

16 May 2022



Ms H. Carlisle
Herefordshire Council
Planning Services
PO Box 230
Hereford
HR1 2ZB

Sent via email: planning_enquiries@herefordshire.gov.uk

Dear Ms Carlisle,

Planning Application P221090/O

Hybrid application for demolition of existing hotel and associated structures and erection of Class E foodstore with associated access, parking, servicing, drainage and landscaping (full permission sought) and erection of drive-thru unit with associated internal access and circulation (outline permission sought).

We write on behalf of Asda Stores Limited to object to the above application submitted to Herefordshire Council. This objection is based on two main points, which are discussed in more detail below, and are summarised as follows:

1. Loss of Community Facilities
2. Retail Impact
3. Loss of Trees

Loss of Community Facilities

The proposed development will see the demolition of the Three Counties Hotel which is a trading business. The applicants Planning Statement references policies from the Herefordshire Local Plan Core Strategy at section 5.8 onwards. One policy it refers to is Policy SC1 which relates to social and community facilities. The Planning Statement dismisses this policy as not being relevant to the proposal as hotel does not fall within the list of facilities listed in the supporting text. It should be noted that the supporting texts states "social and community facilities can include:" (our emphasis). It does not therefore seek to provide an extensive list of facilities that can be covered by the policy.

The hotel's website www.threecountieshotel.co.uk confirms that the hotel has a restaurant, bar and offers weddings as well as providing traditional accommodation. The website confirms that the bar facilities are for "residents and non-residents alike". It is clear from this that the hotel offers facilities for use by the local community through the bar and restaurant as well as hosting weddings and conferences. This is also confirmed by some of the representations to the application which confirm local residents opposition to the loss of the local facility.

As such it is considered that the proposal should be assessed against policy SC1. The policy states:

“Policy SC1 – Social and community facilities

Development proposals which protect, retain or enhance existing social and community infrastructure or ensure that new facilities are available as locally as possible will be supported. Such proposals should be in or close to settlements, have considered the potential for co-location of facilities and where possible be safely accessible by foot, by cycle and public transport.

New development that creates a need for additional social and community facilities that cannot be met through existing social facilities -will be expected to meet the additional requirements through new, or extension of existing, provision or by developer contributions which meet the relevant tests of paragraph 204 of the NPPF .

Proposals involving the provision or expansion of social and community facilities will be expected to provide publicly accessible toilets (including facilities for disabled people and baby changing).

Existing facilities will be retained, unless it can be demonstrated that an appropriate alternative facility is available, or can be provided to meet the needs of the community affected; or it can be shown that the facility is no longer required, viable or is no longer fit for purpose; and where appropriate, it has been vacant and marketed for community use without success. Viable alternative facilities must be equivalent to those they replace, in terms of size, quality and accessibility.”

There is no information to indicate that the existing facilities are no longer required, viable or fit for purpose. The proposal is therefore contrary to this policy.

Retail Impact

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework 2021 (“NPPF”) is a material consideration in planning decisions. NPPF carries a presumption in favour of sustainable development albeit this does not change the statutory status of the development plan as the starting point for decision making. Chapter 7 of the NPPF seeks to ensure the vitality of Town Centres.

In terms of retail impact, the applicant suggests that Lidl’s trading philosophies differs from a traditional supermarket by selling from a limited core range (compared to other supermarkets) of mainly exclusive own labels. However, whilst this may have been the original philosophy of the ‘deep discounter’ it is evident that there has been a slow but steady change towards that of a traditional supermarket when considering store size, ranges on offer, proportion of comparison goods, and labelled goods. This would be reflective in the turnover being more akin to that of other foodstore operators. The applicant has overstated the difference between the proposed operator and the existing supermarkets in the area. The proposed will compete with the town centre stores and therefore the Council must set aside the ‘discounter’ case which the applicant relies so heavily on.

The Council need to be content that they are approving a certain level of food retail floorspace which could ultimately be occupied by any retailer. The Council also need to be aware of the new Class E of the Use Classes Order which ultimately means that whilst they are focusing on a retail development, the proposed development could be utilised for other services within Class E.

Loss of Trees

Policies LD1 'Landscape and Townscape' and LD3 'Green Infrastructure' require development proposals to enhance green infrastructure through the preservation and delivery of new green infrastructure. We note that the Senior Landscape Officer and the Tree Officer both object to the proposal on the grounds that it does not accord with these policies or the aims of the NPPF paragraphs 126 and 130 on high quality design. Asda support the position of these officers.

Given the concerns set out above, Asda consider that the application should be refused. We would be grateful if you could provide confirmation of receipt of this representation.

Yours sincerely



Katherine Sneed MRTPI
Director