

# PLANNING PERMISSION

**Applicant:**

Co-operative Group Food Ltd  
C/O Agent

**Agent:**

Mr Jonathan Rainey  
Pegasus Planning Group Ltd  
First Floor South Wing  
Equinox North Great Park Road  
Almondsbury  
Bristol  
BS32 4QL

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Date of Application: 1 May 2018

Application No: 181599

Grid Ref:350570:241281

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**Proposed development:**

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

**DESCRIPTION:** Proposed demolition of existing retail store/kiosk and car wash facility. Erection of replacement retail store/kiosk. Removal and replacement of existing petrol pumps and canopy, replacement of fuel tanks, re-configuration of car parking layout and installation of plant within an enclosure.

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THE COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL hereby gives notice in pursuance of the provisions of the above Acts that PLANNING PERMISSION has been GRANTED for the development described above in accordance with the application and plans submitted to the authority subject to the following conditions:

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

2 Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the approved plans:

- 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 .

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 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 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.

- 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 With the exception of any site clearance and groundwork, no further development shall take place until details or samples of materials to be used externally on walls and roofs and in respect of any boundary fencing have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the materials harmonise with the surroundings so as to ensure that the development complies with the requirements of Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 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.

- 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:

- 1 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations, including any representations that have been received. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
- 2 The applicant/developers attention is drawn to the requirement to apply for Land Drainage Consent to facilitate the proposed connection onto the culverted watercourse.
- 3 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](mailto:Mary.Otemu@highwaysengland.co.uk)
- 4 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](http://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](mailto:developer.services@dwrcymru.com)

- 5 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).

Planning Services  
PO Box 4  
Hereford  
HR4 0XH



**KELLY GIBBONS**  
**DEVELOPMENT MANAGER**

Date: 6<sup>th</sup> May 2020

YOUR ATTENTION IS DRAWN TO THE FOLLOWING NOTES

#### Notes

This permission refers only to that required under the Town and Country Planning Acts and does not include any consent or approval under any other enactment, byelaw, order or regulation. In particular consent may be required under the Building Regulations.

The applicant is advised that additional Council Tax payments may be sought in the event that the Valuation Office, who routinely monitor decision notices, consider any part of the development hereby permitted to be self-contained. This assessment is particularly likely to be the case in respect of flats, basement conversions, granny annexes, studio rooms and log cabins and/or where the additional accommodation contains its own kitchen, bathroom and bedroom. Further information can be found on the Council's website at <https://www.herefordshire.gov.uk/search?q=annexes>

#### Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990.
- If you want to appeal, then you must do so within 6 months of the date of this notice, or 12 weeks if the scheme is for that of "household" development using a form which you can get from The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN.
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

#### Right to Challenge the Decision of the High Court

Currently there are no third party rights of appeal through the planning system against a decision of a Local Planning Authority. Therefore, if you have concerns about a planning application and permission is granted, you cannot appeal that decision. Any challenge under current legislation would have to be made outside the planning system through a process called Judicial Review (JR).

The decision may be challenged by making an application for judicial review to the High Court. The time limits for bringing such challenges are very strict, and applications need to be made as soon as possible after the issue of the decision notice. So, if you think you may have grounds to challenge a decision by Judicial Review you are advised to seek professional advice as soon as possible.

These notes are provided for guidance only and apply to challenges under the legislation specified. If you require further advice on making an application for Judicial review, you should consult a solicitor or other advisor or contact the Crown Office at the Royal Courts of Justice, Queens Bench Division, Strand, London, WC2 2LL (0207 947 6000). For further information on judicial review please go to <http://www.justice.gov.uk>

The Council has taken into account environmental information when making this decision. The decision is final unless it is successfully challenged in the Courts. The Council cannot amend or interpret the decision. It may be redetermined by the Council only if the decision is quashed by the Courts. However, if it is redetermined, it does not necessarily follow that the original decision will be reversed.

### **Purchase Notices**

- If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.