amenity of occupiers of nearby properties so as to comply with Policies SS6 and SD1 of the Herefordshire Local Plan Core Strategy 2011-31

Environmental Health (noise) 25.7.2018

I have had sight of the amended plans and have no further comments to make.

Environmental Health (noise) 4.9.2018

I have been reconsulted with regard to this proposal after the applicant has supplied a Demolition and Construction Management plan.

From a noise and nuisance perspective this is considered satisfactory

Two mixed letters of representation have been received. In summary these raise the following points:

- Could better signage be included for vehicles exiting the site in the interests of highway safety?
 - Those existing the PFS are unaware that they service road is two way (serving a number of businesses) and don't look left when leaving the service road
 - Should have separate exit from the PFS onto the A49
 - Garage previously advised they would put clearer road markings on the service road, but this did not happen
- No objection to the updating of the PFS

The full content of these representations can be viewed on the website at:

City Council (8.6.2018 and 10.8.2018)

No objection

Ward Member: Cllr Andrews was updated by email of 27 April 2020. She confirmed on 1st May 2020 that she was content with a decision under the Scheme of Delegation to Officers.

Pre-application discussion:

180880/CE – replacement retail unit only, did not include replacement tanks, pumps and canopy - identified key issues and recommended pre-planning advice was sought from HE.

Constraints:

Flood Zones 2 and 3, SSSI Impact zone

Adjacent to Widemarsh Conservation Area and contaminated land.

Appraisal:

Policy context and Principle of Development

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states as follows:

“If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”

In this instance the adopted development plan is the Herefordshire Local Plan – Core Strategy (CS). It is also noted that the site falls within Hereford Area Plan area (HAP), where the Plan is at drafting stage and cannot be afforded weight for the purposes of decision making. The National Planning Policy Framework (NPPF) is a significant material consideration.

The key issues are considered to be the expansion of the retail store, highway safety, flood risk, contamination, amenity of neighbours, impact on the adjacent Conservation Area and HRA.

The proposed new building, canopy and associated forecourt paraphernalia are typical of such sites. In this location and as part of a redevelopment of an existing PFS it is considered that the scale, siting and overall design are acceptable and comply with CS policies SD1 and LD1 and the NPPF. Materials have been specified as cladding and brickwork with aluminium windows. The details of these can be conditioned. Advertisements will be subject to control under the Advertisements Regulations and indeed an application for express consent was received as valid on 23.11.2018 (reference 184328/A).

Expansion of retail floor area

The proposal is essentially for a Co-operative Food store, which would operate as a forecourt shop with ancillary sales to fuel purchases and separate purchases as well. The submitted Planning Statement notes that a town centre use is proposed, but suggests that as it is not a new use on the site (it is an expansion of an existing use) that the sequential test does not apply. It also states that pre-application advice was corrected to conclude that the sequential test was not required. This is not entirely accurate, as can be confirmed on reading of the email exchange (at pre-application stage) found in Appendix 2 of the Planning Statement. What is indeed confirmed is that I advised that I did not suggest that a strict sequential test as such, needed to be applied, but rather justification for the extended size, and presumably increase in the range of goods on sale. In reaching this point of view I referenced the following policy and post text.

CS policy E5 sets out the approach for the appraisal of out of town centre proposals. It states, amongst other things, that:

Proposals for development outside the town centres will only be permitted if it can be demonstrated that the requirements of the sequential test, as set out in paragraph 24 of the NPPF, have been met and that the proposal would not have a significant adverse impact on the vitality and viability of the centres. An application will be refused if it fails the sequential test or an impact assessment.

The post text to CS policy E5, states at 5.2.26 that ‘*The sequential approach will also apply to large scale extensions to existing retail and town centre uses*’. No definition of ‘large scale’ is given.

The sequential test requires the above mentioned uses to be located within town centres. Where it is proven there are no available and suitable town centre sites, preference will be given to edge of centre sites before any out of centre site is considered. Where a sequential test adequately demonstrates that the only suitable and available site is an edge of centre or an out of centre location, preference will be given to sites that are well connected to the town centre and are easily accessible by sustainable transport modes.

NPPF para 24 sets out the sequential preference for a town centre first approach, with sites outside, either edge of centre or out of centre then being considered in that order. Para 27 advises that failure to satisfy the sequential test or where there is likely to be significant adverse impacts on one or more factors set out above, it should be refused.

The NPPG provides further guidance with regards the application of the sequential test and states (at 010 Reference ID: 2b-010-20140306):

The checklist below sets out the considerations that should be taken into account in determining whether a proposal complies with the sequential test:

- with due regard to the requirement to demonstrate flexibility, has the suitability of more central sites to accommodate the proposal been considered? Where the proposal would be located in an edge of centre or out of centre location, preference should be given to accessible sites that are well connected to the town centre. Any associated reasoning should be set out clearly.
- is there scope for flexibility in the format and/or scale of the proposal? It is not necessary to demonstrate that a potential town centre or edge of centre site can accommodate precisely the scale and form of development being proposed, but rather to consider what contribution more central sites are able to make individually to accommodate the proposal.
- if there are no suitable sequentially preferable locations, the sequential test is passed.

In applying the test it should be recognised that particular market and locational requirements mean they can only be accommodated in specific locations. In such instances the NPPG states that ‘robust justification’ must be provided.

In undertaking the sequential test the ability to separate the uses should be explored. For example, other than ancillary and basic retail sales to serve those using the PFS the retail element could be located in a town centre or edge of centre location.

The site lies approximately one mile to the north of Hereford city centre. In the surrounding area there are a vary in terms of Use Classes, with A1 use units within the Retail Park on the eastern side of the A49, and A1, C3, D1, D2 and Sui Generis uses located in the surrounding area.

The size of building and sales area proposed are similar to the floor area of the Co Op store on Holme Lacy Road, and double the size of 'Tesco Express' at the Texaco forecourt on Ledbury Road, both in Hereford.

The application advises that this is an expansion of an existing retail use that seeks to only to improve the offer to customers. The applicant has previously advised that the extended retail facility provides for convenience shopping to meet a specific requirement, specifically an improved offer to those driving into and out of the city (trips already on the network). The applicant considers that the two uses go hand in hand – the PFS would not be present without a retail kiosk and the proposal would not be put forward without the PFS. The Planning Statement concludes on this matter that a '*Sequential Test demonstrating that there are no suitable alternative sites within town centre or edge-of-centre locations is not required.*' The applicant has previously advised that other LPA's do not apply a sequential test for the expansion of existing retail elements of PFS, but do not provide the rationale of this.

The proposal includes the enlargement of the forecourt retail element of the existing use, by way of demolition and new build. The size of the proposal is lower than the threshold required for an impact assessment to be undertaken (at 418m², threshold is 700m²). Only limited justification is provided for the expansion to increase retail floor area, which would comprise 277m² of the total floor area.

Firstly, in applying these policy requirements their purpose should be reviewed. It is to maintain and enhance the vitality and viability of the city centre and promote the government's 'town centre first' policy as set out in the NPPF. In these specific circumstances the premises already partially comprise a retail element. Therefore, applying the sequential test proportionately, as advised in the NPPG, given the proposed improvements to the PFS itself it is clear that the retail element is not a standalone unit and would largely be used in conjunction with the PFS as part of a combined trip. Its size, would be such that an impact assessment on the town centre retail uses is not required. The enlarged and upgraded retail element would provide a local shop, which would save trips by car to the larger supermarkets elsewhere, for the local residents and this would be a positive. Overall, it is considered that applying the sequential test in a proportionate and reasonable manner cognisant of the existing use and complete proposal to upgrade the PFS and its associate services that a refusal on the basis of the principle could not be successfully defended at appeal.

Highways

The existing access and egress are to the A49(T), which falls within the Highways Agency's remit. The Council's highways engineer has commented on the internal layout and the HA the external implications.

The photograph below shows the existing arrangement for access into the site.



In policy terms MT1 of the CS and the NPPF required developments to provide safe and suitable access for all. At para 109 the NPPF advises that *Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*

Firstly, with regards the internal reconfiguration of the site, the amended layout has addressed the original Transportation objection. The revised scheme includes pedestrian access from Holmer Road directly to the front of the store, for those arriving on foot, a dedicated footway from the parking spaces to the south of the site to the store and cycle storage provision.

Secondly, the matter of providing safe access for vehicles off the A49(T) is a matter that has been the subject of protracted negotiations between the applicant's consultants and Highways England. Following the submission of a Safety Risk Assessment and Stage 1 Road Safety Audit, the positioning of a guard rail for pedestrians and signage has been agreed.

(see extract of 'Proposed Mitigation Scheme' drawing below)



The latest revisions and updated details have been agreed in principle by Highways England.

Flood risk

The EA note the location in Flood Zone 3 and refer to their standing advice and comments of the Lead Local Flood Authority. On receipt of further clarification the LLFA has no objections, subject to the recommended condition. This requires the submission of a Land Drainage

Consent to facilitate connection to the culverted watercourse. In my view this should be an informative rather than a condition as it is subject to other legislative control.

As a brown field site, with redevelopment proposed for both the retail element and the fuel storage and supply of the existing business it is considered that the proposed development complies with policy SD3 of the CS and guidance contained within the NPPF.

Contamination

CS policy SD1 states that where contamination is present appropriate remediation is required to ensure that a safe development would be achieved. The responsibility for securing safe development lies with the landowner/developer (NPPF para 179). CS policy SD3(9) states that development should not cause unacceptable risk to the availability or quality of water resources and the subsequent criterion (10) that proposals should not affect water quality through unacceptable pollution of surface or ground water.

Both the EHO and Environment Agency have raised the potential issue of contamination, with the latter noting the sensitivity of the site being located in a secondary aquifer (class A). The EHO's comments relate to human health, whilst the EA's are in relation to controlled waters.

The site is already used as a PFS with associated underground fuel tanks. The proposal includes replacement of these, amongst other development.

Following the submission of further supporting documents in respect of contamination, groundwater sampling etc., the EHO has no objection, subject to the imposition of conditions requiring a verification plan and report. On the basis of the submitted information the originally recommended pre-commencement element of the condition is not required.

The EA recommend that even where underground storage already exists that the risks are mitigated by changing them to above ground storage. Notwithstanding this they confirm that they do not object to the retention of underground storage if there is evidence of overriding reasons why they cannot be on unproductive strata and why they cannot be above ground (for example public safety). Provided that confirmation is received the EA acknowledge that there is a requirement to strike a balance between environmental harm and proximity to sensitive users, public safety etc. If the replacement tanks are to be underground then they should be above the water table and protected to avoid contamination. Where sub water table storage is proposed the EA advise that they would normally object, however as it already exists on this site mitigation is acceptable. This includes the specification of the tanks and their installation and leak detection technology. The EA confirms that *'After consideration of the detailed site specific risk assessment provided, we agree in principle that it is acceptable to develop a petrol retail filling station with underground storage tanks at this location as long as the abovementioned mitigation proposals are in place to protect the groundwater environment.'* As the site already has underground tanks, the limited site area would not facilitate above ground storage and in any event the implications of this for nearby residents and businesses, it is considered that the replacement of the tanks is acceptable.

The mitigation measures include amongst other things double skinned containment tanks, with concrete surrounds designed to decrease groundwater ingress, leak detection technology (including monitor and alarm upon leaks). These are stated to require

management, construction mitigation and control measures to ensure that should containment fail that there is no impact on the secondary aquifer. The EA also identify potential pollution sources from above ground wash off.

The EA confirms that the responsibility lies with operators of PFS to take appropriate measures to manage their sites to ensure they do not cause an unacceptable risk to groundwater quality and that the EA has powers to take action where groundwater pollution occurs, or is likely to occur.

The EA recommended an advisory condition only and stated that they would not wish to be consulted on an application to discharge this. This begged the question of whether it is necessary and relevant if they are not interested in the information submitted to discharge their advisory condition. Following further clarification from the EA (received 5.5.2020), it is considered that the matter is appropriately and proportionately controlled by the imposition of the third condition recommended by the EHO, as it is almost the same, although it should be noted that their reasons differ between public health and protection of controlled waters. I am therefore minded to impose the EHO condition and include the reason for both, noting that the EA has enforcement powers should pollution occur, they have confirmed that the mitigation is acceptable and the EHO will ensure the verification plan and report are acceptable. The EA's informative regarding mitigation is also noted and should be included on the decision notice.

Given the site's existing use, mitigation measures proposed and the recommended conditions the redevelopment of the site is considered acceptable.

Amenity of neighbours

CS policy SD1 requires development to safeguard residential amenity for existing and proposed residents. The NPPF goes a little further requiring safe and healthy living conditions (para 117) and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users (para 127f).

The enlarged retail building and revised canopy over the pumps would not materially alter the living conditions of nearby occupiers of residential units, nor compromise the existing business use operations. During the redevelopment there may be some impact from noise/dust. The EHO (noise) initially raised concerns in this respect, but these have been allayed by the submission of the Demolition and Construction Method Statement. Compliance with this is recommended to be secured by condition. This includes hours of working.

Heritage assets

The site lies adjacent to the northern boundary of the Widemarsh Common Conservation Area (CA), a designated heritage asset. In assessing the proposal I am aware of the statutory duty under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, to pay special attention to the desirability of preserving or enhancing the character or appearance of that area. This does not place a duty in respect of the setting of the CA. With regards policy requirements LD4 of the CS states development should '*Protect, conserve, and where possible enhance heritage assets and their settings in a manner appropriate to their significance through appropriate management, uses and sympathetic design...*' This,

therefore places a policy requirement to assess impact on the setting of the CA. Taking into account the existing impact of the PFS and its associated structures on the setting of the CA and the nature of the proposed redevelopment, which remains similar in height but improved in design terms I am satisfied that it would at least conserve, such that the policy's requirements are met, without harm being identified.

HRA

Based on the supplied information and in line with comments from Natural England the Ecologist has confirmed that there are no identified 'Likely Significant Effects on the River Wye SSSI/SAC from this proposed development. As such it accords with CS policy SD4 requirements.

Conclusion

Bringing all of the considerations together I am of the opinion that the proposed redevelopment would accord with the Development Plan and NPFF and accordingly recommend that planning permission is granted.

RECOMMENDATION:

PERMIT ☒

CONDITIONS & REASONS

(please note any variations to standard conditions)

1 C01

The details and drawings subject to which the planning permission is granted

2 C06

5972(P)100 Revision A – Site Location Plan

5972(P) 503 Rev F - Proposed Site Plan

5972(P) 203 Rev B - Proposed Building Elevations

5972(P) 103 Rev B – Proposed Building & Roof Plan

2163-SP06 – Swept Path Analysis

2163-F01 Rev D – Proposed Mitigation Scheme

Proposed lighting layout – Co-Op Holmer Road Service Station

E2818-CR3 – Proposed Refrigeration Plant Layout

GG104 Safety Risk Assessment (Croft Transport Planning & Design – signed 30th May 2019)

Stage 1 Road Safety Audit Response Report (Croft Transport Planning & Design – signed 9th December 2019)

Noise Impact Assessment - VA2127.180510.NIA (Williams Southern Ltd - 10 May 2018)

Lighting Specification (GW Lighting Consulting – dated 25.5.2018)

Demolition and Construction Method Statement (Williams Southern Ltd) received 15.8.2019

Pre-commencement conditions

3 Prior to the commencement of the development, the Departure from Standards (DAS Departure case reference: 101195) shall be formally submitted to and approved in writing by the Local Planning Authority in consultation with Highways England.

Reason: To ensure that the A49 Trunk Road continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10(2) of the Highways Act 1980 by minimising disruption on the Trunk Road caused by the application site and in the interests of road safety, so as to accord with Herefordshire Local Plan – Core Strategy policy MT1 and the requirements of the National Planning policy Framework.

- 4 Prior to the commencement of the development, a detailed Construction Environmental Management Plan (CEMP) incorporating a Construction Traffic Management Plan (CTMP), Construction Phasing and Routeing Plans, plus construction traffic arrival and departure times, shall be submitted to and approved in writing by the Local Planning Authority in consultation with Highways England. Thereafter all construction activity in respect of the development shall be undertaken in full accordance with such approved details unless otherwise approved in writing by the Local Planning Authority in consultation with Highways England.

Reason: To ensure that the A49 Trunk Road continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10(2) of the Highways Act 1980 by minimising disruption on the Trunk Road caused by the application site and in the interests of road safety, so as to accord with Herefordshire Local Plan – Core Strategy policy MT1 and the requirements of the National Planning policy Framework.

Pre-occupancy or other stage conditions

- 5 Prior to the first occupation/use of the development, full details of the proposed mitigation scheme to the Holmer Road junction as generally illustrated on the Proposed Mitigation Scheme drawing 2163-F01 Revision D (or as amended by Road Safety Audit or Detailed Design) shall be submitted to and approved in writing by the Local Planning Authority in consultation with Highways England, and implemented and completed in full.

Reason: To ensure that the A49 Trunk Road continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10(2) of the Highways Act 1980 by minimising disruption on the Trunk Road caused by the application site and in the interests of road safety, so as to accord with Herefordshire Local Plan – Core Strategy policy MT1 and the requirements of the National Planning policy Framework.

- 6 Prior to first occupation/use, a Verification Plan shall be prepared and submitted to and agreed in writing by the Local Authority. The plan shall identify measures necessary in removal of redundant infrastructure and confirmation that any residual contamination (such as below the removed tanks) does not present a risk to human health or the wider environment and that the proposed development site is safe and suitable for its intended use.

Reason: In the interests of human health and to prevent pollution of controlled waters and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 7 Upon completion of the works required by the Verification Plan, a Verification Report shall be submitted and approved in writing by the Local Authority to demonstrate the objectives of the Verification Plan have been achieved as previously agreed.

Reason: In the interests of human health and to prevent pollution of controlled waters and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 8 If during the course of the development unexpected contamination not previously identified is found to be present at the site then the work shall be stopped and no further development shall be carried out unless or until the developer has submitted a written method statement to be approved in writing by the local planning authority. The method statement shall include details about how the unexpected contamination shall be dealt with. Thereafter the development of the site will be carried out in accordance with the appropriate method statement.

Reason: In the interests of human health and to prevent pollution of controlled waters and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 9 C13 + and in respect of any boundary fencing

- 10 Prior to the first use of the development hereby permitted full details of a scheme for the provision of covered and secure cycle parking facilities within the application site (for customers and staff) shall be submitted to the Local Planning Authority for their written approval. The covered and secure cycle parking facilities shall be carried out in strict accordance with the approved details and available for use prior to the first use of the development hereby permitted. Thereafter these facilities shall be maintained;

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 Policies SD1 and MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework

- 11 The parking areas, customer walkways, internal road markings, raised pedestrian crossing and gap in the roadside wall (1.5m wide opening as per drawing 5973(P)503 Rev F) shall be provided prior to the first use of the development and shall thereafter be retained as such.

Reason: To ensure that adequate provision is made for pedestrian movement within the application site to conform with the requirements of Policies SD1 and MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

Conditions relating to post occupancy monitoring and management

- 12 No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment so as to comply with Policy SD4 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

Informatives

IP2

The applicant/developers attention is drawn to the requirement to apply for Land Drainage Consent to facilitate the proposed connection onto the culverted watercourse.

Highways England Informative Note:

The highway mitigation works associated with this consent involve works within the public highway, which is land over which you have no control. Highways England therefore requires you to enter into a suitable legal Section 278 Agreement to cover the design check, construction and supervision of the works. Contact should be made with the Highways England Section 278 Business Manager Mary Otemu to discuss these matters at Mary.Otemu@highwaysengland.co.uk

Welsh Water Advisory notes:

The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com

The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

If the development will give rise to a new discharge (or alter an existing discharge) of trade effluent, directly or indirectly to the public sewerage system, then a Discharge Consent under Section 118 of the Water Industry Act 1991 is required from Dwr Cymru / Welsh Water. Please note that the issuing of a Discharge Consent is independent of the planning process and a consent may be refused although planning permission is granted.


The proposed development is crossed by an abandoned distribution watermain and there is a 110mm trunk watermain running adjacent to the site, the approximate position being shown on the attached plan. Dwr Cymru Welsh Water as Statutory Undertaker has statutory powers to access our apparatus at all times. I enclose our Conditions for Development near Watermain(s). It may be possible for this watermain to be diverted under Section 185 of the

Water Industry Act 1991, the cost of which will be recharged to the developer. The developer must consult Dwr Cymru Welsh Water before any development commences on site.

Our response is based on the information provided by your application. Should the proposal alter during the course of the application process we kindly request that we are re-consulted and reserve the right to make new representation.

If you have any queries please contact the undersigned on 0800 917 2652 or via email at developer.services@dwrcymru.com

All mitigation in terms of design and construction should be completed in line with The Blue Book which was produced by the Association for Petroleum and Explosives Administration (APEA) and the Service Station Panel of the Energy Institute (EI).

Signed:  Dated:5.5.2020

TEAM LEADER'S COMMENTS:

DECISION:

PERMIT

☒

REFUSE

☐

Signed: 

Dated: 6th May 2020