

AGENDA

Planning Committee

Date: **Wednesday 23 March 2011**

Time: **10.00 am**

Place: **The Council Chamber, Brockington, 35 Hafod Road,
Hereford**

Notes: Please note the **time, date** and **venue** of the meeting.

For any further information please contact:

Ricky Clarke, Democratic Services Officer

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Email: rclarke@herefordshire.gov.uk

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Agenda for the Meeting of the Planning Committee

Membership

Chairman	Councillor TW Hunt
Vice-Chairman	Councillor RV Stockton
	Councillor ACR Chappell
	Councillor PGH Cutter
	Councillor H Davies
	Councillor GFM Dawe
	Councillor DW Greenow
	Councillor KS Guthrie
	Councillor JW Hope MBE
	Councillor B Hunt
	Councillor RC Hunt
	Councillor G Lucas
	Councillor RI Matthews
	Councillor JE Pemberton
	Councillor AP Taylor
	Councillor DC Taylor
	Councillor WJ Walling
	Councillor PJ Watts
	Councillor JD Woodward

GUIDANCE ON DECLARING PERSONAL AND PREJUDICIAL INTERESTS AT MEETINGS

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A personal interest is an interest that affects the Councillor more than most other people in the area. People in the area include those who live, work or have property in the area of the Council. Councillors will also have a personal interest if their partner, relative or a close friend, or an organisation that they or the member works for, is affected more than other people in the area. If they do have a personal interest, they must declare it but can stay and take part and vote in the meeting.

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AGENDA

		Pages
1.	APOLOGIES FOR ABSENCE To receive apologies for absence.	
2.	NAMED SUBSTITUTES (IF ANY) To receive details any details of Members nominated to attend the meeting in place of a Member of the Committee.	
3.	DECLARATIONS OF INTEREST To receive any declarations of interest by Members in respect of items on the Agenda.	
4.	MINUTES To approve and sign the Minutes of the meeting held on 23 February 2011.	1 - 10
5.	CHAIRMAN'S ANNOUNCEMENTS To receive any announcements from the Chairman.	
6.	APPEALS To be noted.	11 - 16
7.	DMS/103136/O - LIVESTOCK MARKET AND ADJACENT LAND, EDGAR STREET, HEREFORD, HR4 9HX Redevelopment of site including demolition works to provide mixed use scheme comprising retail, financial & professional services, food, drink & leisure (Use classes A1, A2, A3, A4 & D2), new public realm, landscaping, car parking, servicing & general highway works, including new access arrangements on Newmarket Street & Blackfriars Street.	17 - 72
8.	DATE OF NEXT MEETING Date of next provisional site inspection - 5 April 2011 Date of next meeting - 6 April 2011	

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- Inspect agenda and public reports at least five clear days before the date of the meeting.
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- Inspect background papers used in the preparation of public reports for a period of up to four years from the date of the meeting. (A list of the background papers to a report is given at the end of each report). A background paper is a document on which the officer has relied in writing the report and which otherwise is not available to the public.
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HEREFORDSHIRE COUNCIL

BROCKINGTON, 35 HAFOD ROAD, HEREFORD.

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HEREFORDSHIRE COUNCIL

MINUTES of the meeting of Planning Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday 23 February 2011 at 10.00 am

Present: Councillor TW Hunt (Chairman)
Councillor RV Stockton (Vice Chairman)

Councillors: ACR Chappell, PGH Cutter, H Davies, GFM Dawe, DW Greenow, JW Hope MBE, B Hunt, RC Hunt, G Lucas, RI Matthews, JE Pemberton, DC Taylor, WJ Walling and JD Woodward

116. APOLOGIES FOR ABSENCE

Apologies were received from Councillors KS Guthrie, AP Taylor and PJ Watts.

117. NAMED SUBSTITUTES (IF ANY)

In accordance with paragraph 4.1.23 of the Council's Constitution, Councillor KG Grumbley attended the meeting as a substitute member for Councillor KS Guthrie.

118. DECLARATIONS OF INTEREST

10. DMS/103173/F - Caradoc Court, Sellack, Ross-on-Wye, Herefordshire, HR9 6LS.
Councillor PGH Cutter, Personal, Sits on the AONB Board.

119. MINUTES

RESOLVED: That the Minutes of the meeting held on 2 February 2011 be approved as a correct record and signed by the Chairman.

120. CHAIRMAN'S ANNOUNCEMENTS

There were no announcements from the Chairman.

121. APPEALS

The Committee noted the report.

122. DMS/102266/F - HEREFORDSHIRE COLLEGE OF TECHNOLOGY, HOLME LACY CAMPUS, HOLME LACY, HEREFORDSHIRE, HR2 6LL

The Development Manager reported that English Heritage were carrying out a further assessment of Bower House in respect of its suitability for Listing. In these circumstances the Assistant Director Environment Planning and Waste considered it was appropriate to withdraw the application from the Agenda.

123. DMS/103017/F - BUSINESS PARK ON LAND AT NEW LIVESTOCK MARKET, ROMAN ROAD, HEREFORD

The Development Manager gave a presentation on the application and updates / additional representations received following the publication of the agenda were provided; the schedule of committee updates is appended to these minutes.

In accordance with the criteria for public speaking, Mr Hughes and Mr Jones spoke in support of the application.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillors RI Matthews and SPA Daniels, two of the local ward members, commented on a number of issues, including:

- concerns had been raised that the cattle market was not set as far back off Roman Road as had been initially indicated and that the new proposal constituted creeping development;
- any planning permission should be subject to a section 106 agreement to provide funds for a footpath and cycle path from the A4103/A480 roundabout towards Credenhill;
- concerns were expressed in respect of landscaping on the site. Local ward members should be consulted on landscaping proposals;
- hours of operation should be reduced from 8am to midday on Saturdays instead of 8am to 1:00pm;
- the application site should be referred to as the Cattle Market site and not as a Business Park;
- it needs to be ensured that the public rights of way across the land are protected; and
- the landscaping scheme for the area should be commenced immediately in order to address local concerns and take advantage of the growing season.

The Development Manager noted the comments from the local ward members and was in agreement that landscape planting should commence at the earliest opportunity. He noted the comments regarding delivery times but felt that it was imperative for the operation to have consistency between opening and delivery times. He did not consider that the criteria had been met for a Section 106 agreement to be required for a footpath/cycleway towards Credenhill in respect of this application. He advised Members that any funds requested would have to be as a direct necessity of the application and be reasonably related and that this was not the case. The Locum Lawyer advised that a unilateral agreement could be sought from the applicants to provide the funding required by the local ward member. Another alternative would be to make a request to them and he confirmed the view of the Development Manager that a Section 106 agreement could not lawfully be imposed.

Councillors Matthews and Daniels were given the opportunity to close the debate in accordance with the Council's Constitution. They reiterated their opening remarks and made additional comments about the need for development to be limited in the area and for the footpath/cycleway to be provided in accordance with assurances previously given by the Council

RESOLVED

That planning permission be granted subject to the following conditions:

- 1. A01 Time limit for commencement (full permission)**
- 2. B01 Development in accordance with the approved plans**

3. C01 Samples of external materials
4. F02 Restriction on hours of delivery
5. F03 Restriction on hours of opening
6. F06 Restriction on Use
7. G10 Landscaping scheme
8. G11 Landscaping scheme - implementation
9. G15 Landscape maintenance arrangements
10. H13 Access, turning area and parking
11. H16 Parking/unloading provision - submission of details
12. H29 Secure covered cycle parking provision
13. H20 Road completion in 2 years
14. I16 Restriction of hours during construction
15. I20 Scheme of surface water drainage
16. I26 Interception of surface water run off
17. I25 Bunding facilities for oils/fuels/chemicals
18. I33 External lighting
19. I41 Scheme of refuse storage (commercial)
20. E03 Site Observation – Archaeology

Informative:

1. N15 Reason(s) for the Grant of PP/LBC/CAC

124. DMS/103031/O - YEW TREE COTTAGE, BARTESTREE, HEREFORDSHIRE, HR1 4BX

The Principal Planning Officer presented a report about application for Outline permission for the erection of a detached on land forming part of the rear garden of Yew Tree Cottage. Updates / additional representations received following the publication of the agenda were provided; the schedule of committee updates is appended to these minutes.

In accordance with the criteria for public speaking, Mr, Wilson, representing Bartestree Parish Council, and Mrs Seabright, a neighbouring resident, spoke in objection to the application, and Mr Groom, the applicant's agent, spoke in support.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillor DW Greenow, the local ward member, commented on the application. He was concerned about:

- the dimensions of the proposed dwelling;
- the location in a rear garden;
- highway safety issues regarding the access; and
- its detrimental impact on the amenity of neighbouring residential properties through overlooking and potential noise disturbance.

The Committee shared the concerns of the local ward member and the officers about the location, size and impact of the proposed dwelling and noted the concerns which had been raised about the highway safety issues regarding the access. It was also noted that Planning Policy Guideline PPS3 no longer included provision for the development of garden land within its definition of the redevelopment of brownfield land.

Councillor Greenow was given the opportunity to close the debate in accordance with the Council's Constitution. He reiterated his opening remarks and made additional comments about the highway safety issues of increasing use of an existing access on a busy road adjoining a pedestrian crossing.

RESOLVED

That planning permission be refused for the following reasons:

- 1. The visibility offered by the proposed point of vehicular access is significantly substandard and cannot be improved without incorporating land in third party ownership. The intensified use of the access is considered to represent a threat to highway safety on this busy main road and the application is thus considered contrary to Policy DR3 of the Herefordshire Unitary Development Plan 2007.**
- 2. The erection of a dwelling in this location would result in an increase in vehicular and pedestrian movements and activity in close proximity to the rear private gardens of existing dwellings. The development would also result in the loss of privacy to existing private gardens, whereas the application site is subject to overlooking from existing dwellings. As a consequence the development would generate activity and disturbance in excess of what could reasonably be associated with a typical residential curtilage, result in an unacceptable loss of privacy and fail to provide acceptable levels of amenity for future occupants. The development would thus harm the amenity of adjoining residents in a manner contrary to Policies DR2 and H13 of the Herefordshire Unitary Development Plan 2007.**
- 3. The erection of a 2-storey detached dwelling in this location would constitute a cramped and incongruous form of development that would fail to promote or reinforce the distinctive character and appearance of the locality, particularly in relation to its layout. The proposal is thus contrary to Policies DR1 and H13 of the Herefordshire Unitary Development Plan and guidance set out in Planning Policy Statement 3: Housing.**

125. DMS/103173/F - CARADOC COURT, SELLACK, ROSS-ON-WYE, HEREFORDSHIRE, HR9 6LS

The Principal Planning Officer gave a presentation and provided updates on an application to vary Condition 9 of Planning Permission DMSE/093151/F to enable the

installation of domestic heating oil tanks at the property. The updates and additional representations received following the publication of the agenda are appended to these minutes.

In accordance with the criteria for public speaking, Mr Harvey, a neighbouring resident, spoke in objection to the application.

The Committee discussed the merits of the application. Some concerns were expressed about the visual aspects of the tanks in an area of outstanding natural beauty and the need for it to be ensured that suitable landscaping conditions were attached to any permission that was granted. There were also concerns expressed about piecemeal planning applications being submitted in respect of the site. The Locum Solicitor explained that alterations had to be dealt with in this way because permitted development rights had been removed when the original planning permission had been granted.

Having considered all the points that had been made about the application, The Committee decided that it should be granted.

RESOLVED

Subject to no objections raising material planning considerations being received by the expiry of the statutory consultation period and conditions being imposed in respect of landscaping, Officers be authorised to grant planning permission subject to the following conditions:

1. **B04 Amendment to existing permission**
2. **B01 Development in accordance with the approved plans**

Informative:

1. **N15 Reason(s) for the Grant of PP/LBC/CAC**

126. DATE OF NEXT MEETING

The Committee noted the date of the next meeting.

APPENDIX 1 - SCHEDULE OF COMMITTEE UPDATES (Pages 1 - 4)

The meeting ended at 11.30 am

CHAIRMAN

PLANNING COMMITTEE

Date: 23 February 2011

Schedule of Committee Updates/Additional Representations

Note: The following schedule represents a summary of the additional representations received following the publication of the agenda and received up to midday on the day before the Committee meeting where they raise new and relevant material planning considerations.

DMS/102266/F- Demolition of buildings and re-development of Holme Lacy Campus with a new masterplan, associated buildings and access alterations at Holme Lacy Campus, Holme Lacy, Herefordshire, HR2 6LL

For: Mr Peake per RRA, Packers House 25 West Street, Hereford, Herefordshire, HR4 0BX

OFFICER COMMENTS

The Assistant Director Environment, Planning and Waste has withdrawn this item from the Agenda.

It will be reported to a future meeting.

DMS/103017/F - New industrial unit to supply medicines and feed at Business Park on new Livestock Market, Roman Road, Hereford

For: Mr Jones per McCartneys, 7 Broad Street, Leominster, Herefordshire, HR6 8BT

ADDITIONAL REPRESENTATIONS

Subject to detailed design the cycle shelter is acceptable although it will be necessary to secure approval of this together with a plan that demonstrates that it is accessible in a safe manner.

An additional email was received from Mr & Mrs Hilder of 1 Veldifer Cottage on 22 February 2011. In the event that permission is granted, consideration of the following conditions is requested:

Operating hours should be restricted to 8am to 6pm from Monday to Friday and 8am to 1pm on Saturdays and closed on Sundays and Bank Holidays. This would be consistent with the hours of delivery condition proposed.

Any lighting should be turned off outside the operating hours

The same level of landscaping should be applied to this site as was applied to the livestock market and this should incorporate bunding and similar trees

OFFICER COMMENTS

In response to the conditions suggested in the officer recommendation, the applicants have provided details in respect of the following:

- Materials
- Landscaping / Planting
- Hard surface materials for parking areas
- Cycle parking
- Refuse storage
- Foul and surface water drainage

These have been indicated on amended plans submitted which also revise the plot size now that this has been finalised with Property Services. This has been reduced slightly from the original plan, excluding the lime trees from within the site boundary.

The details submitted are not detailed enough and further discussion will need to be had on the landscaping / boundary treatments/ cycle parking and drainage to ensure a satisfactory form of development is undertaken that works with the existing permission for the livestock market site. The conditions recommended would provide the ability to further these discussions.

Where details can be agreed these can be inserted directly into the conditions rather than requiring their submission prior to commencement of works.

In relation to the additional comments provided by Mr & Mrs Hilder, it is considered that the conditions recommended are generally consistent with their duly made concerns and will ensure that appropriate controls are in place to mitigate the environmental impact of the development.

CHANGE TO RECOMMENDATION

Condition 5 to include control over the switching off of lighting outside of the hours of opening restriction

DMS/103031/O - Outline permission for the erection of a detached residential dwelling at Yew Tree Cottage, Bartestree, Herefordshire, HR1 4BX

For: Mr Blackman per Mr Nicholas Groom (N G Property), 7 Duchess Close, Monmouth, Monmouthshire, MP25 3JL

ADDITIONAL REPRESENTATIONS

One further letter of objection has been received. It reiterates the points set out at 5.2 of the report and also refers to the inappropriateness of the development relative to Barber Close.

NO CHANGE TO RECOMMENDATION

DMS/103173/F - Application to vary Condition 9 of Planning Permission DMSE/093151/F to enable installation of domestic heating oil tanks at Caradoc Court, Sellack, Ross-on-Wye, Herefordshire, HR9 6LS

For: Mr H Bramer per Mr T Egan, M F Freeman, Ruardean Works, Varnister Road, Gloucestershire, GL17 9BH

ADDITIONAL REPRESENTATIONS

Parish Council: No objection

6 letters of objection have been received from local residents. The comments are summarised as follows:

- This is an exceptional and contentious site in a very sensitive location within the AONB and overlooking an attractive stretch of the River Wye SAC/SSSI;
- The site is already overcrowded in a manner entirely inappropriate to the rural location;
- More above ground structures would be wholly unacceptable and would contribute to the creeping intensification observable in the development;
- The decision should be taken to revert to the originally proposed under-ground oil tanks, which should not be discounted simply because they are more costly or difficult to maintain;
- It is reasonable to expect the developer to minimise the adverse visual impact in return for being given the ability to maximise the return from the development;
- Leaks/spillages could have adverse consequences for wildlife in Castlemeadow Wood and conceivably the Wye itself;
- The tanks will increase the likelihood of heavy vehicles using the bridleway and causing congesting upon the site;
- It is considered unlikely that the tanks will be constructed to accord with the relevant regulations and could pose a fire and pollution risk.

In response to the above-stated concerns the agent has responded:

- Leaks from underground tanks will be far more difficult to detect and correct than those from tanks above ground;
- An underground tank will require an electric pump, which is less sustainable in terms of energy consumption;
- There is absolutely no implication for vehicular traffic in building the tanks above ground. It is estimated that refilling of the tanks will be necessary once a year, which would involve six two-way trips a year;
- A fully detailed Building Regulations application is to be submitted to Herefordshire Building Control department. This will confirm compliance with building regulations.

OFFICER COMMENTS

There is an error at 6.2, page 53. The final sentence should read:

“There is also no conflict between the proposed location of the individual tanks and the retention of the protected trees around the site’s perimeter.”

NO CHANGE TO RECOMMENDATION

MEETING:	PLANNING COMMITTEE
DATE:	16 MARCH 2011
TITLE OF REPORT:	APPEALS

CLASSIFICATION: Open

Wards Affected

Countywide

Purpose

To note the progress in respect of the following appeals.

Key Decision

This is not a key decision

Recommendation

That the report be noted

APPEALS RECEIVED

Application No. EN2010/001263/ZZ

- The appeal was received on 22 February 2011
- The appeal is made under Section 174 of the Town and Country Planning Act 1990 against the service of an Enforcement Notice
- The appeal is brought by Mr & Mrs Andrew Thomas
- The site is located at Camp Farm, Dinedor, Hereford, Herefordshire, HR2 6PD

- It appears to the Council that the above breach of planning control has occurred within four years. The Local Planning Authority considers that the building, the subject of this notice, has been built as a dwelling house and is being used residentially.
- The development constitutes an unauthorised dwelling house in open countryside and as such the building must be considered as a new dwelling house under policy H7 of the Herefordshire Unitary Development Plan. With regard to H7, which sets the provision for housing in the countryside outside settlement, the development is not considered to be necessary in connection with an agricultural or forestry business. It is also not considered to result from the re-use of a rural building or an extension to an existing dwelling. As such the building is contrary to the criteria set out in policy H7. The building is also contrary to policy S1 of the UDP, with the Council's highway engineer noting that the sustainability of this location would not be acceptable for a new dwelling.
- Therefore enforcement action should be taken to require the cessation of the residential use of the unauthorised building and its demolition. Having consideration for the above reasons and the

Further information on the subject of this report is available from the relevant case officer

guidance set out in Circular 10/97 and Planning Policy Guidance 18: Enforcing Planning Control, the Local Planning Authority considers the taking of enforcement to be expedient in this instance.

- The requirements of the notice are 1) Permanently cease the residential use of the building 2) Demolish the building 3) Remove all resultant materials from the land 4) Restore the land to its former condition
- The appeal is to be heard by Written Representations

Case Officer: Mark Tansley 01432 261815

Application No. DMNW /100558/F

- The appeal was received on 11 February 2011
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by Mr R Wells
- The site is located at Ashfield, Barnet Lane, Wigmore, Herefordshire, HR6 9UJ
- The development proposed is the change of use from agricultural land to one family traveller site to include the stationing of one living vehicle, storage boxes & shed
- The appeal is to be heard by Hearing

Case officer Mr C Brace 01432 261975

Application No. DMS /102426/A

- The appeal was received on 11 February 2011
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by Sports Direct International
- The site is located at 6 Trinity Square, Hereford, Herefordshire, HR1 2DR
- The development proposed is the installation of new aluminium shop front and window to existing shop
- The appeal is to be heard by Written Representations

Case officer Mr E Thomas 01432 260479

Application No. EN/2010/01261/ZZ

- The appeal was received on 9 February 2011
- The appeal is made under Section 174 of the Town and Country Planning Act 1990 against the service of an Enforcement Notice
- The appeal is brought by Mr Richard Wells
- The site is located at Ashfield, Barnet Lane, Wigmore, Herefordshire, HR6 9UJ
- The breach of planning control alleged in this notice is that without planning permission the material change of use of agricultural land to a mixed used for agriculture, the storage of vehicles, the stationing of a vehicle adapted for residential habitation and storage containers, together with associated operational development including the formation of an access, driveway, erection of outbuildings and a wind turbine
- The requirements of the notice are: 1) Permanently cease the residential use of the land 2) Permanently cease using the land for storing vehicles 3) Permanently remove from the land the vehicle adapted for residential habitation, together with all storage containers/units and caravans 4) Permanently remove all vehicles/tractors from land 5) Take down all outbuildings and remove all resultant materials from the land 6) Take up the driveway and pathways and remove all resultant materials from the land 7) Remove the wind turbine from the land 8) Remove all

domestic items from the land 9) Erect a post and wire fence to height no greater than one metre between the existing hedges to seal the access. The fence should be erected along the outside line of the original hedgerow 10) Re-instate the hedge where the site entrance is situated by planting a hedgerow of hawthorn and other native species along the line of the original hedgerow behind the post and wire fence. The hedging plants are required to be 60-80cm high, healthy and vigorous transplants. The plants are required to be in a double staggered row, 45cm apart (7 plants per linear metre). All transplants are required to be protected with a 40cm high plastic spiral rabbit guard supported by a 75cm stake or cane 11) If the land is to be grazed erect stock proof fencing no higher than one metre in height inside the field to protect the newly planted hedgerow plants. Stock proof fencing should be erected to protect hedging from grazing as required.

- The appeal is to be heard by Hearing

Case Officer: Carl Brace 01432 261795

Application No. DMS /101741/O

- The appeal was received on 9 February 2011
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by Mr & Mrs Davis
- The site is located at Moreborough, Ledbury Road, Ross On Wye, Herefordshire, HR9 7BE
- The development proposed is Erection of 2 dwellings, construction of new vehicular access and
- The appeal is to be heard by Written Representations

Case Officer Mr S Withers 01432 260612

Application No. DMS /101378/F

- The appeal was received on 7 February 2011
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by Ms Affleck
- The site is located at Chase View House, Merrivale Road, Ross On Wye, Herefordshire, HR9 5JX
- The development proposed is Demolition of garage, erection of two storey side and single
- The appeal is to be heard by Written Representations

Case officer Mr S Withers 01432 260612

Application No. DMS /090246/O

- The appeal was received on 4 February 2011
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by Mr & Mrs Griffiths
- The site is located at Green Orchard, Sutton Road, Cross Keys, Hereford, Hereford, HR1 3NL
- The development proposed is Proposed demolition of existing redundant industrial building and replacement thereof with a dwelling to sustain an existing rural enterprise (single storey) and associated and ancillary car parking (outline only)
- The appeal is to be heard by Hearing

Case officer K Gibbons 01432 261781

APPEALS DETERMINED

Application No. DMN/101375/L

- The appeal was received on 16 November 2010
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Mrs Leslie Wake
- The site is located at Hill Cross Barn, Tedstone Delamere, Herefordshire, HR7 4PR
- The application dated 1 June 2010 was refused on 19 August 2010
- The development proposed was a single storey rear extension to existing house.
- The main issue is whether the proposed works would preserve the special architectural and historic interest of the Grade II listed building

Decision: The application was refused under Delegated Powers on 19 August 2010.
The appeal was **Dismissed** on 11 February 2011.

Case Officer: Mr C Brace 01432 261795

Application No. DMN/101374/FH

- The appeal was received on 16 November 2010
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Mrs Leslie Wake
- The site is located at Hill Cross Barn, Tedstone Delamere, Herefordshire, HR7 4PR
- The application dated 1 June 2010 was refused on 19 August 2010
- The development proposed was a single storey rear extension to existing house.
- The main issue is whether the proposed works would preserve the special architectural and historic interest of the Grade II listed building

Decision: The application was refused under delegated powers on 19 August 2010.
The appeal was **Dismissed** on 11 February 2011.

Case Officer: Mr C Brace 01432 261795

Application No. DMN/102571/L

- The appeal was received on 30 November 2010
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Mrs Lindsey Wake
- The site is located at Hill Cross Barn, Delamere Road, Tedstone Delamere, Herefordshire, HR7
- The application dated 14 September 2010 was refused on 12 November 2010
- The development proposed was a proposed rear extension to existing house.
- The main issue is whether the proposed works would preserve the special architectural and historic interest and the setting of the Grade II listed building

Decision: The application was refused under delegated powers on 12 November 2010.
The appeal was **Allowed** on 11 February 2011.

Case Officer: Mr C Brace 01432 261795

Application No. DMN/102570/FH

- The appeal was received on 30 November 2010
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Mrs Lindsey Wake
- The site is located at Hill Cross Barn, Tedstone Delamere, Bromyard, Herefordshire, HR7 4PR
- The application dated 14 September 2010 was refused on 12 November 2010
- The development proposed was a proposed rear extension to existing house.
- The main issue is whether the proposed works would preserve the special architectural and historic interest and the setting of the Grade II listed building

Decision: The application was refused under Delegated powers on the 14 September 2010
The appeal was **Allowed** on 11 February 2011.

Case Officer: Mr C Brace 01432 261795

Application No. DMS/101756/F 00592

- The appeal was received on 26 November 2010
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Mr Jack Denny
- The site is located at Denibois, 86 Eign Road, Hereford, Herefordshire, HR1 2RX
- The application dated 13 July 2010 was refused on 22 September 2010
- The development proposed was the demolition of existing rear garage and building of one bed bungalow
- The main issue is the effect of the proposal on the character and appearance of the area, and the effect of the proposal on highway safety.

Decision: The planning application was refused under delegated powers on 22 September 2010.
The appeal was **Dismissed** on 14 February 2011.

Case Officer: CL Atkins (Mrs) 01432 260536

Application No. DMCE/093310/F

- The appeal was received on 13 September 2010
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Mr Roger Loyd
- The site is located at Priors Court Barns, Upper Dormington, Herefordshire, HR1 4EG
- The application dated 30 December 2009 was refused on 9 March 2010
- The development proposed was a rural workshop
- The main issues are whether the proposed development would (a) conform to national planning guidance and adopted policies that seek to protect the countryside and, (b) preserve the setting of the adjacent Grade II listed Priors Court Barn.

Decision: The planning application was refused under delegated powers on 9 March 2010.
The appeal was **Dismissed** on 14 February 2011.

Case Officer: Mr A Donaghey 01432 1947

Application No. EN/001208/ZZ

- The appeal was received on 11 October 2010
- The appeal is made under Section 174 of the Town and Country Planning Act 1990 against the service of an Enforcement Notice
- The appeal is brought by Mrs Alison Pontifex-Price
- The site is located at Fir Tree Inn, Much Cowarne, Herefordshire, HR7 4JN
- The breach of planning control alleged in this notice is Without planning permission, the laying of a hardstanding and erection of a building used as a function hall facility within the last four years
- The requirements of the notice are: 1) cease the use of the building as a function hall facility, 2) demolish the building and remove the hardstanding together with associated services 3) remove all resultant materials from the land
- The main issues are whether or not the appeal site would provide a suitable site for a function hall facility having regard to the principles of sustainable development; the effect of the schemes on highway safety; whether adequate parking provision for the schemes would be provided; the effect of the schemes on the character and appearance of the area; and the effect of the marquee on use of a public footpath

Decision: Subject to corrections of the Enforcement Notice the appeal was **dismissed** on 16 February 2011

Case Officer: R Close 01432 261803

Application No. DMNE/101340/F

- The appeal was received on 20 October 2010
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Mrs A Price
- The site is located at Fir Tree Inn, Much Cowarne, Bromyard, Herefordshire, HR7 4JN
- The application dated 31 May 2010 was refused on 2 August 2010
- The development proposed was Erection of marquee for receptions, dinner dances and entertainments events
- The main issues are whether or not the appeal site would provide a suitable site for a function hall facility having regard to the principles of sustainable development; the effect of the schemes on highway safety; whether adequate parking provision for the schemes would be provided; the effect of the schemes on the character and appearance of the area; and the effect of the marquee on use of a public footpath

Decision: The planning application was refused under delegated powers on 2 August 2010
The appeal was **dismissed** on 16 February 2011.

Case Officer: Mr R Close 01432 261803

If members wish to see the full text of decision letters copies can be provided.



MEETING:	PLANNING COMMITTEE
DATE:	23 MARCH 2011
TITLE OF REPORT:	<p>DMS/103136/O - REDEVELOPMENT OF SITE INCLUDING DEMOLITION WORKS TO PROVIDE MIXED USE SCHEME COMPRISING RETAIL, FINANCIAL & PROFESSIONAL SERVICES, FOOD, DRINK & LEISURE (USE CLASSES A1, A2, A3, A4 & D2), NEW PUBLIC REALM, LANDSCAPING, CAR PARKING, SERVICING & GENERAL HIGHWAY WORKS, INCLUDING NEW ACCESS ARRANGEMENTS ON NEWMARKET STREET & BLACKFRIARS STREET AT LIVESTOCK MARKET & ADJ LAND, EDGAR STREET, HEREFORD, HR4 9HX</p> <p>For: Mr Bourne, Stanhope Plc per Mr Craig O'Brien, Savills, Embassy House, Queens Avenue, Bristol, BS8 1SB</p>

Date Received: 1 December 2010 Ward: Central and Three Elms Grid Ref: 350943,240328
Expiry Date: 25 March 2011

Local Members: Councillors M Hubbard, PA Andrews, SPA Daniels and AM Toon

1. Site Description and Proposal

Site Description

- 1.1 The site extends to five hectares of brownfield land located immediately north of Hereford City's historic core and the city centre itself. The site is essentially bounded by Edgar Street (A49) to the west, Newmarket Street (A438) to the south, Widemarsh Street (B4359) to the east and Blackfriars Street (U80332) to the north. The application site area also encompasses additional highway land eastwards forming part of Blueschool Street, all of Newmarket Street and part of the Edgar Street northwards beyond the junction with Blackfriars Street.
- 1.2 Presently occupying the majority of the site is the existing livestock market which comprises a range of 1950's single storey steel framed and corrugated clad, monopitch roofed livestock buildings with animal pens in between. Fronting the Edgar Street/Newmarket Street roundabout and extending northwards up Edgar Street is a two storey barrel roofed brick building used for a range of purposes including a furniture sales room, agricultural supplies retailer, auctioneers offices and tyre retailer. To the rear (north and east) of this building are further brick flat and barrel roofed predominantly single storey buildings. This building is now largely unoccupied. Fronting part of Blackfriars Street are further brick barrel roofed two storey buildings used by the Council as offices.

Further information on the subject of this report is available from Mr R Pryce on 01432 260288

- 1.3 Continuing eastwards along Blackfriars Street are three detached Victorian Villa properties which are predominantly used as offices. These properties fall outside the application site. Further businesses occupy two and three storey premises fronting the corner of Blackfriars Street and extending southwards along Widemarsh Street. Again, these do not form part of the development area.
- 1.4 South of here is the red brick Garrick House multi storey car park which effectively rises to five storeys at a height of around 14.5 metres. To the rear of which is Garrick surface level car park and central networks primary sub-station building and compound. With the exception of the southern lift access, the remainder of the multi storey car park and majority of the surface car park fall outside the application site and are unaffected by the development proposals. Occupying the corner of Widemarsh Street and Newmarket Street is Garrick House which contains offices and the Hereford Centre. This rises to three storeys constructed from red brick dropping down to two storeys adjacent the Grade II listed Old Market Public House. The public House is 19th century in origin with later additions to the side and rear.
- 1.5 The development site is presently served by four vehicular accesses via Edgar Street, Blackfriars Street and two on to Newmarket Street, one of which solely serves the public house. Further pedestrian access also exists adjacent to Garrick House, via the Newmarket Street subway and via the multi storey. Levels are relatively flat across the site and two small groups of trees and vegetation exist immediately north of the Old Market Inn and by the subway entrance.

Site Context

- 1.6 The site sits within a mixed land use context. West and set back from Edgar Street are a row of predominantly detached red brick three storey Victorian villa properties, the majority of which are now converted to flats and all are grade II listed. North of these is the Richmond social club and Salvation Army centre and further residential properties. North of Blackfriars Street is Hereford United Football club, east of which is the access to public car parks, a furniture retailer unit and Council Offices. West of Widemarsh Street is predominantly town centre uses (retail, restaurants, hot food takeaways) and the Herdsman Public House. On the south side of Newmarket St opposite the Hereford Centre is JD's public house, next to which is the grade II* listed Farmers Club. Continuing westwards are a terrace of residential properties and Tesco's Supermarket beyond.
- 1.7 The southern side of Newmarket Street is bounded by the historic City wall which is a Scheduled Ancient Monument. This also forms the boundary of the Central Conservation Area which also encompasses part of the Widemarsh junction and Blueschool Street parts of the application site. Land west of Edgar Street is also within the Central Conservation Area and the south eastern corner of the site falls within the Hereford Area of Archaeological Importance. The entire site also falls within the Central Shopping and Commercial Area as identified within the adopted Herefordshire Unitary Development Plan (UDP). Within the site, the Old Market public house is grade II listed.

The Proposal

- 1.8 The submission is a form of outline application known as a hybrid application. The application includes full details of the proposed pedestrian and vehicular access arrangements with the layout, scale, appearance and landscaping being reserved for future consideration. However, unlike a traditional outline submission, the application is also accompanied by a 'Masterplan Principles and Parameters Document'. This identifies seven masterplan principles which if approved, will become fixed objectives for the masterplanning process to follow. The document also sets minimum and maximum parameters relating to the siting and height defined both in plan and elevation form along with a minimum and maximum floorspace schedule specific to each category of land use being proposed along with parking thresholds.

The document also includes masterplan principles plans relating to servicing, pedestrian and cycle routes, strategic key views and landmark buildings. This document will effectively set relatively specific ground rules that any future application(s) will have to follow.

- 1.9 The floorspace and parking parameters are detailed in the table below. The composition of the floorspace attributable to each use class has been amended slightly since the submission of the application but the total scheme floorspace remains the same.

Use (Use Class)	Min Floorspace (sq m)	Max Floorspace (sq m)
Total Scheme Limit	22,000	37,000
Total Retail (A1)	18,000	26,570
Convenience Retail (A1)	2,000	2,320
Comparison Retail (A1)	16,000	24,250
Financial and Professional Services (A2)	0	1,000
Restaurants and Cafes (A3/A4)	2,000	3,500
Cinema (D2)	2,000	3,150
Ancillary Plant	0	4,000
Car Parking	500 (spaces)	615 (spaces)

Note: Floorspace is quoted in square metres gross

- 1.10 The proposals involve the mixed use redevelopment of the site for primarily retail and leisure purposes. With the exception of the Old Market Public House, all other buildings within the application site are proposed to be demolished. The application is accompanied by a proposed masterplan and key drawings covering matters such as public realm and access routes which will set the framework for the future development of the site. This is centred around the construction of three new detached buildings structured around two new retail streets that directly connect with the existing city centre.
- 1.11 In more detail, travelling counter clockwise around the site, the largest of the buildings hereafter referred to as 'Building A' is sited along part of Newmarket Street returning northwards into Edgar Street towards Blackfriars junction. This will be a mixture of two and three storeys with a maximum height of 24.4 metres and will contain a department store at its southern end orientated primarily southwards to address Newmarket Street and Edgar Street roundabout and eastwards facing one of the new internal streets. North of here will be a series of eight two storey primarily retail units with a retail frontage onto the new internal street. Framing the northern end of this building is proposed to be the food store most likely to be occupied by Waitrose. This is predominantly a single floor but will be two storey in height. A new gated service access will be created to the rear of Building A off Edgar Street which will also include the closure of the existing vehicular access. This service yard will contain six service bays. A roof level car park is proposed above the retail units within Building A except above the department store, the southern half of which will also be covered. This will be accessed via a vehicular ramp off the northern end of Building A adjacent to Edgar Street.
- 1.12 The junction with Blackfriars and Edgar Street is to be modified to create a signalised junction. These works will include the relocation of the existing east/west pedestrian crossing on Edgar Street further southwards to integrate with the new junction design. At the time of writing, discussions are also ongoing with the Highways Agency to modify the design of this junction to accommodate the needs of cyclists.

- 1.13 The existing vehicular access from Blackfriars Street is to be closed off and a new access created opposite the existing access to Merton Meadow Car Park which will serve as the only public vehicular access to the site. This junction as a whole will be fully signalised with a barrier controlled access/egress and a pay on exit charging system. One new unsignalised pedestrian crossing is proposed on Blackfriars Street west of the new vehicular access to the site and a further signalised crossing on Blackfriars Street is proposed linked in with the new site access. A second new vehicular access is to be created further eastwards on Blackfriars Street which will be the service access for Building C. Surface level car parking is proposed along the northern boundary of the site adjacent to Blackfriars Street and more centrally within the site is a further surface level car park, the southern boundary of which is to be enclosed by three detached retail kiosks.
- 1.14 The Newmarket Street/Blueschool Street/Widemarsh Street junction is proposed to be entirely remodelled both to facilitate a more direct and quicker pedestrian and cyclist connection and to create a high quality area of public realm. The entire junction hereafter referred to as 'Widemarsh Gate' will be a raised table design constructed at grade with Widemarsh Street and the development to the north. The existing sheep pen pedestrian barriers will be removed to allow for a single phase traffic light controlled pedestrian crossing north to south. In addition, the junction will include two new turning options right (eastwards) from Wall Street on to Newmarket Street and right (northwards) from Blueschool Street into Widemarsh Street. The entire space is to be surfaced with the same or similar materials as have been used on Widemarsh Street to the south.
- 1.15 Building B is sited adjacent to, and will form a new retail frontage with Newmarket Street and accommodates two floors but is effectively a mixture of two and three storeys in height with a maximum height of 20.4 metres. In addition to Newmarket Street, new retail frontages will be created to the west and north addressing the new internal streets to be created. Building B comprises of sixteen new non-food predominantly retail units at ground floor, nine of which occupying the western half of the building would also include a first floor. The northeast corner is to incorporate an entrance lobby providing access to the first floor which is proposed to be a six screen fully digitalised cinema to be occupied by Odeon. A new gated access is to be created off Newmarket Street to an enclosed service yard with capacity for two service bays and the appropriate turning and manoeuvring space.
- 1.16 Framing the principal pedestrian entrance to the development from Widemarsh Street are three two storey pavilions likely to be occupied as restaurants. Two are detached and one is attached to the eastern end of Building C and southern end of the multi storey. All three are to be a maximum height of 11.0 metres. Works are also proposed to partly re-orientate The Old Market Public House so it addresses the new internal street to the north; these works are subject to separate planning and listed building applications which at the time of writing are undetermined.
- 1.17 Building C comprises a row of five two storey units located immediately to the rear (west) of Garrick Multi Storey Car Park and directly opposite The Old Market Inn. One of the units would be retail, the remaining four are proposed to be restaurants and cafes. It is likely that this building will remain two storeys in height although the proposed maximum height parameter at 22.3 metres will effectively allow for this building to rise to three storeys in height.
- 1.18 The entire length of Newmarket Street is to be upgraded to create a more attractive and pedestrian friendly retail street. The works include the removal of the existing central reservation barriers and the creation of a wider central reservation incorporating new tree planting and possibly cycle stands, reduction in the width of the eastbound highway lanes and the resurfacing of the area with higher quality materials. The proposals also include the removal of the existing bus lay-by.

- 1.19 Finally, the existing subway on Newmarket Street is to be closed off and replaced with a new two stage surface level pedestrian crossing creating a link between the development site through the existing gap in the city wall and beyond to Eign Gate. This pedestrian crossing is also to be a signalised crossing.
- 1.20 The development proposals were screened in 2010 against the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 and the Town and Country Planning (Environmental Impact Assessment) (England and Wales) (Amendments) Regulations 2006. A Screening Opinion was issued on 23 September 2010 confirming that the application was an EIA development and that an Environmental Statement (ES) was required. A Scoping Report for the ES was subsequently adopted by the Council on 4 November 2010.
- 1.21 The Environmental Statement considers the likely significant environmental effects of the proposed development and scope for avoiding, reducing and mitigating any environmental impacts that may occur. The ES includes chapters covering ground conditions and contamination, hydrology, flood risk and drainage, cultural heritage, noise and vibration, air quality, townscape and visual, socio economics and waste. Other matters such as alternative options, mitigation and residual impacts and cumulative effects are also considered by the ES. In addition, the application is supported by several stand-alone reports as follows: Design and Access Statement, Planning Statement, Transport Assessment, Retail and Leisure Impact Assessment, Statement of Community Involvement, Sustainability Statement, Aborigicultural Report, Ecology survey including specific bat surveys, Framework Travel Plan and Masterplan Principles and Parameters document.

2. Policies

2.1 National Guidance:

PPS1	-	Delivering Sustainable Development (including the supplement on climate change)
PPS4	-	Delivering for Sustainable Economic Growth
PPS5	-	Planning for the Historic Environment
PPS9	-	Biodiversity and Geological Conservation
PPG13	-	Transport (2010)
PPS23	-	Planning and Pollution Control
PPG24	-	Planning and Noise
PPS25	-	Development and Flood Risk

2.2 Regional Guidance:

Regional Spatial Strategy for the West Midlands (2008)

2.3 Herefordshire Unitary Development Plan 2007:

S1	-	Sustainable Development
S2	-	Development Requirements
S4	-	Employment
S5	-	Town Centres and Retail
S6	-	Transport

S7	-	Natural and Historic Heritage
S8	-	Recreation, Sport and Tourism
S10	-	Waste
DR1	-	Design
DR2	-	Land Use and Activity
DR3	-	Movement
DR4	-	Environment
DR5	-	Planning Obligations
DR7	-	Flood Risk
DR9	-	Air Quality
DR10	-	Contaminated Land
DR13	-	Noise
DR14	-	Lighting
E5	-	Safeguarding Employment land and buildings
E7	-	Other Employment Proposals Within and Around Hereford and the Market Towns
TCR1	-	Central Shopping and Commercial Areas
TCR2	-	Vitality and Viability
TCR19	-	Hereford Livestock Market – Relocation
TCR20	-	Eign Gate Regeneration Area
T1	-	Public Transport Facilities
T6	-	Walking
T7	-	Cycling
T8	-	Road Hierarchy
T9	-	Road Freight
T11	-	Parking Provision
T12	-	Existing Parking Areas
T13	-	Traffic Management Schemes
T16	-	Access for All
LA2	-	Landscape Character and Areas Least Resilient to Change
LA6	-	Landscaping Schemes
NC1	-	Biodiversity and Development
NC8	-	Habitat Creation, Restoration and Enhancement
HBA4	-	Setting of Listed Buildings
HBA6	-	New Development Within Conservation Areas
ARCH1	-	Archaeological Assessments and Field Evaluations
ARCH3	-	Scheduled Ancient Monuments
ARCH6	-	Recording of Archaeological Remains
ARCH7	-	Hereford AAI
W11	-	Development – Waste Implications
CF1	-	Utility Services and Infrastructure
CF2	-	Foul Drainage
CF4	-	Renewable Energy

2.4 Other Guidance - Supplementary Planning Documents:

Planning Obligations
 Landscape Character Assessment
 Archaeology
 ESG Design Framework
 Statement of Community Involvement
 Biodiversity

2.5 Other Material Considerations:

Edgar Street Grid Master Plan (November 2009)

3. **Planning History**

3.1 Extensive planning history exists relating to the various buildings on the development site, the majority are not directly relevant to the proposed application given that the buildings are nearly all to be demolished. Of note are the following:

S/103138/F & S/103139/L Partial demolition works and reinstatement of north elevation and windows to east elevation, Old Market Inn, Newmarket St. Applications undetermined at the time of writing.

CW/100511/F Demolition of Blackfriars terrace and replacement with all new seated stand. Demolition of existing floodlight towers and replacement with new floodlights mast. Creation of new emergency access on to Blackfriars Street at Hereford United Football Club. Planning permission approved 23 June 2010.

DMCE092576/F Demolition of existing buildings and construction of a new highway, cycleway, drainage, landscaping and associated works between the A49 Edgar Street and A465 Commercial Road along with a new link road to Blackfriars Street, Canal Road. Planning permission approved 30 March 2010.

4. **Consultation Summary**

Statutory Consultees

4.1 English Heritage:

English Heritage supported the Stanhope scheme in the design competition and the substance of these current proposals have been the subject of earlier consultation and broadly the proposals accord with pre-application discussions.

The Conservation Area skirts the site and the development would affect the setting of the Scheduled City Wall and ramparts along Newmarket Street and a number of listed buildings. We are assured that the development will not affect the fabric of the City Wall and believe the scheme has the capacity to improve the setting of the City Wall and the line of the historic defences. We note tree planting is proposed in the vicinity of the City Wall and wish to ensure in evolving discussions that the walls retain their visual and physical integrity.

One of the key challenges will be to redefine the linear area between the City Wall and the proposed development to enable the development to function as an organic extension to the historic centre, being only a five minute walk from High Town. The success of this vision will depend upon the nature of the calming of Newmarket Street, the design and nature of the crossings and the priorities assigned at each.

The retention and incorporation of the listed Old Market Inn in a satisfactory setting is highly desirable and we believe that setting it in its own space close to one of the main entrances to the scheme will achieve this aim. We also note that the new north south route will afford views and a visual link through to All Saints spire. The history of the site as a livestock market should also be acknowledged and every effort made to salvage and re-use on site the 20th century name panels on the livestock market buildings.

In conclusion, we advise that many of the issues in this complex set of proposals have been resolved but Newmarket Street and the setting of the City Walls will require careful consideration in the detailed design stage.

4.2 Welsh Water:

Welsh Water has been working with Hereford Futures for some time to establish a solution for the drainage of the Edgar Street Grid area. The strategy for the ESG area as a whole is yet to be determined but in this instance, a solution for the separation of foul and surface water flows from the development into the respective public sewers is available. No problems are envisaged with the capacity of the waste water treatment works to accommodate the development. The developer is also advised that a trunk water main and public surface water sewer cross part of the site that may require diversion. Therefore, subject to conditions concerning foul and surface water drainage, Welsh Water's requirements have been met in respect of this application.

4.3 Environment Agency:

Flood Risk: The site is located in Flood Zone 1 which has the lowest probability of flood risk. As required by Planning Policy Statement 25, the potential to increase flood risk elsewhere as a result of surface water drainage must also be considered. A sustainable means of surface water drainage within the design of the development will offer the opportunity to seek betterment in the surface water run off regime (post development) and reduce flooding locally. To achieve this, on site attenuation is likely to be required to cater for a 1% plus 30% climate change event.

Contaminated Land: A site investigation and risk assessment is required including intrusive investigations to target all known sources of contamination and assess the risk to controlled waters. This should include the former waste pit and historical ditch which have both been filled in.

Foul Drainage: We note that a mains foul sewer connection is proposed and the Environment Agency have no objection to this.

Pollution Prevention: The applicants should incorporate pollution prevention measures to protect ground and surface water in line with good environmental practice.

Export and Import of Waste: Production of waste from the development should be minimised with options for reuse or recycling utilised. A Waste Management Licence, PPC Permit or Exemption may be required if waste is to be imported to the site for use in the construction.

In summary, the Environment Agency has no objection to the development subject to appropriate pre-commencement conditions concerning contaminated land.

4.4 Central Networks:

We object to the development as the site encroaches onto land owned by Central Networks required as part of its primary substation and is also likely to affect access to existing equipment on site.

4.5 Highways Agency: (Original Response)

The following additional information is required to enable the Highways Agency to fully assess the potential impact of the development on the A49 Trunk Road.

Accident Analysis: The Transport Assessment provides detail of the recorded accident records in the vicinity of the proposed development but a comparative analysis against national statistics is required to consider whether any highway mitigation works or traffic management measures are necessary to alleviate any identified problems.

Phasing: Details of phasing of the development.

Junction alterations: Further survey drawings of some of the key junctions in the area are required to fully assess the impact of the proposed modifications to the network with particular regard to the proposed modifications and signalisation of the Blackfriars/Edgar Street junction.

Car parking: The car parking strategy and how this relates to the phasing of the development including details of how this will be managed to encourage more sustainable travel options.

Servicing: The operation of the service access onto the A49. This should include details of the levels of existing and proposed HGV movement, the access alterations and the interplay between the Edgar Street and Newmarket Street service areas.

Impact on Strategic Road Network: A stand alone analysis of development traffic limited to the development zone only using origin and destination information within the Saturn model. This information is also required to establish what the impact of the link road will be on development trips in the 'with development' scenario.

Traffic Modelling: Further information is required to validate the base model traffic and saturation flows. Traffic flow diagrams showing assignment of future year development traffic are also required.

Framework Travel Plan (FTP): The wording within the FTP needs to be stronger and it should consider visitors as well as staff. Clearer linkages with the ESG wide Sustainable Travel Implementation Strategy within the FTP is also required. In terms of the detail, the FTP should include information on how individuals will access the development from the train station by foot, cycle or public transport and the relevant travel distances. Within the policy section, further commentary is required on the relevant national guidance.

The Highways Agency welcomes the employment of a Travel Plan Co-ordinator prior to the proposed opening but the roles and responsibilities of the TPC should be fully detailed such as overseeing the implementation of the travel plan, ensuring businesses are signed up, commission travel surveys and setting the approved targets. The same requirements will apply to individual businesses if they develop their own travel plans and travel plan co-ordinators.

In addition to proposed the hard and soft measures, travel notice boards should be displayed around the site and within each unit. Further details are required on measures to encourage walking including provision of staff showers and lockers, measures for shift working and how businesses will be encouraged to implement the various measures such as travel awareness campaigns and salary sacrifice initiatives. Future mode share targets should be set in order to provide a basis for changing travel behaviour. A single occupancy vehicle reduction of 10% for all journey purposes is achievable. Enforcement measures should also be identified in the event the travel plan does not meet future targets.

In summary, the Highways Agency is keen to resolve the outstanding issues as quickly as possible but recommends that permission should not be granted until the required information has been received and approved by the Highways Agency.

Highways Agency (Further Comments):

All the information requested in their original response has been submitted to the Highways Agency including an amended Framework Travel Plan and there is ongoing dialogue between the applicants, Highways Agency and Council. The Highways Agency have now confirmed that the car parking and phasing strategy is acceptable and the further analysis of accident records has not raised any issues. The Framework Travel plan is also now largely agreed.

Further information has been requested in order to undertake additional analysis of the traffic model and the applicants are, at the time of writing, in the process of submitting this information

4.6 Natural England (Original Response):

The proposed site is approximately 750 metres from the River Wye Special Area of Conservation which is a European site protected under the Habitat Regulations 2010. Under these regulations, an appropriate assessment of the likely significant effects of the development on the conservation objectives of the Special Area of Conservation must be carried out.

Further information is required relating to foul water drainage. In particular, confirmation of which sewerage treatment works development will connect to along with a water quality assessment considering the impact of increased sewerage discharging in the River Wye, including an assessment of predicted increase in concentrations of phosphate ammonia, biological oxygen demand and dissolved oxygen. A water resources assessment is required demonstrating that the necessary water can be supplied to the development without impacting on the Wye and the assessment of any other potential impacts development may have on the Special Area of Conservation.

Natural England therefore objects to the development on the grounds of inadequate information to assess the likelihood of significant impacts on the River Wye Special Area of Conservation.

Natural England (Further Response):

The additional information provided and the HRA screening report does not predict any likely significant effects on the Special Area of Conservation. Natural England agrees with this conclusion and therefore has no objection to the development.

4.7 Divisional Crime Prevention Design Advisor:

The development is an important one for the county and future development of the site will have strategic importance. There is good opportunity to incorporate general measures to ensure that users and visitors to the area can do so safely. In particular, regard should be had to Planning Policy Statements 1, 4 and 12 along with guidance within Section 17 of the Crime and Disorder Act 1998, Hereford Sustainable Communities Strategy 2010/11, secured by design standards and Sustainable Strategic Design Policy LD4. Regard should also be had to the Government Safer Places Document and associated emphasis on combating terrorism.

4.8 Herefordshire and Worcestershire Chamber of Commerce

Over the last month we have consulted all Herefordshire Members on the Stanhope development. The vast majority of members are supportive of the development, commenting it is cosmopolitan without damaging the town's character and a boost to local employment. It will develop leisure and retail facilities and is deliverable.

Criticisms from members who do not support the development is that it does not compliment the city centre, is too detached and Blueschool and Newmarket Streets need to be downgraded to improve connectivity.

The general comments from those, who both support and opposed the development relate to the location of the car parks, lack of any staff parking facilities particularly for staff working unsociable hours, lack of any coach parking particularly with the anticipated loss of Merton Meadow car park and general access to the development with no link road and an anticipated rise in commuter traffic.

Members were divided on the issue of design; with some considering the design complimented and enhanced the city's historic core whilst others expressed doubts whether

the development is continuing the traditional themes and historic values of Hereford and raised concerns over the lack of pedestrianisation of surrounding roads. The measures on Newmarket Street and Blueschool Street to fully integrate the development with the city centre in the absence of the link road also require further clarification.

In summary, the important feedback from the Herefordshire & Worcestershire Chamber is that city business members are supportive of the Stanhope development.

4.9 Hereford & Worcester Fire Brigade:
No comments received.

4.10 Hereford & Worcester Ambulance Service:
No comments received.

Internal Council Advice

4.11 Traffic Manager: (Original Comments)

Additional information is required to enable a full assessment of the traffic impact of the development. These are as follows:

- Signal timing diagrams are required for all junctions showing the phases of signals.
- Lane capacities for some of the modelling should be reviewed to ensure they fully take account of actual lane widths and to ensure representative results.
- Model runs for signals in Blueschool and Newmarket Streets are required to understand the interaction of the new signals within these streets.
- Further assessment of the current queue lengths on Blueschool and Newmarket Streets in peak hours is required to verify the modelling and ensure it is an accurate representation of the current situation and ensure that future projections are representative.
- A detailed construction method statement will be required examining the durability and practicality of materials, method of construction, traffic management requirement and modelling of the traffic impacts during construction on Newmarket and Blueschool Streets which are traffic sensitive streets.
- Further details of the internal road layout and associated vehicle movement on Blackfriars Street and within the car parks.
- Clarification concerning provision for taxis and mobility scooter rental facilities.
- The size of the Blackfriars service access turning head will require enlargement.
- The proposed re-introduction of the right turn to the multi-storey is unacceptable as this is likely to choke the exit from the car park.
- With regard to traffic modelling, clarification is required regarding the base traffic levels that have been used within the model calculations and the percentage of link trips
- Further analysis of the impact of the introduction of the right turn options from Wall Street and Blueschool Street is required in relation to traffic flows on Widemarsh Street and elsewhere.

In addition to the above additional information, clarification and reassurances are required in respect of the following issues

- The operation of confident pedestrian zones within the new Widemarsh and Newmarket Street junctions and the interaction of these informal crossing areas with the signal timings.
- The capacity and operation of the Newmarket Street service yard and interaction with Edgar Street service yard requires further clarification including the likely routing of service vehicles.
- The impact of replacing the existing bus stop pull in with an on line bus stop on Newmarket Street and associated effect on traffic flows.
- The safety and usability of the cycle racks within the central reserve on Newmarket Street.

Further information on the subject of this report is available from Mr R Pryce on 01432 260288

The level of car parking provision is acceptable for the proposed floor space parameters and Use Classes, however further details are required regarding the general operation of the parking areas. The proposal for rising bollards on Widemarsh Street is acceptable subject to payment of a commuted sum.

Other matters

- The applicant should be aware that as the development involves land that is currently highway, this highway will require extinguishment under either the Planning or Highways Act prior to commencement.
- A Stage 1 road safety audit may also be required at this stage for new junctions.
- The proposed raised table crossings will be subject to a formal public consultation procedure.
- The subway should also remain open for as long as possible during construction.
- The pedestrian route through from Newmarket Street to Eign Gate also requires clarification and the route for deliveries to the public house.
- Finally, the site access junctions should be fully signalised prior to occupation of the development.

Traffic Manager (Further Response)

Widemarsh Gate Junction – The design and operation of the crossing is essential to the improved connectivity between the site and city centre and currently carries significant pedestrian movements (8,500 on a weekday and 15,400 per day on a Saturday). As the timescale for the delivery of the link road is uncertain, the acceptability of the proposals must be considered on a long term basis.

The new junction includes two new right turning movements from Wall Street and Widemarsh Streets which reduce traffic at the Edgar Street roundabout to allow the development to achieve minor betterment to the trunk road and also to reduce traffic on to Newmarket street to facilitate the single phase pedestrian crossing. The crossing also includes a confident pedestrian crossing area allowing pedestrians to cross outside the crossing itself should they consider it safe to do so. Due to the carriageway remaining the same width the design results in a lengthy pedestrian crossing. The Wall Street right turn will simplify the journeys for people wishing to travel east which is considered an improvement in this regard. It does add a further set of traffic signals within the junction and introduce additional turning movements within the confident pedestrian zone which may generate some confusion as pedestrians see vehicles held at the stop line and assume it is safe to cross in this zone. However, the number of vehicles performing this turn is low (2-3 per cycle). The right turn on to Widemarsh Street will create additional traffic on this street which although undesirable, is not considered unacceptable given the existing crossing facilities and traffic calming measures.

The loss of the eastern pedestrian crossing is regrettable but necessary to achieve the single phase crossing and Widemarsh right turn. The retention of this crossing would significantly increase the signal cycle time and the eastern crossing only carries 10% of the pedestrian movements although this may have reduced since the alterations to Maylords have been completed. Pedestrians can use the western crossing via the northern side of Widemarsh Street. Overall, the improvements achieve a slight betterment in connectivity. The ultimate success and impact of the crossing will be determined by the detailed design stage.

Newmarket Street – The creation of a signalised two stage crossing (with 20 metres between the stagger) will enable at grade connection across Newmarket Street which is considered beneficial. A single stage crossing cannot be achieved with two lanes and existing traffic flows being largely retained as the signal time required is likely to have a detrimental impact on Edgar Street roundabout. This crossing also has a confident pedestrian crossing zone and the signal timings will be timed in with the roundabout timings. The modelling undertaken to date indicates that the pedestrian phase of the crossing will not be obstructed.

The onward pedestrian route through to Eign Gate is not ideal being of limited width, crossing the service road and is not a public highway but provides access to the bus station. Other pedestrian route options on to Widemarsh Street via Bewell Street also exist.

The eastern Newmarket Street carriageway is to be narrowed to 6 metres and central margin widened to 3.25 metres to allow tree planting and possible inclusion of cycle stands. Further details including a cross section will be required to demonstrate the usability of these features.

The impact of introducing the in carriageway bus stop in place of the bus lay-by on traffic movements and its proximity to the controlled crossing is still a concern but there may be benefits as buses will not have to pull out into traffic. National guidance on this is mixed with no clear preference. Due to the distance between the proposed raised tables on Newmarket Street, a further raised feature may be required to suppress traffic speeds or the Widemarsh Gate raised area extended to include Wall Street.

Edgar Street/Blackfriars Junction – This is within the jurisdiction of the Highway Agency but to better accommodate cyclists, the inclusion of advance stop lines and feeder lane is being investigated. Cycle access will still be hampered by the A49 as there is insufficient width to accommodate an off road cycle way to directly connect into Great Western Way.

Site access and car park layout – Three options are submitted for the junction and the fully signalised junction is considered the most appropriate to accommodate the vehicle and pedestrian movements and avoid conflict with the access to Merton Meadows. This design would also allow driver route choice to be controlled and deter rat running. Details of the signal timings are required and the final design may require modification to accommodate the number of right turning movements. The car parking access and provisional layout is acceptable but direction signage may be required. Setting the charging tariff at or above the Councils short stay tariff is acceptable as is a refund scheme associated with food retailer, subject to minimum spend.

Taxi Facilities – Only a small drop off/pick area is included which is unfortunate as even with a 20 minute free slot, taxis may be deterred from entering the development resulting in them parking on the local network to the detriment on traffic flows.

Servicing – A draft service management plan indicating how the three service areas will operate has been submitted and is considered acceptable. The actual size of vehicles using the Blackfriars service access requires clarification to ensure it is of an appropriate design. Whilst the exit manoeuvre from the Newmarket service access involves both lanes, traffic will be interrupted by the pedestrian crossings which will enable vehicles to carry out this manoeuvre.

Construction of highway works – In order to minimise the impact of the construction of the highway works, a construction management plan is required including details of the materials, traffic management, hours of work and construction method.

Pedestrian Routes – The routes through the car parks have now been clarified and are acceptable.

Cycle Facilities – The enhancement of the cycle connectivity with the site needs further consideration at the detailed design stage to ensure the on site provision and junction designs accommodate the needs of cyclists as far as possible. This should include consideration of the cycle hub within the site and may require additional land within the site around the Blackfriars junction.

Sustainable Travel Implementation Strategy – Herefordshire Council/Highways Agency agreement of this is now imminent.

Framework Travel plan – This has now been finalised and has been agreed by the Council.

Traffic Modelling – The purpose of Transport Assessment is to demonstrate the development can be accommodated on the highway network prior to the introduction of the link road. The review has been carried out by Transport Planning International consultancy on behalf of the Council. The TA shows a reduction in traffic on the A49 roundabout in the opening year of 2013. This is achieved through the new turning options across Widemarsh junction which equate to a reduction in westbound traffic on Newmarket Street to the roundabout of 25% in the AM peak and 9% in the PM peak. Notwithstanding this, the roundabout will be close to capacity particularly during the PM peak period. The new right turn options create an additional 144 vehicles northbound on Widemarsh Street during the AM peak and 130 in the PM peak. This equates to an additional two vehicles per minute and is considered acceptable.

The modelling indicates that all proposed junctions can operate satisfactorily in the opening year of 2013 but there is a significant amount of re-routing of traffic away from the strategic road network particularly in future years. Mitigation may therefore be required to prevent this occurring. However, in light of the re-routing that has occurred in the modelling, this reflects a worst case scenario for the Councils road network.

Further sensitivity testing of the modelling is on-going to address further queries raised by the Highways Agency including assessing the impact of re-distributing the re-routed traffic back on to the A49.

Conclusion – The submitted proposals represent the best achievable solution in providing improved connectivity without the link road being in operation. Further significant changes cannot be introduced until traffic volumes are reduced achieved through the construction of the link road. Whilst a funding bid for this has been submitted, the timescales for construction are uncertain and therefore the current proposals could be in place indefinitely. There are concerns with the operation of the Widemarsh Gate crossing and the impact of the Wall Street turning option in particular. The removal of this option will have a negative impact on the Edgar Street roundabout and ultimately, this results in only 2-3 vehicle per cycle and their movement would be slow. Overall, however, the Widemarsh junction will provide a slight betterment in connectivity but its success will also be dependent on the change in character of the wider street. Provided this can be achieved, the proposed Widemarsh junction and other improvements will create a satisfactory pedestrian route to and from the development.

All other queries previously raised have been addressed and therefore subject to the satisfactory resolution of the further analysis of the traffic modelling, the recommendation is for approval subject to conditions.

4.12 Sustainable Travel Manager (Original Comments):

The framework travel plan requires modification to ensure it is beneficial and effective in reducing car journeys to the site and encouraging and enabling sustainable alternatives. The pedestrian routes and crossings within and around the development should allow shared pedestrian/cycle usage. This will require some modification of crossings to toucan crossings. Cycle parking should be in convenient locations to encourage visitor/shopper use as well as staff usage and greater emphasis should be placed on the cycle hub which could be an asset to the city.

We welcome the incorporation of the travel plan co-ordinator within the on site facilities management. The travel plan co-ordinator should be in place prior to first occupation with a minimum commitment to the travel plan co-ordinator of five years. The measures should also be targeted towards visitors in addition to businesses and staff. A 15% single car occupancy

reduction over a five year period would be desirable although the proposed 10% is not unreasonable. Smart targets for other modes should also be set. Further clarification as to the monitoring strategy along with enforcement and investigation measures in the event the targets are not achieved should also be detailed in the travel plan.

Sustainable Travel Manager (Further comments):

We have considered the revised Framework Travel Plan (FTP). We are now satisfied with a 10% target for reduction in single occupancy staff car use over 5 years. Targets have now also been split by mode. Visitors are now also included in the FTP and detail of monitoring of visitor travel and promotion of sustainable travel modes is also detailed. Qualitative outcome-based targets will be agreed by HC and the STIS following the initial snapshot survey. Commitment has been made to employment of a travel plan co-ordinator for a minimum of a 5 year period. Reference to STIS and STIS steering group is now more fully integrated into FTP and the soft measures are now of a satisfactory level of detail.

The changes have now addressed the concerns and suggestions previously made and the FTP is now considered acceptable.

4.13 Environment Health Manager (Noise and Air Quality):

The Environmental Statement has been assessed and I have no objection to the development subject to the imposition of conditions requiring agreement of a construction and environmental management plan prior to commencement of any work which should also include the demolition as well as construction phase and control of delivery and working hours.

4.14 Environmental Health Manager (Contaminated Land):

The Environmental Statement recommends that intrusive investigation is required due to the uncertainties within the initial desk top study. I therefore recommend a condition requiring a phased contaminated land assessment be carried out in accordance with best practice guidance.

4.15 Building Control Manager:

The Sustainability Statement adequately sets out what needs to be achieved and the framework by which to achieve it. As the proposals are entirely new build, there are unlikely to be any barriers to achieving the required sustainability standards and the applicants appear to acknowledge the implications of achieving the required standards including the associated cost at the earliest possible stage. The two phase construction proposed has the potential to be problematic and the document acknowledges the design risk associated with this. The engagement of the Council's Building Control Department for both construction phases would also assist in maintaining a coherent end to end process.

4.16 Land Drainage Engineer:

The proposal is a well designed scheme in principle and the Flood Risk Assessment seems entirely adequate. The proposals do not provide for a 30% reduction in surface water flows as the Environment Agency normally require although this may be accommodated at the detailed design stage. There is a historical ditch running through the southwest corner of the site which may have been obliterated and this will require further investigation at the detailed design stage. A comprehensive surface water drainage scheme is required rather than a piecemeal approach and consideration in the future should also be given to discharging attenuated flows direct to the watercourse rather than a combined sewer.

4.17 Economic Development Manager:

Hereford is recognised as a sub regional shopping centre serving an extensive hinterland as well as a focus for employment, health, education and other services. The ESG development is covered by a master plan that allocates the application site in accordance with adopted and emerging Development Plan policies. The ESG project is responding positively to the growth

point status awarded to Hereford in 2006 and the aims and objectives of the ESG are supported.

The retail studies show that available expenditure in comparison goods is growing. The leakage of retail expenditure to centres outside the catchment area is estimated to be £97.9 million in 2011. If the floor space is not provided then this spending would be lost to competing centres. In economic terms, there often has to be growth in order to maintain a position and the proposal would go a long way to addressing the balance between a shopping centre of necessity and one of choice.

The site is well located in the city centre and is the only available single plot large enough to accommodate the proposed uses within a realistic timescale. Development will allow larger footprint shops that could not be accommodated in the city centre and improved leisure facilities creating more diverse evening economy. The alternative would be increased pressure for out of centre retail which will increase the economic pressures on city centre businesses.

The development will impact on eighteen existing and predominantly small businesses on the cattle market. Around half now have well advanced plans to relocate elsewhere in Hereford and others are at different stages of finding alternative accommodation. Whilst the goal is that none will have to cease trading as a direct result of the proposal, this cannot be ruled out in a small number of cases.

The applicant's estimate that the construction phase will generate 86 permanent jobs, although the actual number is likely to be higher due to the nature of the construction industry in different phases of development. Once constructed it is estimated that development will generate directly and indirectly between 1,079 and 1,086 new jobs. This will include opportunities in retail sales, customer service and restaurant sectors directly meeting Herefordshire's current unemployment needs.

Hereford's sub regional role is currently being challenged as evidenced by trends such as retail linkage and outward migration of the young. The vision of ESG is to assist in stemming this decline and pivotal to this is creating new retail and leisure facilities. The £80 million investment this development will create may not come along again in time to protect Hereford's position as a sub regional centre and claw back business lost to other centres.

For these reasons, the Economic Development Team strongly supports the development.

4.18 Conservation Manager (Landscape, Townscape and Trees):

Townscape and Visual Assessment: The Townscape and Visual assessment within the Environmental Statement is fair and balanced, the baseline conditions are thoroughly described and the assessment analyses the effects of the proposed development in an objective manner. There are approximately 17 trees within the site and these have been adequately assessed in the Arboricultural Development Report. I agree that the trees do not contribute significantly to the landscape amenity of the site and wider locality and that their general condition is moderate to poor.

It is agreed that there is likely to be short term adverse effect on the townscape during the construction phase but these will be comparatively short term impacts. It is also agreed that the development will have an overall beneficial effect on the townscape and the City's landscape once completed. Therefore, the principle of the development is acceptable in landscape terms.

Landscape Design: The Townscape and Visual assessment concludes with landscape mitigation measures concerning the design of the development and tree management. These are all suitable for the site. However, it is questioned whether they are fully expressed in the design that has come forward thus far.

There are no frontages onto Edgar Street. The additional information provided states that this elevation will be an elegant metal framed structure of a sensitive scale to the Listed Buildings and Conservation area opposite. This concept is acceptable providing the animation and variation illustrated in the elevation studies continues to make use of the combination of different components that have been suggested in this application including the use of green walling. The proposals for this street should seek to enhance the existing landscape visually and particularly to enhance the pedestrian experience compared to the existing conditions. The northern elevation of the food store will also need careful detailing as this will be the first view of the site for people travelling into the city from the North.

The townscape assessment identifies that the development will replicate the tight urban grain of the city centre to integrate the new development with the townscape character of Hereford but it is questionable whether the proposals achieve this.

There are two main wide pedestrian streets through the site. The main north / south link, however is not continued as a strong axis through to Blackfriars Street. There is no direct route from the 'back' to the 'front', without having to weave between the car parking. There is a lack of smaller connections or alleys that are evident in the city centre.

The design for Newmarket Street should relate to an overall masterplan vision, as it will form the first phase of any such long term infrastructure work. The locations of the proposed trees along Newmarket Street are currently shown in random positioning and will not create a sense of place and destination although the applicants have confirmed the tree planting is deliverable. The detailed design for this area will require more attention if the aim of transforming the street is to be realised.

The plans currently do not show tree planting within the pedestrian streets, however I welcome the presence of tree planting as shown in association with the street café's in the illustrative material and hope that this will be carried through to the detailed design.

I agree with the Arboricultural Development Report that the existing trees are not of sufficient quality to justify constraining the development. I also agree that the loss of these trees should be mitigated through high quality replacement planting to enhance the amenity for the locality. The proposed trees should take into consideration the available space for growth so that they are physically suited to the site at maturity. A specification for and notation relating to the precise alignment of trees, species and numbers should be contained within a detailed landscape scheme.

The pedestrian 'streets' appear purely for retail movement rather than creating a positive contribution to the public infrastructure of the city. The public space at Widemarsh Gate could become a distinctive site for civic activity and a spatial heart of the redevelopment but this will depend on a high quality landscape design to create a distinctive space that is clearly recognisable and comfortable at a pedestrian level. The seating areas shown in the visualisations are street café's and will rely on delivery by the commercial sector.

The evolution of the design studies for the department store to create more of a landmark building represent an improved solution that it will be important to carry through to the detailed stage. It is agreed that the pavilion buildings at Widemarsh Gate will enhance the townscape and detract views away from the multi-storey car park.

The applicants state the surface car parking has been designed as an extension to the structure and public realm of Hereford and is organised into four distinct components. This seems to be an appropriate approach, however, I question whether this legibility will be evident on the ground. In particular, the 'central square' will be little more than a car park with a grid of trees. The planting and hard landscape details should define this space and give a sense of human scale to create a more comfortable space for pedestrians. The proposed boundary to Blackfriars Street is described as hedges and planting, which would create a leafy

and attractive gateway into the scheme. It might, however, be more appropriate to also incorporate railings and wall to give more definition.

Views: The verified views are important in showing the outline of the proposed buildings in the context of the existing buildings and these viewpoints should be added to the masterplan principles drawing 5.

Widemarsh Gate new crossing: The materials of this crossing should match the specification and design of the existing, recently up-graded Widemarsh Street, in order to provide a cohesive link to the city centre.

Landscape materials and street furniture: The landscape details will need to be in accordance with the approved Hereford Town Centre Streetscape Design Strategy. The inclusion of public art would be welcomed.

Conclusion: There is no overall objection to the application, however it is requested that the above comments are considered.

- 4.19 Conservation Manager (Historic Buildings and Conservation Areas):
Although there have been retail extensions beyond the city walls since the middle ages such as Widemarsh St and Commercial St, there has not been the construction of a major new retail quarter beyond the limits of the medieval city. This scale of extension therefore needs to be handled carefully to ensure that the commercial core of the city does not move to the north and have a detrimental impact on the historic core. The existing buildings on site to be demolished are of minimal interest.

We welcome the Widemarsh Gate square and believe that it will allow the street to flow through into the new development and connect well with Widemarsh Street and the city centre. Provided the materials and design follow the design guide we believe that this will be a major enhancement to the conservation area and help to reconnect the break created by the insertion of the inner ring road in the latter half of the 20th century. The linkages are one of the key elements of the scheme as if this is unsuccessful then the two elements will retain a separate feel and people will not be encouraged to move between the two spaces

We also welcome the amended street layouts which help with the pedestrian flows and give the area more of an organic feel similar to that of the evolution of the city rather than a grid as initially proposed. We also welcome the pedestrian link through to Tesco's and the new cranked street but care will need to be taken to ensure that these works do not have a detrimental impact on the city walls.

We have some concerns with the "north public square" which appears to be a car park. Public space to interact with the proposed stalls in relation to the north public square which in essence is a car park needs further review. However, with regards to the linkage and street layout in general, we believe that the proposals would be acceptable.

Another key aspect is the design to ensure that it sits within the city and does not sit apart from it. The difficulty with creating an instant extension to the city is that there can be a lack of architectural distinctiveness and it can be somewhat generic in terms of townscape.

Major efforts have been made with regards to the entrance area at Widemarsh Gate and the gables to Newmarket street adjacent to the cinema block and the stepping up to it. This would provide visual interest and distinctiveness which pick up the character of the medieval city within the elevation to Newmarket Street. The retention of the Newmarket inn and the current applications for modifications will allow this building to be retained and enhanced. Provided that the design details of the cinema block respond to the New Market Inn we believe that this element of the scheme would be successful. The New Market Inn would help provide some

link to the previous use as a livestock market and help to integrate the gateway element. In general we therefore believe that subject to detail, the entrance and linkage area of this scheme appears to work successfully.

However we are concerned with the cinema element as it is one of the tallest elements on the site and fronts straight onto the street. It was accepted in the ESG design guidance that larger buildings could be accommodated but they were required to be of a high quality as they would be very visible within the city. The proposed façade would have some interest with a mix of materials in an attempt to break up the mass but essentially it is still a large box with cladding. Although we recognise that this is the essential design problem with all cinemas we believe that some enhancement could be made by giving the elevation depth rather than being flat to the streetscape. The problem still remains of having the bulk of such a substantial building which dominates its neighbours. The impact of this would also be felt at ground level given that the service access enters off Newmarket Street and there appears to be lesser options for relief than in other structures at this level. It would therefore add to our concern that the building may face away from the street. This lack of visual interest, character and interaction with the principle street at street level would be a cause for concern and the opportunity to enhance the city wall should not be lost. We therefore believe that substantially more work is required to resolve the design issues with this element of the proposal to ensure that it does not detrimentally impact on the adjacent buildings and the wider streetscape.

In contrast, we believe that the amended proposals for the department store element has resolved many of our earlier concerns particularly in relation to the view when approached from the south and the side elevation to Edgar Street. The increase in height towards the roundabout with the vertical emphasis would allow it to obtain more of a landmark feel. There are some concerns that features such as the emergency exits to the street may give the appearance of a rear elevation and further work is required on the detailing of the frontages, we believe that this element is moving towards an acceptable conclusion. The upper elements which face towards Blackfriars Street will also need further work given their visibility when approached from the north.

The opportunity to show a high quality aesthetic response to the challenges of the use and scale of the building have yet to be met and further design modifications are required particularly in relation to the cinema building to fulfil the original idea of seamless linkage with the city.

In summary, however, we do not object to the proposed scheme.

4.20 Conservation Manager (Archaeology):

The proposals have been assessed against the latest guidance which includes the ESG Archaeology Master Plan, the Archaeology and Development Supplementary Planning Document and associated guidance within the UDP and PPS5.

Archaeological interest of the site: The site can be split into three principal thematic areas. This being firstly, the potential for prehistoric remains in the northern part of the site, secondly the very ground invasive nature of the proposed development in the southern and western parts of site of the site and thirdly, the possibilities of medieval suburban deposits along the southern margins of the site.

Likely impact of the development: The southern part of the site is already developed and therefore the new development would largely have an acceptable impact on the above ground archaeological resource of the City Defences Scheduled Monument.

The development will result in considerable below ground disturbance in the southern and western parts of the site in particular. The base line information does not indicate any at risk archaeological or heritage assets of significance in the western and southern parts of the site

nor is there a particular likelihood that previously undiscovered remains will be present and harmed. However, the scale of the development proposals will require precautionary mitigation.

The development may have limited impact on buried remains of medieval date in Newmarket Street/Widemarsh Street area. However, works in this area would not be significantly invasive and the area is likely to have good cover by later deposits of low value and in an area where there is a large amount of prior disturbance. Some mitigation and archaeological recording will nevertheless be required.

The development has potential to have a harmful impact on prehistoric remains known to exist intermittently in the northern part of the site. The application fully considers this and to some extent the layout reflects the sensitivity of the site avoiding significant ground disturbance in these areas. Further trial trenching is required and ground works will need to be strictly controlled in these areas. Again, some mitigation and archaeological recording will be required.

Conclusion: Although the archaeological interest of the site is appreciable, the site does not have the same very high level of significance as the major heritage asset, i.e. the core of the historic Hereford. There are archaeological issues in relation to the development but they do not appear to be exceptional or overriding, in short they can be mitigated.

Having regard to saved UDP policies and guidance within Planning Policy Statement 5, the proposal is acceptable with regard to archaeology. This is subject to conditions to secure suitable ground work design and further archaeological investigation and recording. It should also be noted that Scheduled Ancient Monument Consent may be required for works within the scheduled area of the city defences and notifications for works within the Area of Archaeological Importance.

4.21 Conservation Manager (Ecology):

I note the ecological reports identify that there is limited existing biodiversity interest on the site. The built structures were assessed for potential bat presence in 2007/8 as part of an Environmental Baseline Conditions Report for the Edgar Street Grid area. Most of those on the cattle market site were considered to have limited potential for presence of bats; nevertheless, bat activity surveys were considered to be necessary for this development. These were undertaken in the late summer of 2010 and no bats were found to be roosting on the site. The taller structures have also been assessed for presence of swifts but no evidence of their presence was found.

I note that there was some evidence of nesting birds on the site and it will be important to ensure that the demolition works take place at an appropriate time of year, and I recommend a planning condition to secure an updated bat and nesting bird assessment prior to works commencing.

The proposed new development will offer potential for building-in features for nesting birds and swifts in particular, as well as bats. The Edgar Street Grid area was also identified in Herefordshire Council's Green Infrastructure Strategy (2010) as a Local Enhancement Zone (HerLEZ8). It is therefore essential that biodiversity enhancement measures are accommodated within these development proposals and a condition is recommended to achieve this.

4.22 Minerals and Waste Officer:
No comments received

4.23 Regulatory Services Manager:

Further information on the subject of this report is available from Mr R Pryce on 01432 260288

No comments received.

4.24 Waste Services Manager:

Readily accessible refuse and recycling stores for waste material are required and given the mixed nature of the development, these might need to be split into different types of waste for different collections.

4.25 Planning Policy Manager:

The principle of the development is furtherance of UDP policy for city centre regeneration and is therefore, supported by Development Plan policies both in the UDP and the still extant Regional Strategy. The emerging LDF has yet to reach a stage where it would be a material consideration but the work so far does not indicate any significant change of policy direction for this site and locality. Consequently, the development accords with the prevailing adopted and emerging planning policies.

5. Representations

5.1 Hereford City Council:

Positive Attributes: The City Council welcomes some development on the ESG site as part of improving the range of services offered within the city. This is supported by proposals for a new cinema and catering outlets. Previous concerns about the scale of the development overwhelming the existing retail centre have been allayed by significant scaling down of the original proposals. The City Council now considers the scale of the development to be sustainable.

Development Strategy: We are concerned that we are being asked to consider this application in a piecemeal fashion and in advance of publication of a transport and parking plan for the site and surrounding area. The separation of this development from the consideration of a link road and other infrastructure issues make it more difficult to assess its merits. Future transport and parking plans for the area should be shared with the City Council before a decision is made on the application. The scale of the development requires a strategic approach.

Integration and Linkage with Existing Retail Areas: The proposals are seriously flawed by the lack of any significant changes to Newmarket Street along the lines of pedestrian friendly boulevard envisaged in earlier artist's impressions. The concept of connectivity appears to be being set aside as development is being planned for before the link road is constructed which would enable the required changes to Newmarket Street.

There is some encouragement for the proposals to improve the pedestrian crossing at Widemarsh Street crossroad but this is too remote from the main shopping area. The orientation of the development is not conducive to shoppers going on to explore the rest of Hereford. The reliance on the second crossing onto land currently owned by Tesco to provide an alternative route is also unwise. Thus the site would be linked to the rest of the city by only one crossing point across a busy road at the opposite end of development from the retail units. This is considered a fundamental flaw in the design.

Traffic and Transportation: The development will need to generate a substantial number of visitors to be successful and with the dearth of public transport from early evenings in particular, this will inevitably mean that a high proportion of traffic to the site will be cars which is unsustainable. The proposals also do not show how parking demand will be managed, particularly alongside the Courtyard Theatre and football ground which generates substantial parking demands at peak times. The Council considers parking will be a major problem both on the site and in the surrounding roads.

The proposals to remove the bus waiting area in Newmarket Street are unwise while traffic flows remain or are increased. The tailback of buses will mean increased problems for passing traffic and increase the level of congestion.

The evening and night time economy largely depends on travel by taxi when other public transport providers have ceased to operate and therefore the City Council considers the lack of any taxi rank will also be a problem.

Increasing the time for pedestrians to cross a more open junction and the introduction of new turning movements on the Widemarsh junction both have merit but in the absence of the link road, the likely consequence of both are traffic congestion creating an unattractive ambience in the area discouraging rather than enticing shoppers.

Design Quality: There is considerable disappointment that the lorry service yard is proposed to be on the A49 as this will be the most visible part of the site to motorists on the trunk road. Placing lorries behind a wall or some other screening will not mitigate this. This is a major weakness in the design as passing trade on the A49 will not be enticed to stop, look at and use the development. The orientation of the units on Newmarket Street also makes it impossible to create a shop frontage onto the Newmarket Street in a way that would enhance the appearance of this area. The indicative drawings of the proposed buildings are also not impressive featuring timber cladding and lack of good design. Previous commitments to attractive high quality design must be fulfilled.

Environmental Practice: Whilst the site is not within a designated flood area and historically has not been affected by flooding from Widemarsh Brook, development will increase the pace and volume of surface water run-off therefore appropriate enhancements to the drainage system are required to ensure it is capable of handling peak flows.

The flat roofed elements of the cinema block in particular may also be a major attraction for seagulls and pigeons particularly alongside the food outlets and therefore at the detailed design stage, deterrent measures to prevent the area from becoming unsightly and unsanitary are required. Consideration should also be given to covered walkways to provide some shelter for people moving from one part of the site to another.

Conclusion: Until the plans are altered to demonstrate how the proposals fit with the wider transport and parking strategy for the area, change the orientation of the retail outlets to move them closer to Widemarsh Street junction, permit construction only when transport infrastructure is modified to support the development and its connectivity with the rest of the city, improve the visual aspect and attractiveness of the scheme especially from the A49 and address the environmental issues raised, the proposals should be rejected.

5.2 Six letters of objection have been received including letters from agents acting on behalf of the owners of Maylord Shopping Centre, Cllr Hubbard, Hereford Civic Society and Rockfield DIY. The main points raised are:

- The level of consultation on the application has been inadequate.
- Little evidence is provided in respect to the consideration of alternative proposals
- The application should not be determined until the scrutiny committee has concluded its assessment of the strategic direction of ESG
- The development is not integrated with the existing city centre.
- The development fails to accord with prevailing adopted policies and SPD guidance.
- The development will compete rather than complement the existing city centre.
- The link road must be built before the development is open.
- The development will have a significant adverse impact on Hereford's vitality and viability.
- Minor benefits through the introduction of the new turning options from Widemarsh Street and Wall street will be offset by the increased traffic the development will generate

- Development will create a separate shopping destination
- The link road application was largely supported on the basis of it being essential to reduce traffic on Newmarket Street and Blueschool Street. The implementation of this development in the absence of these works will not provide the pedestrian friendly links
- The construction works on Newmarket Street will cause total gridlock within the city centre and will disrupt passage for emergency vehicles.
- The design of the development is bland and not sympathetic to Hereford's architectural heritage.
- The development does not accommodate the needs of the young except for the provision of a greater range of shops.
- The development does not accommodate any provision for public art.
- Previous 'Its our City' petitions against the development appear to have been ignored and disregarded.
- The building in place of Garrick House should be a landmark building such as the reproduction of the old market house
- There is a lack of proposed tree planting within the development proposals.
- If appropriate consultation were carried out previously on documents such as the ESG SPD, it is likely that the proposed ESG development would be very different and would find more accord with the people of Hereford.
- The site is remote from the established retail core of the city for reasons of distance and barrier created by the dual carriageway.
- The application is invalid as it fails to meet the requirements of the Development Management Procedure Order 2010.
- The application also fails to explain the implications of the absence of the link road.
- The development is contrary to the ESG SPD Master Plan which requires as a minimum downgrading of Newmarket and Blueschool Streets to create a pedestrian focussed environment in order to achieve a successful integration
- The development fails to identify the key retail impacts of the development.
- The development will inflict irreversible damage to the city's economic, social and built environment
- The development will make the already intolerable traffic situation even worse.
- The development does not include the visual and landscape improvements for Newmarket and Blueschool Street as previously promised.
- The completion of the link road must be a condition of the approval this application.
- Lack of any bus lay-by in the new proposals will increase congestion on Newmarket Street.
- New traffic lights to replace the subway will lead to further congestion.
- The application does not include any proposals to improve the pedestrian flows through Tesco car park .
- The development should incorporate the use of the central heat and power system.
- The new traffic lights on Blackfriars junction will increase queuing on Edgar Street.
- The introduction of a right turn out of Garrick car park will not reduce the traffic on Edgar Street roundabout.
- The development will lead to increased pollution within the air quality monitoring area and Widemarsh Street.
- The application does not address the impacts on unemployment within the existing city centre.
- The works should include the right turn facility from Maylord Centre

5.3 A petition with over 10,000 signatures collected in 2009 has also been received. The petition requests that the current proposals for retail on this application site be suspended and requests a focus on regeneration measures that will enhance the historic core of the city, support and enhance existing businesses, promote affordable and sustainable housing, improve public transport and the public realm, provide new and imaginative civic amenities and encourage new leisure facilities particularly for younger citizens.

5.4 Three letters and e-mails of general comment/support have been received including one of from Jesse Norman MP. The main points raised are:-

- The development complies with the regeneration criteria previously set out by the Council.
- Development will enhance the existing city centre facilities.
- Development will improve the appearance of the area and will also enhance connectivity between ESG area as a whole and the rest of the city centre.
- Development is extensively and carefully considered and represents a huge step forward that the city has needed for decades.
- A reduction in the scale of the development now offers the opportunity to adopt a slower and more organic approach to the development.
- The scheme acknowledges the value of existing buildings such as the Newmarket Inn and its proximity to Herefords historic City wall.
- Any new development must be distinctive and in keeping with the vernacular architecture of the city and other market towns as well as having its own vernacular, avoiding straight line designs and sheer glass that dominates other shopping centres.
- Further consideration should be given to softening the edges of streets, setting back frontages and introducing further trees.
- The success of the project will largely hang on the linkages with the city centre and the proposals for Newmarket Street.
- Further work and commitment is required now for extension of the highway works into Blueschool Street.
- The introduction of the pay on exit car parking is welcomed to allow business flexibility.
- Traffic requires careful management and prior to opening some relief to traffic within the city must be found.
- John Lewis would be the most appropriate department store as it would better compliment the existing small retailers and better placed to fit the aspirations of the city than its competitors.
- The development must add to the greening of the city and must include large number of trees, including fruit trees that reflect the agricultural heritage.
- As far as possible, construction materials should be locally sourced.
- BREEAM excellent standards should be a minimum provision.
- The commitment to sustainable transport and cycling is welcomed.
- The development should offer maximum benefits to Herefordshire through offering the construction contracts to local firms thereby boosting the local economy.

5.5 In addition to the statutory consultation process, the local planning authority also held a consultation event in High Town on 15 December. The purpose of this event was to raise public awareness and allow the public to gain an understanding of the application proposals. Over 400 people viewed and discussed the proposals with Council officers during the course of the day. Response forms were available for members of the public to complete on the day or return freepost to the Council. These forms highlighted the main planning issues associated with the development such as traffic impact, linkages with the city centre, mix of uses and environmental impacts and included a free-write section to make comments. 21 response forms were returned, 16 of which were in favour of the development and 5 opposed. The comments made in favour and general suggestions made are set out below:

- Hereford desperately needs new quality shops, a decent cinema, new restaurants and leisure facilities.
- Modern large shops and department stores would improve the visibility of Hereford.
- The recently refurbished Widemarsh Street demonstrates what can be achieved and how the city can develop as one.
- Hereford has a long and traditional past, which it should build on and enjoy but, also offer the young a glimpse of the future.
- This is a rare and important opportunity that should be taken with both hands

- The best thing that could ever happen to Hereford is for the development to be constructed,
- For Hereford to modernise and retain young people the plans have to proceed
- The development would enable people to spend the whole day in the city rather than just a couple of hours.
- Anyone with any money to spend does not shop in Hereford and the developments would help reverse this trend.
- The city isn't particularly large and the location of the site isn't far from the city centre.
- The reduced scale of the scheme is more sympathetic to the existing city centre.
- The traffic impact requires careful thought.
- The comments of it's our city group should be ignored
- Careful thought should be given to how to retain shoppers, tourists and residents in order to fill the gaps and stop people travelling elsewhere,
- Consideration should be given to retaining and modernising some of the former livestock buildings as part of development
- Better public transport, safe cycle routes and car parking away from the city centre is required
- Trees, green elements and landscaping must be included
- Innovative signage design is required
- Development must not be ruined by inferior design and cheap materials.
- The development should champion sustainable travel options, such as a community based mini bus service.
- Incentives for interesting business opportunities within the city centre should be encouraged.

5.6 Comments and remarks that oppose the development are as follows:

- We do not need another supermarket.
- The proposed works to Newmarket Street are untenable unless the link road is constructed.
- The development will remove the agricultural history of the city.
- The development would destroy the city centre and divert investment from existing retailers.
- The existing retailers must not be allowed to relocate to the new development.
- The development would bring more traffic into the city.
- Parts of the existing city are undervalued and development to the rear of the Green Dragon would bring life back to this important historical area.

5.7 The applicants have also undertaken various forms of pre-application consultation which are detailed in a Statement of Community Involvement. This included consultation on the initial design stage concepts back in 2008 and a three day public exhibition in High Town in October 2010 prior to submission of the application and numerous workshops, presentations and meetings and exhibitions including several specific workshops with key stakeholders such as the Police, Royal National College of the Blind, local education groups including St Thomas Cantilupe School and local business and retailers. The outcome of the application consultation is considered in conclusion.

5.8 Also part of this process, the applicants presented the application proposals to the regional design review panel of CABE. They fully endorsed the masterplan proposals concluding:

"In summary, the panel was impressed by the thoughtful way the project has been conceived as an integrated extension to the city centre, overcoming the separation currently inflicted by the inner ring road. It hopes that these high standards of planning and urban design will be sustained as the project moves forward to implementation"

5.9 The full text of these letters and response forms can be inspected at Planning Services, Garrick House, Widemarsh Street, Hereford and prior to the Committee meeting.

6. Officer's Appraisal

6.1 The key issues for consideration in the assessment of this application are as follows:

1. The principle of the development and consideration of alternative options
2. Retail and Leisure need and impact
3. The masterplan proposals, parameters and design strategy
4. Traffic, transport, access and connectivity
5. Environmental considerations (air quality, noise & vibration)
6. Heritage assets and townscape
7. Socio-economic considerations
8. Hydrology, flood risk and drainage
9. Other matters
10. Conclusion

1. The principle and consideration of alternatives

The principle

6.2 Hereford is identified as a settlement of significant development within the revised Regional Spatial Strategy (RSS) where balanced and sustainable growth should be directed. Key to this growth is the need to provide for the regeneration of Hereford City Centre. Herefordshire including Hereford also falls within a rural regeneration zone. Within these zones across the West Midlands, 20 impact investment locations were allocated where opportunities for early delivery of projects contributing to the sustainable growth of the regions economy is identified.

6.3 The site forms part of the Edgar Street Grid (ESG) regeneration area which is identified as one of the 20 regional impact investment projects. Although the emphasis and commitment at a regional level is likely to change over the coming year with the coalition governments proposals to abolish Regional Spatial Strategy's and the demise of Advantage West Midlands, the commitment to the ESG regeneration area has remained strong. This has recently been demonstrated through the government's confirmation that the AWM funding for the Yazor Brook Flood Alleviation Scheme is protected. For clarification, the Regional Spatial Strategy remains adopted but the proposals within the Localism Bill to abolish the RSS is a material planning consideration. Recent court decisions indicate that the weight to be given to the RSS is for the decision maker to determine in each instance.

6.4 The ESG area comprises of 43 hectares of predominantly brownfield land adjoining Hereford City Centre. The ESG concept was developed as early as 2003 when a 20 year vision for the regeneration of the area was set. The first masterplan was prepared in 2004 to coincide with the preparation of the Unitary Development Plan (UDP) with the final masterplan being completed in 2009.

6.5 Through the preparation of the UDP, the need to expand the Central Shopping and Commercial Area (CSCA) to fulfil Hereford's growth needs and aspirations was recognised in the preparation of the UDP. Its adoption of the UDP in 2007 resulted in a redefinition of the CSCA area to encompass land north of Newmarket Street effectively forming the application site and land west of the city in the Bewell and Berrington Street areas. The CSCA underpins the UDP retail strategy by including suitable new opportunities to meet the identified requirements for retail, leisure and other facilities. The need for these requirements was fully considered and confirmed through the UDP process. Policy TCR 1 of the UDP states:

“The central shopping and commercial areas of Hereford and the market towns will be retained and protected as the prime focus for retail, leisure and commercial activity in order to ensure the continued vitality and viability of these city and town centres.”

6.6 The wording of policy TCR1 is reinforced within Planning Policy Statement 4, the emphasis of which is to direct all new retail and leisure developments to existing town and city centres in the first instance. Therefore, the need to expand the existing city centre to accommodate new retail and leisure opportunities is based on sound evidence and strong retail planning principles fully supported by the Inspector in the UDP Inquiry and further reinforced in the latest guidance within Planning Policy Statement 4.

6.7 The allocation of additional land within the UDP for the expansion of the retail, leisure and commercial area of the city centre is also supported by a specific UDP policy - TCR20. The expansion area as a whole is known as the “Eign Gate Regeneration Area” and the application site forms part of this area. The policy states that

“Land within the Eign Gate regeneration area provides a major opportunity for development to support the vitality and viability of the city centre. The area is identified as the preferred location for Class A1 retail development and associated car parking provision.”

6.8 Criteria 2 of the policy states that development on the livestock market must provide a comprehensive scheme based on A1 retail uses for the livestock market treating the site as a whole. The adopted UDP policies therefore also support the principle of a comprehensive retail development on the livestock market. To facilitate this, policy TCR19 supported the construction of a new livestock market, the work on which is now at an advanced stage with anticipated completion in May/June this year.

6.9 Further detailed policy support for the principle of development is also contained within adopted Supplementary Planning Document (SPD) entitled ESG Design Framework, and the Hereford Futures ESG Masterplan. Both support the comprehensive redevelopment of the livestock market as an expansion of the city centre offering new retail and leisure facilities.

6.10 Therefore, at a regional policy level (which remains a material planning consideration) the ESG regeneration area has been fully supported both in planning policy and financial terms. At a local level, the principle of expanding the city centre to incorporate the livestock market and its development for new retail and leisure facilities are integral to the retail strategy of the UDP and SPD. Furthermore, this approach is fully consistent Planning Policy Statement 4 which encourages sustainable extensions of town and city centres where a need exists. The principle of the development is therefore policy compliant and indeed represents implementation and delivery of a key aspect of the Council’s planning policies.

Consideration of Alternative Sites

6.11 There has been much debate in recent years over the merits of developing the livestock market as opposed to developing the Berrington Street area. Firstly, it must be emphasised that both areas of land fall under the same development plan allocation governed by the same development plan policies. The UDP is therefore not proposing an either or scenario but rather, that both offer opportunities for appropriate retail and commercial developments.

6.12 The Council’s commitment to the Berrington Street area and upholding the aims of Policy TCR20 of the UDP is further demonstrated through the emerging core strategy of the LDF which emphasises the area as a key site to fulfil the City and County’s retail, leisure and commercial requirements over the future plan period. However, this land use allocation is far more challenging to realise due to the size of the developable area, the number of landowners involved, the heritage assets in the area and number of uses and business that occupy the area. Whilst not insurmountable, the timescales for bringing forward the Berrington Street site

as a development opportunity is a more medium to long term development commitment which properly falls to be taken forward in the Core Strategy.

- 6.13 In allocating the development site through the UDP process, other site options were also considered. The Council commissioned an assessment of options focussing on the need to identify a brownfield site, within or adjacent to the core of the city and with potential for accommodating around 16,000 sq.m. of comparison retail development. In addition to the Berrington Street area, this also examined site options at Bewell Street and Gaol Street in terms of their suitability, availability and viability. All three were discounted primarily due to the lack of space to accommodate the critical mass of retail required and various land ownership issues. Gaol Street was also discounted as it was regarded as being too 'off pitch in retail terms.
- 6.14 The report did identify the Bewell Street area could have been the preferred option in locational terms but only to accommodate a proportion of the required retail. This was also reliant upon the incorporation of the existing Tesco site and due to the commercial restrictions imposed within the lease between Tesco's and Crown Estates (who are the landowner), this was not considered to be a viable option within the required timescales. Therefore, this study also supported the view that the livestock market was the only suitable, available and viable option to deliver the required level of retail and leisure within the UDP timescales.
- 6.15 An alternative option has also been proposed by the owners of Maylord Shopping Centre. This includes redeveloping land north of Maylords as the primary retail and leisure expansion of the city with a new employment and a Tesco supermarket on the livestock market and reuse of the existing Tesco's site for further retail and community use. Although the entirety of this option was not tested through the UDP process, as explained above, the re-development of the existing Tesco's was investigated as an option.
- 6.16 The same constraints also apply to this option in that the extent of land available to achieve the required critical mass of retail to make such a development viable does not exist and the number of land ownerships (which includes private dwellings) and willingness of land owners to co-operate also make this an unviable and undeliverable option. Furthermore, land north of Maylords known as the Catherine Street area within the ESG Masterplan (referred to as civic quarter within the UDP) is allocated for a broader mix of uses including residential and community uses. There is, nevertheless, scope for retail development here in the future to continue the retail frontage along Blueschool Street to link with Maylords. Therefore, as with the Berrington Street land, elements of this alternative proposal could be realised in the future but it is not considered to be a suitable, available or viable within a reasonable timescale to meet the current pressing need for new need retail and leisure facilities.
- 6.17 In planning policy terms both the principle of development and the site is considered acceptable and the previous study undertaken through the UDP process has revealed that the livestock market is the most suitable and deliverable option. In reviewing the previous studies, and applying the test set out within the latest guidance contained within Planning Policy Statement 4, which requires sites to be considered against their suitability, availability and viability, none of the other areas of land can meet the identified need for new retail and leisure facilities within a reasonable timescale. It should also be noted that key elements of the proposal such as the cinema or department would not be viable in isolation as these are cross-subsidised by the remainder of the development. A more piecemeal proposal on smaller sites would therefore be unlikely to include either a cinema or department store.
- 6.18 As required by Schedule 4 of the Environmental Impact Assessment Regulations, as well as considering all alternative sites for the development, the Environmental Statement accompanying the application also considers both a no development scenario and alternative design options for the development site. The do nothing scenario has also been considered and dismissed through the preparation of the UDP and the assessment and conclusions of the

Environmental Statement regarding a no development scenario are accepted in terms regeneration of the area and attracting inward investment, job creation, enhanced public realm and meeting identified retail and leisure need.

- 6.19 In terms of site development options, the Environmental Statement utilises the sustainability appraisal for the ESG SPD which considered three other options – 1) retain all major buildings, 2) mixed development with the retention of the key features and 3) demolition of all major buildings. The assessment concluded that a mixed development with the retention of key features is most appropriate and your officers concur this is the best solution for site.
- 6.20 Finally, the Environmental Statement identifies the design evolution of the master plan which has materially changed from that which was originally prepared in 2007. The earlier development proposals were for a much larger scheme with retail extending up to and along Blackfriars Street and encompassing the entire site including the demolition of the Garrick multi-storey. Whilst the changes to the master plan have largely arisen due to the changing economic climate, it is considered the evolution of the master plan process detailed in the Environmental Statement demonstrates a thorough analysis of the development options and the impacts of various iterations of the master plan.
- 6.21 In summary, the principle of the proposal is development plan compliant and the evaluation of alternative sites and development configuration options as required by Part 1, Schedule 4 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 has been sufficiently thorough to allow full consideration of the application proposals to be undertaken.

2. Retail and Leisure Need and Impact

Need

- 6.22 In support of new retail and leisure land use allocations and associated development plan policies, local authorities are required to undertake an analysis of the retail and leisure needs of their area in order to define the retail strategy. To support the UDP, a retail study was carried out in 2002. This defined a retail hierarchy across the county with Hereford being the sub regional shopping centre. The report then defines the retail catchment area which, as well as Herefordshire, includes additional areas particularly to the west into Powys and to a lesser extent, south to Monmouthshire. Household retail surveys were then carried out to establish the shopping patterns of the catchment area and assessed against future population forecasts. Surplus retail expenditure can then be established split between convenience and comparison retail (comparison shopping is items not obtained on a frequent basis such as clothes, footwear, household and recreational goods). The outcome of this study informed the UDP retail policies.
- 6.23 This identified a residual floorspace requirement for Hereford in 2011 of 14,000-16,000 sq.m. comparison city centre retail along with a further 11,000-13,000 sq.m. bulky goods comparison retail warehouse floor space and up to 1600 sq.m. convenience retail in 2011. The majority of the convenience retail identified in the 2002 study has effectively being taken up through extensions of existing supermarkets. In terms of comparison city centre retailing, some of this original capacity has been consumed through small developments within the city such as the H & M store, expansion of Marks & Spencer's into the basement and development on Bewell Street. However, the majority of this retail need in floor space terms remains. In terms of bulky goods, a large proportion of the residual floor space has been developed through the construction of the B & Q and Dunelm stores. Nevertheless, even based on this study (which is almost 10 years old) there remains significant residual floor space capacity for city centre.
- 6.24 The 2002 study also examines leisure (cinema) provision and requirements. Again the catchment area is defined and need established based on annual average cinema visits. This

revealed that by 2011, a need for an eight screen cinema would exist and this need is in addition that which already exists. Unlike the retail, none of this shortfall in provision has been provided for within the city.

- 6.25 To support the Local Development Framework, a new retail assessment was carried out in 2007/2008 updated in 2009 and again in Autumn 2010 to reflect the adoption of Planning Policy Statement 4 and the downturn in the economy. This places greater emphasis on sustainable economic growth associated with the main town centre uses. It also requires local authorities to establish a strong evidence base to plan proactively in order to promote competitive town centre environments and create consumer choice. The recent retail study uses similar methodology to the previous UDP study but takes account of potential population growth over the future plan period to 2026. Even allowing for a more modest population growth up to 2016 representing the likely phasing of strategic housing sites and the lower economic growth rates, significant latent comparison retail expenditure exists. Considerably less surplus convenience retail expenditure exists and the proposed food store forming part of this application would absorb all residual capacity up to 2026. The current and projected comparison retail requirements as of November 2010 are detailed in the table below.

	2007	2011	2016	2021	2026
Expenditure Surplus	£117.7m	£125.4m	£54.1m	£89.4m	£192.8m
Floorspace Requirement (gross sq M)	29,434	31,401	12,873	19,775	39,560

- 6.26 The 2016 figures account for the floorspace proposed within this application proposal being constructed and trading and the 2011 figure accounts for developments that have occurred since the adoption of the UDP.
- 6.27 The position with regard to the cinema requirements remains unchanged in that an eight screen cinema could be justified in need terms. Therefore, utilising the Council's latest retail assessment which follows the latest Government guidance and policy, it is clear that there is sufficient retail capacity within the catchment area to accommodate the level of floor space proposed within the application. Even allowing for a continued down turn in the economy and lower household growth projection, it is also clear that in future years post this development, there will be the need to allocate further land for city centre retail which the Core Strategy will address.

Impact

- 6.28 Planning Policy Statement 4 does not require a retail impact assessment even for developments of the scale proposed under this application when the site falls within a town centre or is allocated in an up to date development plan. Nonetheless, the applicants have been asked to consider the retail impact of the development. Other impacts of the development such as job creation, enhanced public realm and connectivity is discussed in more detail later in the report.
- 6.29 Although the site falls within the central shopping and commercial area in policy terms, the perception by many is that the site is on the edge of rather than within the centre principally due to the barrier created by the inner ring road. Undoubtedly, one of the key challenges of the development is the visual and physical connectivity between the application site and existing city centre. However, it must be emphasised that connectivity across Newmarket Street is as much influenced by speed and ease by which pedestrians can cross as the level of traffic on the road itself. The site is 210 metres from the western end of High Town which is no more than a 2-3 minute walk and only 25 metres from the primary shopping frontage on

Widemarsh Street. Therefore in distance terms, in the context of the city, the site can reasonably be regarded as city centre.

- 6.30 It is clear that in purely quantitative terms, the retail impact of the development can be absorbed by the existing catchment area and the associated expenditure capacity. However, the health of the city centre will also affect the capacity of the existing centre to absorb the development. This is assessed against thirteen criteria such as quantity and quality of retail, vacancies, rental yields, retailer demand and representation and centre environmental quality in a process usually known as a health check.
- 6.31 As with many other centers, Hereford has suffered over the last few years due to the economic down turn with several larger retailers closing down or going into administration such as Chadds, Woolworths, Zavvi and Adams. This did leave the city centre in a vulnerable position. The last twelve months has seen clear signs of recovery. The number of vacant units has dropped from its peak of 76 in 2009 down to 60 in July 2010 and this trend is continuing. Larger vacant units have generally been occupied such as Woolworths occupied by Peacocks and Chadds partly occupied by The Entertainer toy store. The city centre is also reasonably well represented containing 65% of the top 10 city centre national multiple retailers with current demand from 21 new retailers to have representation in Hereford. The city has also seen recent refurbishment works in High Town, Eign Gate and Widemarsh Street and crime levels are relatively low. Rental yields have fallen in recent years reflecting the national economic climate but past trends have shown that yields have on average, remained strong. In summary, based on the thirteen health check indicators identified within PPS4, the city centre appears to be recovering strongly and is generally healthy.
- 6.32 Notwithstanding the above conclusion, the development will inevitably have an impact. It is likely that some retailers will wish to relocate to the new development leaving vacant units and in the immediate short term following the opening of the development, it is likely to be a significant retail attraction for the city. The applicant's advise that their letting strategy is primarily to secure tenants that complement the existing city centre targeting retailers that do not currently have a presence in Hereford. Furthermore, controls also exist on the lettings strategy through the development agreement between the Council and applicants. Ultimately, if the development is successful in broadening retail consumer choice, the development is unlikely to have an adverse impact on the city centre.
- 6.33 PPS4 identifies six key tests when considering the impact of a new development and whilst all are relevant, three in particular capture the issues associated with this application. These are:
- 1) The impact of the development on town centre vitality and viability including local consumer choice and the range and quality of comparison and convenience retail,
 - 2) The impact of the proposals on in centre trade/turnover and on trade in the wider area taking into account the current and future expenditure capacity in the catchment area up to five years from the time of the application is made and where applicable, the rural economy and
 - 3) If located in or on the edge of a town centre, the proposal is of an appropriate scale in terms of gross floor space in relation to the size of the centre and its role in the hierarchy of centres.
- 6.34 1) It is considered that the development as a whole could potentially have a very short term negative impact on the city centre as discussed in para 6.32. However, this short term impact will soon be replaced with a long term positive impact on the vitality and viability of the city centre as a whole due to significant enhancement in the size, range and quality of comparison retail and leisure facilities including notably, provision of a department store which Hereford has lacked since the closure of Chadds in 2008. This will increase consumer choice and add to the diversity of the shopping and leisure experience within the city as a whole. The vitality of the city will also be enhanced by extending the evening economy with a range of new

leisure activities and facilities including new eating establishments, the cinema and conference facilities.

- 6.35 2) The Council's latest retail study identifies sufficient residual expenditure and floorspace capacity over the next five years to accommodate all aspects of the development. This assessment is on the basis of a relatively cautious outlook recognising the current economic climate and assumes Hereford's market share will remain constant. Both of these factors are likely to change in the coming years and therefore, the level of residual capacity is likely to grow.
- 6.36 3) The scale of the comparison retail component of the development in gross floorspace equates to 33% of the existing city centre retail floorspace. Given Hereford's role as a sub regional shopping destination and its hierarchy within the catchment area, the scale of this increase is not considered to be disproportionate with both the needs and absorption capacity of the city and catchment area. Furthermore, it should be emphasised that the reduced scale of the development now proposed is unlikely to contain the critical mass of retail required for it to become a shopping destination in its own right.
- 6.37 For these reasons, the application satisfies the retail tests set out within PPS4. Importantly, the development is also likely to have a positive retail impact. The Council's retail studies over the last 10 years have identified a continuing trend that the extent of existing durable goods retail floorspace is failing to satisfy current levels of spending which is resulting in substantial leakage of spending to centres outside of the catchment, in particular Cheltenham, Worcester and Gloucester. The retail study in support of the UDP identified that by 2011, if the floorspace requirements were not fulfilled, there would be £97.9 million of retail expenditure leakage out of the county. Whilst this figure is likely to be less in light of the economic downturn and accounting for some of the residual expenditure being taken up with new retail developments over the last five years, this still represents a significant out flow of potential income.
- 6.38 The more recent Council survey indicates that this trend is continuing with a quarter of the residents surveyed stating that they purchased their comparison goods outside of the County. Similarly, with regards to residents surveyed who regularly visited the cinema, only 35% identified Hereford as being the primary cinema destination. In the absence of a significant retail development to meet this identified retail and leisure capacity in the short term, this trend will be exacerbated. Furthermore, not only will the development assist in retaining existing surplus retail expenditure within the catchment area, it is also likely to generate an influx of expenditure from outside the catchment area attracting new customers who would not ordinarily choose Hereford as a retail destination.
- 6.39 The retail and leisure implications of development not proceeding on this site also require some commentary. Retail planning policy requires the sequential approach to the selection of sites for large scale retail and leisure development, the first priority being town centre, then edge of centre and lastly out of centre. The Council has up to date evidence in line with best practice and the latest Government guidance on retail studies demonstrating the current significant surplus retail expenditure capacity in the city. One of the tests for demonstrating the availability of alternative sites is that they are deliverable with a reasonable timescale generally defined as five years. It is unlikely other potential sites options can be delivered within this timeframe without significant public sector investment which is even less likely to be available. If this site is not proceeded with and other city centre sites cannot be delivered reasonably quickly, the Council will be under increasing pressure for unrestricted comparison retailing in out of centre locations such as Holmer Road which would be difficult to defend on appeal. The impact of large scale unrestricted out of centre retail on the vitality and viability of the city centre would be at best harmful and at worst irreversible.

3. The Masterplan Proposals, Parameters and Design Strategy

Masterplan Proposals and Parameters

- 6.40 The application is in outline form with all matters reserved for future consideration with the exception of vehicular and pedestrian access. The application is accompanied by an illustrative master plan and master plan principles and parameters document which sets minimum and maximum thresholds in relation to siting/footprint and elevational height for each building proposed. Thresholds are also set for the level of car parking and mix of uses within each building and across the development as a whole. These minimum / maximum thresholds for the development will enable greater control and definition for the detailed design stage recognising the sensitivity of the site and its context.
- 6.41 The master plan concept has evolved from an investigation into the historic evolution and growth of Hereford and how this has moulded the street pattern and influenced the character and format of the buildings that enclose and define the streets. The masterplan therefore seeks to continue the existing street structure into the new development to reflect the organic expansion of the city centre that has occurred over the last 500 years or so. It is considered the master plan parameters will successfully achieve this objective. Firstly, the two existing key pedestrian links from the city centre across Newmarket and Widemarsh Streets are reinforced and significantly enhanced into the development. The new street structure has been further strengthened to the north onto Blackfriars Street to address concerns expressed by the conservation manager regarding the legibility of the pedestrian routes on the northern boundary of the development. The reserved matters stage will offer opportunities to further reinforce this objective. The masterplan will also create the potential to create a new retail circuit generating additional footfall to and from Eign Gate area as well as more directly into the city centre via Widemarsh Street. The north south street alignment has also been modified to allow for views of All Saints Church and the Cathedral spire, which in turn also creates a useful visual reference for shoppers to the city centre. Secondary pedestrian and cycle links will also be available via Edgar Street and elsewhere along Blackfriars Street ensuring the development is permeable from all directions.
- 6.42 The success of the street structure is also dependent upon the arrangement and juxtaposition of the buildings within the site and their relationship with the existing townscape around the site. In this regard, the focus of new buildings and frontages within the master plan is to the south and southeast of the site, i.e. closest to the existing city centre. This enables a more natural expansion of the city centre to be achieved both in terms of the uses proposed and the areas of activity within the site. The restaurants and cafes have specifically been focused near the entrance to the site to create a civic hub around the Old Market Inn. The buildings will facilitate active frontages to be created, not only within the new internal streets but importantly, around the junction of Widemarsh Street and continuing along Newmarket Street onto the corner of Edgar Street. The siting of the buildings will also create the required enclosure to the street as can be typically found elsewhere within the city without appearing too claustrophobic. In terms of building footprint, it is considered the right balance has been achieved in order to respect the historic character and urban grain of the city while ensuring that the size and format of the retail and leisure units meet current shopper and retailer demands. Breaking the master plan into three distinct buildings will also ensure that the overall mass of the development does not become overpowering. The general decrease in scale eastwards from Edgar Street towards Widemarsh Street also respects the transition into the historic core of the city.
- 6.43 The majority of the northern part of the site is dedicated to surface level car parking which also extends southwards into the site. The visual impact of this central car park is a concern as it encroaches into the heart of the development and somewhat dilutes the structure of the street pattern that is strongly evident elsewhere. However, enclosure of the southern boundary of the car park is proposed by means of three detached retail kiosks, which will continue the retail frontage. The design of the car park in terms of surface materials, landscaping and

pedestrian routes will also be key to mitigate the visual impact of the cars and create a more informal appearance.

- 6.44 The building massing and height as defined by the development parameters varies across each individual building and the site as a whole. The majority of Building A which sits adjacent Edgar Street wrapping around into Newmarket Street is likely to be two storey (maximum 16.25 metres) with roof level car parking above rising effectively to three storeys (maximum 24.4 metres) on the Edgar Street roundabout corner of the development. This is the highest of the buildings across the whole development. This is considered an acceptable approach as the Edgar Street roundabout is perhaps the most prominent aspect of the development but contextually, is the least sensitive and therefore provides the greatest opportunity to achieve a landmark building. The current visualisations will require further modification at the detailed design stage to ensure this objective is met and create the required level of architectural interest and animation within the elevation that is necessary on this prominent elevation. The roof level car park on Building B will also allow views across the development and the city beyond to the Cathedral which needs to be reinforced within the designs.
- 6.45 Building B is effectively to be triple aspect with a frontage onto Newmarket Street and westwards and north within the internal streets. This building is likely to accommodate the cinema at first floor and as such rises to a maximum height of 20.4 metres graduating down to a maximum of 14.8 metres to the west and 16.2 metres to the eastern end. Whilst the scale of building is considerably higher than any of the existing buildings in this area, it is considered the scale can be satisfactorily assimilated into the new streetscape subject to successful integration of the various components of the building in terms of their form, design and materials. Based on the visualisation to date, it is not considered a successful composition of the various built elements that make up Building B has been achieved which results in an unsatisfactory appearance. Greater flexibility from the future tenants as well as the applicants will be required but this can be addressed at the detailed design stage.
- 6.46 Building C which is primarily to accommodate leisure (restaurants and cafes) uses has a maximum height of 22.3 metres. However, both Buildings B and C will not be developed to their maximum height, this approach is intended to allow alternative arrangements of development. A condition is recommended to ensure this is the case. The likely scenario being that Building C will be of a two storey height at approximately 16 metres. At this height the building would tie in with the scale of the multi-storey and reflect the general transition in height down to the detached retail pavilions. These will frame the gateway into the site and are at a maximum height of 11 metres which will also partially screen the multistorey car park. The form of building C is also constrained by Central Networks retained land to the rear of the multi storey.
- 6.47 The scale parameters proposed in the application in terms of siting, mass and height are therefore considered acceptable in principle for the purposes of this outline application. The acceptability or otherwise will ultimately, however, rest in the design and detail to be submitted with the reserved matters process if outline permission is approved.

Design Strategy

- 6.48 Whilst the design and appearance of the buildings is not for consideration under this application, the Design and Access Statement accompanying the application sets out the design strategy for the buildings and the development as a whole. This explains that the development has been designed to have regard to and reference Hereford's historic vernacular within the new development in terms of building and roof form, articulation of the elevations and proposed materials.
- 6.49 In addressing the scale and mass of the buildings, the concept designs seek to break down each of the elevations into specific components whilst maintaining an architectural rhythm across the elevation. The proposed design of each building will also be different both in terms

of the treatment of elevations and mix of materials giving each building its own identify while creating an architectural symmetry across the site as a whole. Equally important is the roofscape and in recognition of historic Hereford's varied roof form, several of the buildings are likely to incorporate gabled pitched roofs. These will also assist in softening the degree of enclosure that would otherwise be created. This theme is also repeated for the pavilion buildings in the site entrance off Widemarsh Gate. To address the concerns of the Hereford City Council, further information has been provided regarding the Edgar Street elevation to ensure it has the required degree of interest and quality and masks the fact it is the rear of Building A. A different composition of materials is proposed including the possible use of green walling to further soften the visual impact of this elevation at pedestrian level. Elsewhere materials will comprise of predominantly brick, render and timber cladding with the possible use of stone for some of the pavilion buildings. Further animation will be produced at upper levels where possible in the form of glazing, timber shutters, louvres and lighting.

- 4.50 The quality of the public space is equally as important as the built element as it will knit the whole development together both in its own right and with the city centre. In this regard, the applicants propose to use the same or similar materials as have been used on Widemarsh Street for the Widemarsh Gate area with high quality materials elsewhere softened with extensive tree planting. The introduction of public art within the public spaces will also contribute to the quality and interest of the development and a condition is recommended to control this.
- 6.51 In summary although the application is in outline form, the principles of the master plan and the scheme parameters within which the development will be bound along with the design strategy for the development provide the framework for a high quality development that the ESG Design Framework requires and the Council and wider public expects.

4. Traffic, Transport, Access and Connectivity

Traffic

- 6.52 The capacity of the local highway network to accommodate the development is one of the key issues in the consideration of the development. To assess this, the applicants have used the traffic model that was created jointly by Herefordshire Council and the Highways Agency to assess the proposals for growth and new road infrastructure being considered through the Core Strategy. The same model was also used to assess the link road application. This is a multi modal transport model that considers existing and calculates proposed trip generation and travel patterns both within the city and to and from the city including public transport, walking and cycling trips. The model takes account of background traffic growth in line with the Department of Transport methodology. The model also considers car park supply and usage and accident records. The use of this model is therefore considered to be appropriate and will ensure continuity of assessment against other recent developments and the wider growth of the city.
- 6.53 The application is accompanied by a detailed traffic assessment which considers the impact of development against various scenarios. The base year for assessment is 2008. If approved, the development is due to be open for trading in 2013 and therefore this is the initial appraisal year for traffic modeling purposes. Further scenarios are also tested both with and without link road and for future years of 2020 and 2026. 2020 is chosen as highway guidance requires assessment seven years after the date of opening and 2026 is used as this coincides with the anticipated life span of the Local Development Framework and a potential development associated with it. These assessment years and scenarios have been accepted by the Council and Highway Agency. The traffic flows are then assessed during what is generally considered to be the worst case scenario, this being morning and evening peak hours of 8.00-9.00 and 17.00-18.00 along with 11.00-13.00 on Saturdays.

- 6.54 The outcome of the traffic modeling exercise is being scrutinised by the Highways Agency, Herefordshire Council's Transportation Team and their appointed consultants. The modifications to the network and location of the main customer access results in the traffic associated with the development being focused to Blackfriars and Widemarsh Streets in particular enabling up to a 25% reduction in traffic on Newmarket Street westbound during the AM peak period. Capacity within several junctions is limited but notably, all appear to have sufficient capacity to accommodate the development without the link road being operational. In summary, the existing road network, subject to the modifications proposed as part of the development, can accommodate the likely development traffic in the 2013 opening year without the link road being in place. At the time of writing, the Highways Agency have requested further information to assist with the sensitivity testing of the traffic modelling. An update on this matter will be provided at Committee.

Transport

- 6.55 The location of the site is highly sustainable being accessible by all non-car based modes of transport. In particular, the site will be accessible by foot and bicycle from all existing streets in all directions. Covered cycle parking will be provided at various locations within the new public realm and the option of cycle parking on the Newmarket Street central reservation is also proposed subject to further consideration of the safety and usability of this. The junction designs are also in the process of being amended to accommodate provision for cyclist.
- 6.56 Part of the proposals include the removal of the existing bus layby on Newmarket Street and its replacement with an on line bus layby. This is a concern as it will inevitably disrupt traffic flows on Newmarket Street, particularly with the likely increased usage and possibly the frequency of the service serving the development site in the future. It is not, however, uncommon for bus laybys to be within highway and the accommodation of the existing bus pull-in would disrupt the new streetscape that is proposed to be created on Newmarket Street. Importantly, the Traffic Manager does not ultimately object to this aspect of the proposals.
- 6.57 The traffic impact of the development is to be mitigated through the completion of Framework Travel Plan for the development that will also link in with the ESG wide Sustainable Travel Implementation Strategy (STIS). Both documents have now largely been agreed by both the Council and the Highways Agency. The STIS provides a long term framework to co-ordinate and monitor this and other travel plans across ESG as a whole whilst the framework travel plan specific to this application includes a range of hard and soft sustainable travel measures to encourage more sustainable travel options.
- 6.58 The main target will be a 10% reduction in single occupancy car usage by staff over a five year period. Other initiatives will include the promotion of car sharing, possible financial incentives to encourage bus and cycle travel and possible creation of a cycle hub. In addition larger businesses will have their own travel plan linking in with the Framework Travel Plan and STIS, all of which will be managed and overseen by a Travel Plan Co-ordinator employed on site. Although the site is sustainably located, these measures will drive forward a further the shift from single car travel to the site.

Access

- 6.59 The site is to be served by a single new customer vehicular access off Blackfriars Street opposite the access to Merton Meadow car park. This is proposed to be a fully signalised four way junction and it is considered that this must be signalised prior to occupation of the development. The alterations to Blackfriars Street will also include the introduction of a right lane turn into the site. The site has access itself being a single entry and two lane exit barrier controlled design. Both the Traffic Manager and Highways Authority raise no objections to the location and design of this new access. A single access point is also considered beneficial in that it routes the primary development traffic away from Newmarket and Blueschool Streets.

- 6.60 The Blackfriars Street / A49 junction is also to be altered to a fully signalised junction to include the creation of separate left and right turn lanes from Blackfriars Street. Again, both the Highways Agency and Traffic Manager have now largely approved the revised design of the junction. This junction along with the new site access will allow traffic from the development and along Blackfriars Street to flow more efficiently in peak periods than is currently the case.
- 6.61 A further three new vehicular accesses are proposed to service each of the three principal buildings. One off Edgar Street which includes the closure of the existing vehicular access and will be designed to accommodate large HGV's up to 16.5 metre length, one directly onto Newmarket Street which again is designed to accommodate the largest HGV's and will include the closure of the existing access associated with The Old Market Inn and a smaller service access on Blackfriars Street accommodating service vehicles up to 7.5 tonnes. Servicing arrangements are explained in more detail in paragraphs 6.104-6.106. The Highways Agency have requested further information on the operation and frequency of usage of the service bays which is currently being prepared. However, the principles are now largely accepted by both the Highways Agency and the Council's Traffic Manager.
- 6.62 The development will inevitably generate increased traffic on some parts of the network but the masterplan design and position of the principal site access alongside the other proposed highway modifications have demonstrated to the satisfaction of the Traffic Manager and their appointed consultant that the development traffic can be accommodated on the Councils network and the affected junctions will operate satisfactorily. This position is on the basis that the link road is not completed prior to the development being operational.

Pedestrians and Cyclists Connectivity

- 6.63 One of the key challenges of the development is to ensure that the site is accessible by foot and bicycle from all directions and particularly via Newmarket Street and Widemarsh Gate. The inner ring road currently presents a physical and perceived barrier to the free flow of pedestrians and cyclists between the development and the city centre. To address this, the Widemarsh Street / Blueschool Street / Newmarket Street junction is to be completely redesigned. The principal changes proposed are:
- 1) The entire junction will be a raised table design constructed at grade with Widemarsh Street and the proposed development to the north.
 - 2) All the existing pedestrian barriers are to be removed creating a more open junction design replaced only with low level bollards where required.
 - 3) Resurfacing the whole junction with the same or similar materials to that has been used on Widemarsh Street
 - 4) The introduction of a single phased pedestrian crossing from High Town to the development with a longer green time for pedestrians.
 - 5) The introduction of right turn facility from Wall Street to travel eastwards
 - 6) The introduction of a right turn from Blueschool Street to travel northwards to Widemarsh Street.
- 6.64 The proposed changes will significantly enhance the appearance of the junction and the creation of a raised table design will signify to motorists they are in a pedestrian zone. The ability for pedestrians and cyclists to cross in one phase thereby allowing quicker and easier passage between the city centre and the development is particularly welcomed as is the shorter cycle time meaning pedestrians have to wait less between phases of the lights. In addition, whilst the dedicated crossing zone will be defined by the position of the lights and the use of different paving, the whole ethos of the junction is to allow confident pedestrians to cross any part of it as it will not be defined with barriers and railings. However, the junction also accommodates the needs of the disabled through the creation of a central pedestrian refuge area enclosed with low level bollards in the event that informal crossing is not possible in one phase.

- 6.65 The introduction of the right turning options from Wall Street and Blueschool Street also results in a 25% reduction in traffic on Newmarket Street westbound approaching the Edgar Street roundabout during the AM peak period (10% during the PM peak). The wider highway benefits of particularly the Wall Street turning option is currently under review as concerns exist as to whether the introduction of both additional turning movements across this pedestrian orientated junction is appropriate. However, the applicants have demonstrated that the junction still operates satisfactorily from both a highway safety and in design terms and this position is accepted by the Traffic Manager. These additional turning options do result in a material increase in traffic northbound on Widemarsh Street but capacity exists on this street to accommodate the increase. Southbound traffic on Widemarsh Street across this junction will be restricted by the operation of rising bollards which is considered acceptable. Minor concerns also exist regarding the removal of the pedestrian crossing on the eastern side of the junction but the applicants pedestrian survey has revealed that this leg of the junction does not attract high pedestrian flows and ultimately, confident pedestrians will still be able to cross this side of the junction.
- 6.66 The other significant change for pedestrian/cycle movements is the removal of the subway on Newmarket Street and its replacement with a signal controlled surface level crossing. This is also to be a raised table design but it will be a two stage staggered crossing aligned with the new street and entrance to the department store to the north and providing access through the existing gap in the city wall to the south leading on past Tesco's through to Eign Gate. This will provide a much safer and more attractive environment for pedestrians and cyclists to cross albeit it is of a more traditional design including pedestrian barriers along the edge of the carriageway. Nevertheless, it will create a more visible crossing facilitating safe access to the bus station with the potential to also increased pedestrian footfall into Eign Gate area. The Highways Agency has accepted the location and design of this junction in principle.
- 6.67 The proposals also include the upgrading of the remainder of Newmarket Street including the removal of the existing central barriers and the creation of a new wider central reservation to incorporate tree planting and potential for cycle storage and re-surfacing. Small features such as this will assist in changing and softening the appearance of the street. More important, however, is the creation of a new active retail frontage along the length of the street which will generate greater pedestrian activity changing the character of the street, strengthened further by a reduction in traffic on the street.
- 6.68 To the north, the new retail streets will continue to Blackfriars Street connecting with a new pedestrian crossing east of the site access. It is considered there is scope to further strengthen and define this in terms of its width and prominence at the detailed design stage particularly having regard to potential significant new residential development to the north in coming years.
- 6.69 The existing pedestrian crossing on Edgar Street is also to be moved south to tie in with the new junction which will provide pedestrian and cycle connectivity with the site both to Great Western Way to the west and to the Courtyard Theatre. An additional informal pedestrian link is also proposed directly on Edgar Street to the west and via Garrick multi-storey to the east creating the east west route through the site. These proposals will ensure the development is permeable and accessible by foot and bicycle from all parts of the city.
- 6.70 All the pedestrian connections are important but the crossings on Newmarket Street and Widemarsh Gate are undoubtedly critical in order to achieve the required linkages with the city centre. This is borne out by the pedestrian movement surveys carried out by the applicants which have identified that the existing Widemarsh junction has a total of 16,000 pedestrian movements on a Saturday and 9,000 on weekdays. Notably, 90% of these pedestrian movements are the western side of the junction. This demonstrates there is already high pedestrian movement to and from the city centre across this junction but also reinforces the

need and importance for this junction to work successfully to achieve the required integration of the development. This also demonstrates that the level of traffic will necessarily be a barrier to this objective. The proposed design will facilitate the best achievable solution to overcome and ensure the ring road does not continue to be an actual or perceived barrier. Notably, it is considered that one of the principal criteria of Policy TCR20 is satisfied in that safe, effective and attractive pedestrian cycle links both within and outside the site are being provided and accommodated.

5 Environmental Considerations

Air quality

- 6.71 The dominant pollutants within and around the development site area affecting air quality standards are nitrogen dioxide (NO₂) and fine particle matter (PM₁₀) primarily emanating from road traffic. The Environmental Statement considers the impact of the changes in traffic flows utilising 2008 as a base year as this is when the most accurate data was available and coincides with the modeled traffic data and then forecasting the 2013 situation with and without the development. Fifteen receptor locations are identified within the Environmental Statement where members of the public may be exposed to changes in air quality, ten of which are residential environments. Several of the receptor sites also fall within the air quality management area which essentially follows the A49 Trunk Road but also includes Blueschool and Newmarket Streets. The United Kingdom Air Quality Strategy objectives for nitrogen dioxide and particle matter are a maximum of 40ugm-3 with background concentration in the study area for the 2008 base year being 25.2 for nitrogen dioxide and 17.7 for particle matter.
- 6.72 The development is likely to increase concentrations of nitrogen dioxide in three locations by in excess of 10% which represents a large magnitude of change. All three locations are on Widemarsh Street. However, the total levels will remain considerably below the 40 target and therefore the significance of change is only likely to result in a slight adverse impact. Elsewhere around the development site, the changes in nitrogen dioxide levels will either be imperceptible or negligible. With regards particle matter, the majority of the changes in levels are either less than a 1% increase or decrease and therefore overall changes in this pollutant are also likely to be negligible.
- 6.73 The other likely impact on air quality is during the construction phase as a result of dust emissions. The prevailing wind is from the west and properties within 300 metres of the source would be most affected. The Environmental Statement concludes that in the absence of appropriate mitigation measures minimising dust emissions, there is likely to be a temporary adverse effect on nearby properties. Proposed measures will include the use of water suppression in dry conditions, the use of solid hoardings, minimising the height of the stockpiles of materials and no burning of materials on site. These matters can be dealt with through a condition requiring the submission of a construction environmental management plan prior to commencement.
- 6.74 The development will therefore cause an increase in pollution levels where traffic flows are likely to increase which is largely centered around Widemarsh Street and to a lesser extent, Blackfriars Street. Notably, however, none of the concentration levels exceed the recommended Government's standards and even with the development and allowing for growth in traffic levels generally and possible cumulative effects, the trend is that pollution levels are reducing. The impact of the development on air quality is therefore considered to be within acceptable tolerance levels having regard to the national standards as confirmed by the environmental health manager who raises no objection.. The requirements of Policy DR9 in this regard are therefore satisfied.

Noise

- 6.75 The noise survey of the site has been conducted to identify existing noise sources and the local noise conditions and assess the impact of both the construction and operational phases of the development. This included a day and night time noise survey. The survey establishes both the impact of the development on existing sensitive receptors in the locality which are mainly residential properties but also ensures that appropriate noise levels can be achieved within buildings forming parts of the new development. Primary existing and proposed sources of noise in the area include that emanating from road traffic, the demolition and construction works and from buildings themselves arising from plant and equipment. Existing background noise levels within and around the site are relatively high due to road traffic.
- 6.66 Following the pattern of the traffic and air quality assessment, the only notably increase in noise is likely to be along Widemarsh Street due to increased traffic flows where decibel levels may increase by up to 5.4. In most other receptor locations noise levels are either largely static or slightly reduced. Noise from the service yards is predicted to be below existing background levels due to the fact that the service yards are enclosed and the relative distance to sensitive receptors. Although the Environmental Statement does not account for an audible service yard alarm associated with the opening and closing of gates, this matter is unlikely to have any harmful adverse impact and can be controlled by condition. Similarly, noise emissions from plant and equipment can also be dealt with by condition. As with air quality, noise impacts associated with the construction process can be adequately controlled through a construction environmental management plan. This will detail noise producing activities and will demonstrate how noise level criteria agreed with the Council will be met using noise control measures.

Vibration

- 6.67 With regards to vibration, this also will be controlled through the construction environmental management plan. In addition, techniques such as CSA piling methods rather than rotary piling would be adopted for foundations. On occasions where vibration levels have the potential to exceed the agreed standard, local residents and businesses will be given prior warning of the work.
- 6.68 The construction activities will inevitably have the potential to have a slight adverse impact as a result of increased noise and vibration in the area but subject to controls on the timing of works restricted predominantly to normal day time working hours when background noise levels are already high and given the fact these impacts will be temporary, the construction effects on noise and vibration will only be slight adverse. On balance, the residual effect will generally be negligible subject to appropriate conditions. The only exception is noise levels on Widemarsh Street where a modest adverse affect is likely to occur. However, given the magnitude of the change and the context where background noise levels are already relatively high, this effect is considered to be within acceptable tolerance levels. The Council's Environmental Health Manager supports this conclusion and raises no objections to the development in regards to noise and vibration. The requirements of Policy DR13 have therefore been satisfied.

6. Heritage Assets and Townscape

- 6.69 Planning Policy Statement 5 defines a heritage asset as including "... a building, monument, site, place, area or landscape positively identified as having a degree of significance meriting consideration in planning decisions...". With regard to this application, there are several heritage assets to consider. Hereford City Central Conservation Area borders the southern and most of the western boundary of the application site following Newmarket and Edgar Street including Widemarsh junction area. The Old Market Inn is Grade II listed, the city wall is a Scheduled Ancient Monument also following the southern boundary of the application site and all of the site is archaeologically sensitive with the southern boundary and south eastern corner also falling within the Hereford Area of Archaeological Importance. Beyond the

application site, the majority of the properties on the western side of Edgar Street are grade II listed whilst the Framers Club adjacent Widemarsh junction is Grade II* listed. The heritage assets also form part of the wider townscape and the Environmental Statement also considers the visual impact of the development on this townscape. In particular, it examines key views both to and from the site in relation to locally significant landmark buildings such as the Cathedral, All Saints Church and St. Peters Church. Long distance views from higher ground such as Aylestone Hill are also considered.

- 6.70 The master plan has evolved to take on board the constraints and opportunities generated by the existence of the heritage assets within and around the site. In the southeast corner of the site, the proposed two detached two storey pavilion buildings will tie in with the scale and proportions of The Old Market Inn and the urban grain of the Conservation Area extending southwards into Widemarsh Street. These buildings are proposed to have a more subtle contemporary appearance but incorporating traditional design features and materials such as natural stone which will assist in creating the architectural link between the development and the existing character of Widemarsh Street. These buildings are also positioned to frame the views into the site from Widemarsh Street whilst also respecting the geometry of the new Widemarsh gate junction. It is considered these elements along with new public realm will create the opportunity to significantly enhance both the setting of The Old Market Inn and adjacent Conservation Area. The Conservation manager supports this view. Particular attention will be required at the detailed design stage to the southern elevation of the multi-storey to ensure that this assimilates successfully with the proposed surrounding development.
- 6.71 The relationship with Building B and The Old Market Inn is more challenging due to the respective scales. This issue has been addressed to some extent through the massing of Building B being proposed to be stepped down in height to better relate to the scale of The Old Market Inn. Nevertheless, the setting of The Old Market Inn when viewed from the east is likely to be dominated by Building B and therefore the design and materials proposed for this building along with the treatment of the eastern elevation will be key to softening this impact. Whilst your officers see this as a challenge, the development provides the opportunity to enhance the wider setting of The Old Market Inn. In particular, if Building C remains at two storey height with a pitched roof form, this will create opportunities to achieve this objective.
- 6.72 The development also provides the opportunity to significantly enhance both the setting of the Conservation Area and the City Wall Scheduled Ancient Monument along the southern boundary of Newmarket Street. This will be achieved through both the enhancement of the appearance of the street itself as a result of new planting and higher quality paving, but also with the creation of a new retail frontage to Newmarket Street creating the enclosure and animation that the street currently lacks. The parameters of the buildings along this street are significantly larger than any other existing development in the locality but this in itself is not considered to be unacceptable. The greater challenge arises in achieving successful architectural rhythm both within the buildings themselves and in terms of the transition between the buildings to create an acceptable streetscape. To resolve this and ensure the setting of the heritage assets are both preserved and enhanced, future tenants may have to adopt a more flexible design approach but importantly, it is not considered these objectives are insurmountable. The design of the Newmarket Street service access and several pedestrian access points will require particular attention to ensure that they do not disturb the appearance of the new streetscape.
- 6.73 A particular positive outcome of the evolution of the master plan is the realignment of the southern end of the new north south street to allow views from within the development of All Saints Church and the Cathedral beyond. Similar views will also be available from the south eastern corner of the department store and the roof level of Building B. These views are important as they allow the development to visually connect with the historic parts of the city.

The applicants have also amended the landmark buildings plan to include the Edgar Street roundabout frontage of the department store. This will be one of the most prominent elevations of the development and it will be particularly important in townscape terms that this elevation has the mass and height to give the required presence whilst the animation and detailing to give the required quality. As with Building B, based on the visualization, further design work is required to achieve these objectives.

- 6.74 Although the Edgar Street elevation is effectively the rear of the development and service access, given its location adjoining the Conservation Area and also falling within the setting of nearby listed buildings, as the City Council highlight, it is also important that this elevation has the required quality given its prominence. The applicants have undertaken further design work to explore the options for this elevation. These include the introduction of small alcoves at pavement level to introduce relief in the elevation and a more diverse composition of materials including the use of green walling and the inclusion of public art within the fabric of the building to create additional animation at upper levels. Gaps in the screening panels could also be introduced to allow further relief to the longitudinal appearance. The additional design options illustrate that the required quality can be achieved for this elevation that respects the setting of the heritage assets and the wider townscape views.
- 6.75 Views from the north into and out of the site are less sensitive and the visual impact of the development in this area will largely be defined by the quality of car parking and public realm along with the northern elevation of the food store and western elevation of Building C. The enclosure of the northern boundary of the site will also be important and in this regard the applicants propose a hedge. This will assist in not only partially screening the car parking areas but also to provide a green edge and sylvan view into the development when considered alongside the proposed tree planting for the car parking areas. The species will require careful attention to ensure they are robust. Views towards the development from further afield are limited and given the scale of the development at its highest is effectively three storey, the development will satisfactorily assimilate into the immediate and wider context of the city.

Archaeology

- 6.76 The site is also archaeologically sensitive given its location adjacent to the historic city defences. Archaeological digs have been carried out to inform the Environmental Statement which has revealed the potential for prehistoric remains within the northern part of the site and medieval suburban deposits along the southern margins of the site. However, the available base line information does not indicate any archaeological heritage assets of significance in the southern and western parts of the site. Furthermore the site is already developed and therefore the level of ground disturbance is likely to be high although the scale of the work nevertheless requires a precautionary approach to be taken.
- 6.77 The more potentially sensitive parts of the site to the north is where less ground disturbance is required as it is proposed to be predominantly car parking but further trial trenching is required in this area in particular to establish its archaeological significance and inform the detailed design process. The works to remove/fill in the subway will also fall within the scheduled area for city walls. However, the level of new ground disturbance is likely to be largely superficial in this area and therefore the below ground archaeological deposits are likely to be largely unaffected.
- 6.78 Whilst the masterplan parameters undoubtedly pose challenges, it is considered the scheme will ultimately have a wide beneficial effect on the heritage assets within and around the site. The detailed design process will ultimately determine the magnitude of this enhancement. Notably, however, English Heritage and the Council's Conservation team which includes archaeologist, landscape and historic building officers do not object to the development. Similarly the Council's Archaeological Advisor considers that whilst the archaeological interest of the site is appreciated, the impact of the proposal will not be excessive subject to

appropriate conditions which can successfully mitigate any minor adverse affect. (Read chapter 6 – 9, 10 & 11 of ES) With regard to wider townscape effects, the Environment Statement concludes that the effects will generally be beneficial both during the day and at night and your officers concur with this conclusion. The design principles of the ESG Design Framework SPD in relation to heritage assets and townscape considering matter such as density, scale, routes and movement and human interaction have therefore been satisfied.

7. Socio-Economic Considerations

- 6.79 The Environmental Statement focuses on the impact of development on economy and employment as these factors also significantly contribute towards social wellbeing. The first consideration is the impact on existing businesses occupying the site. There were until recently eighteen businesses on the cattle market (excluding Council offices). At the time preparing this report, approximately ten either have already moved or have well advanced plans to relocate elsewhere in Hereford. This leaves 8 businesses on the site (13 full time jobs). The Council's Economic Development Team has been working with the businesses over the past few years to establish options for relocation and is continuing to work with the remaining businesses to find suitable sites.
- 6.80 The livestock market itself also employs two fulltime auctioneers and twenty three part time staff who assist on market days and it is likely that these positions will be transferred to the new livestock market nearing completion off Roman Road. Planning permission has also recently been approved for one existing business to relocate to the new livestock market. The Council offices currently contained within Garrick are to be relocated to Franklin House in the short to medium term.
- 6.81 Some vacant shops and business units exist within the city centre and in outlying employment sites to accommodate all the existing businesses on the site in floor space terms although it is acknowledged that this may not be appropriate or viable for some businesses. It is likely that the development will result in some existing businesses on the site ceasing to trade notwithstanding the efforts of Hereford Futures and the Economic Development Team although it should also be noted that this may be as a result of early retirement in a small number of cases. There will therefore be a potential minor adverse affect on existing employment.
- 6.82 In contrast, the proposed development will result in an £80 million private sector investment in the site. Using data from the Office of National Statistics, during the construction phase this equates to 86 fulltime new construction jobs being created although the numbers are likely to be much higher due to the nature of the construction industry. To ensure this benefits the local population and subject to legal restrictions, the applicants propose to include a local employment policy within the construction contract to encourage the successful contractor to employ local people and subcontractors wherever possible. In addition, there is likely to be significant indirect economic benefits through the purchase of local goods and services by the contractors and the local spending by construction workers and visitors during the construction and demolition phase.
- 6.83 Based upon the proposed floorspace parameters, the development once operational is likely to generate a minimum of 1,079 new fulltime jobs. This is a net figure and accounts for 10% employment leakage to outside of the county and a 25% employment displacement from the existing city centre to the new development but does not account for the potential employment lost from the existing site. Nevertheless, the direct job creation is significant.
- 6.84 The type of jobs created would also directly meet the skillset of a large proportion of current unemployed within the county with 18% currently having previously being employed in the retail sales, customer service and restaurant sectors.

- 6.85 As explained in paragraphs 6.37-6.38, the development will also increase Hereford's retail market share by not only retaining existing retail expenditure that is currently leaking to other centres but also pulling in new retail expenditure from outside the catchment area. Once operational, new economic links will also be created through businesses requiring additional services and supplies, some of which will be sourced within the city and county.

The development may have a short term adverse affect on a small number of existing business occupying the site but this significantly outweighed by major beneficial socio-economic effects of the development both during construction and once operational thus meeting the requirements of the City Regeneration Strategy alongside the relevant adopted UDP policies.

8. Hydrology, Flood Risk and Drainage

- 6.86 The site falls within the Flood Zone 1 which is the lowest probability of flood risk. As such, the development is at no risk of flooding from fluvial sources. The development may have an impact on surface and ground water and the Environmental Statement fully considers this. Foul and surface water flows are to be separated with both connecting into the main drainage network.
- 6.87 A sustainable drainage design will be prepared primarily accommodating infiltration techniques such as permeable surface along with new landscaping to absorb surface water run-off in order to accommodate the development and account for climate change. However, the final drainage design will also be dependent upon ground conditions as baseline surveys have revealed that ground water levels are relatively high in the area. The Environment Agency now require sustainable urban drainage on brownfield sites to accommodate a 30% climate change allowance which may require additional site attenuation. This matter can be dealt with through conditions.
- 6.88 The applicants have also demonstrated that there is adequate capacity within the foul drainage system including the sewage treatment works to accommodate the likely flows from the development assisted by the separation of flows. Flows will be further reduced through the adoption of high efficiency water using devices such as low flow showers and water metering. Natural England have also confirmed that the development will not have any adverse effects on the water quality of the River Wye and the associated Special Area of Conservation designation.
- 6.89 Welsh Water have not identified any issues concerning water supply and there will be negligible impact on flood risk and drainage considerations during the construction given the existing conditions of the site and local topography. The development will not therefore have any adverse effects on the hydrology of the area subject to a suitable integrated drainage design incorporating sustainable drainage techniques being employed. Conditions are recommend to cover this requirement. This conclusion is also supported by the Environmental Statement and also the Councils land Drainage Engineer, Welsh Water and the Environment Agency, all of whom do not object to the proposals.

9. Other Matters

Ground Conditions and Contamination

- 6.90 Given the extent of development that currently exists on site, the ground conditions within the site are likely to be of low. Nevertheless, the construction and operation has the potential to disturb existing or create new sources of contamination. The Environmental Statement identifies the site geology as being of low sensitivity and therefore the principle of further

ground disturbance, particularly in the form of piling required to support the substructure is acceptable. However, piling has the potential to create new or disturb existing pathways to ground water and local watercourses. Allied with this the desk top analysis of current and previous uses of the site has revealed potentially contaminating activities which further increases the sensitivity in the construction phase. The significance of the impact of the proposed development once operational is however likely to be negligible subject to pollution and contamination prevention measures being employed within the design such as oil inceptors for car parking areas. Other sources of contamination may include ground gases as there is evidence of a former waste disposal pit at the Edgar Street entrance and asbestos contained within the buildings to be demolished.

- 6.91 Both the Environment Agency and the Council's Contamination Officer recommend a detailed site investigation is required to investigate and identify potential contamination sources. The impacts during construction in particular may be significant but the potential affects can be adequately mitigated through appropriate conditions as recommended by the Environment Agency.

Waste

- 6.92 The Environmental Statement considers the likely production and management of demolition and operational waste (including recyclables). The Environmental Statement calculates that the demolition process will give rise to around 4,200 cubic metres of predominantly brick, tile, wood and smaller amounts of metal. It is proposed that the aggregates will be segregated and crushed on site to provide piling mats/sub bases.
- 6.93 In terms of construction, the site is relatively level and therefore there is little earth movement within the site. The principal source of waste will therefore be from the excavations associated with the substructure calculated to be around 13,000 cubic metres. The majority of this waste would need to be disposed of off site which has been calculated at around 100 lorry loads. However, the opportunity may also exist for the re-use of the waste elsewhere within the ESG if developments are on going simultaneously with this development which would significantly limit the amount of waste to be disposed of off site and particularly disposed of in landfill. The development is also likely to give rise to unused construction materials and the applicants also are considering a material exchange programme with other developments within the ESG both limiting the amount of waste and amount of raw materials required. These measures can be incorporated within the material management strategy included within a Site Waste Management Plan.
- 6.94 Adequate space exists towards the northern end of the site to accommodate an area for the stockpiling and sorting of waste for reuse ensuring that the management of all waste is self-contained within the site as far as possible. The majority of the waste arising will be inert but there may be some hazardous waste such as asbestos which will require off site disposal but the strategy detailed in the Environmental Statement should ensure that of the inert waste, as much as possible is re-used on site or elsewhere within ESG. The waste management strategy therefore accords with best practice guidance and the requirements of policy W11 of the UDP.
- 6.95 In terms of waste arising from the commercial units once operational, this is also likely to be predominantly inert waste. Both the department store and food store will have their own dedicated waste area including segregated areas for recyclable and non recyclable waste and the department store will also have a waste compactor. The remaining units will have communal waste storage areas, again segregated into recyclable and non recyclable areas. All waste storage is contained within the service yards which are entirely enclosed. The principles of the provision made for commercial waste are considered acceptable for the purposes of the outline application.

Biodiversity and Trees

Further information on the subject of this report is available from Mr R Pryce on 01432 260288

- 6.96 An extended habitat survey of the site has been undertaken to determine the presence of any important habitats or species which might be impacted upon by the development. As the majority of the buildings on the site are to be demolished, bat surveys have also been carried out to determine the presence of bats and their level of use of the site.
- 6.97 The majority of the site is made up of buildings and hardstanding with little vegetation and only a small number of semi mature trees. The ecology survey concludes that the site is of limited value to wildlife due to the lack of suitable habitats. The suitability of trees is generally poor for nesting birds due to their open exposed location and lack of maturity. Some of the buildings nevertheless provide opportunities for nesting birds and two active nests were found when the site was surveyed last year.
- 6.98 The bat survey also did not reveal the presence of any bats emerging from or returning to any of the buildings on the site. Therefore, subject to appropriate precautionary measures such as not removing any trees or vegetation during the bird nesting season which can be dealt with through an ecological management plan, there will be no loss of biodiversity arising from the development. The site and new buildings will provide the opportunity for biodiversity enhancement through new native planting, green walling and the incorporation of bird boxes within the fabric of the buildings. These measures will also support the Councils green infrastructure strategy and meet the requirements of UDP policies NC7 and NC8.
- 6.99 The proposals also include the removal of the majority of the existing trees within the site. The arboricultural report identifies that all trees with the exception of the Silver Birch near the existing subway are category C and are in moderate to poor condition. Evidence of root disturbance was also found in a number of incidences. Therefore whilst the removal of any trees is regrettable, the trees are not of sufficient quality to justify constraining the development. This conclusions is supported by the landscape officer. Furthermore, the proposals are likely to incorporate significant new tree planting far exceeding the number and quality of trees to be removed. The arboricultural impacts of the development are therefore considered acceptable.

Car Parking

- 6.100 The development includes the provision of between 516 and 615 new car parking spaces for visitors. Excluding ad hoc parking around some of the commercial units, the development would result in the loss of 250 existing spaces within the site and therefore the total increase would be between 250 and 315 spaces. Both the Highways Agency and the Traffic Manager confirm that this level of provision is acceptable and proportionate with the scale of the new development and the mix of uses proposed, particularly having regard to the sustainable location of the site and existence of other public car parks nearby that will not be affected by future ESG proposals.
- 6.101 The car parking is to be split between three surface level car parks, two along the northern boundary with Blackfriars Street and one more centrally within the site along with roof level car parking above Building A. The car parking is to be managed by Stanhope and will operate on a pay on exit system. The charging regime is yet to be finalised but the development agreement requires that the pricing structure cannot be lower than the highest tariff charged by the Council for its city centre car parks. In addition it is likely that there will be a short term free entry/exit for taxis to pick up and drop off within the site.
- 6.102 Although the car parks are not solely restricted to visitors, no dedicated parking provision for staff is proposed as the site is sustainable in terms of its location and accessibility to non car based modes of transport. Furthermore, the provision of dedicated staff parking will not encourage sustainable travel choices and will be contrary to Policy T11 of the Unitary Development Plan.

- 6.103 The design and layout of the car parking is for consideration at the reserved matters stage if outline planning permission is approved. However, the final appearance of the car parks and their integration within the remainder of the development would be an integral part of the success of the final scheme. The parking provision and associated operation management and pricing restrictions are considered acceptable.

Servicing

- 6.104 Each of three main buildings on site will have a dedicated service access. Building A via Edgar Street, Building B via Newmarket Street and Building C via Blackfriars Street. Both the Edgar Street and Newmarket Street service yards will have a gated access and will be entirely covered and enclosed. Capacity wise, the Edgar Street service access can accommodate six 16.5 metre length HGV's at any one time, one of which is to be dedicated to Waitrose and two bays to be dedicated to the department store. The service yard also accommodates sufficient space for vehicles to enter and leave the site in a forward gear. Similarly, the Newmarket Street service yard will accommodate two 16.5 metre HGV's again with manoeuvring space within the site. The Blackfriars service access will be limited to LGV size vehicles (7.5 tonnes) containing a capacity for two with further capacity on the service access road. The size and general design of these service accesses are proportionate with the requirements of the development and are considered acceptable.
- 6.105 The operation of the service accesses has been more of a concern and to address this, the applicants have provided a servicing management plan. All service vehicles will be directed in the first instance to the Edgar Street service yard where a single, off carriageway, waiting bay is provided. Drivers will then contact the Facilities Management Team via an intercom and await instructions to proceed. The Facilities Management Team would control the opening and closing of the gates which will also include a traffic light system to avoid conflicts between entering and exiting goods vehicles. This system is not unusual and should operate satisfactorily.
- 6.106 The concern is based around the scenario where a HGV is already waiting in the layby to enter one of the service accesses and a further HGV arrives. In this instance, the delivery vehicle would be required to drive on and undertake a loop between Edgar Street and Newtown roundabout by which time the service waiting bay should be clear. A similar situation could arise associated with the Newmarket Street service access which has no waiting bay. However, the chances of this occurring can be minimised through the careful allocation of delivery slots, clear instructions to the delivery companies and a requirement that the drivers call into the site prior to their arrival into the city. The applicants have provided sufficient information and reassurances to officers to demonstrate that both each service yard in its own right and the interplay between these service yards can operate successfully without adversely affecting highway safety or traffic flows. The Traffic Manager now accepts the service arrangements and final comments are awaited from the Highways Agency on this matter.

Demolition and Construction Programme

- 6.107 Whilst the development of the site may generate a further phase in the future, the construction of this application is not to be phased. Subject to gaining planning permission, the programme of works is anticipated to be around 16 months from site preparation to completion. Enabling works would commence this summer with full construction commencing early 2012 with a view to the development being open for trading during the spring summer 2013.
- 6.108 The first stage will be the site set up including the erection of perimeter hoarding, pedestrian and vehicle access arrangements followed by the demolition process. The entry point to the subway within the site will be shielded to allow the subway to remain open and usable throughout the demolition and construction. The construction will then follow commencing with service provision and ground improvement works which is likely to include piling to support the foundations. Thereafter, the sequence should be construction of the ground floor slab

followed by the steel and concrete frame construction, roofing and external cladding, internal finishes, mechanical and electrical fittings and finally, the fitting out of individual units.

- 6.109 Phased with the works will also be the required highway alterations which are anticipated to take around 30 weeks. The highway works will require both the Council's and Highway Agency's approval which will include approval of the construction methodology. Given that most of the roads around the development site are traffic sensitive, this will be particularly important to ensure traffic capacity and flows are not unacceptably disrupted. Measures such as only working outside of peak times and possibly some night time work, direct access to plant and material storage areas and a phased programme of works will be employed to minimise disruption. A condition is recommended to cover these issues. Subject to this condition and additional controls contained within a construction and environmental management plan, the programme of works and associated impact can be satisfactorily mitigated.

Sustainable Construction

- 6.110 The applicants are committed to minimising the carbon footprint of the development through delivering a holistic sustainable design which can provide a benchmark retail scheme for the county, against which future developments will be judged. This has been driven by Hereford Futures sustainability policy which sets a target that all of the new build must achieve a Building Research Establishment (BREEAM) rating of 'Excellent' with existing buildings to be refurbished achieving a BREEAM rating of 'Very Good'.
- 6.111 The BREEAM assessment includes 10 categories of sustainability against which the development will be judged and the methodology will be a two phased process. Stage one will be the shell and core and phase two will be the retail fit out stage. The shell of the building will have a higher thermal performance than is required by current Building Regulations, reduced air permeability and incorporate design features to minimise peak solar gains on the retail elevations in order to naturally control temperatures. Internally, energy meters will be installed throughout, zonal thermal and lighting controls will be used and energy efficient lighting and displays incorporated.
- 6.112 In addition, a further requirement will be that carbon emissions must be reduced by 10% through the use of renewable energy technology. All options have been investigated and ground and air source heat pumps, solar water heating and roof level photovoltaic panels are likely to be employed in the final design. A development wide combined heat and power installation has been discounted on technical, energy profile and financial grounds and annual average wind speeds are not conducive to wind turbines. The required measures are already being factored into the master plan process and the applicants have committed to the additional costs associated with delivering some of the required sustainability targets. Furthermore, to ensure measures are not diluted once tenants fit out and occupy the units, requirements will be written into the Heads of Terms with future tenants. This represents a significant commitment on a development of this size and will ensure the development is sustainable in terms of its construction and more resilient to climate change in line with the requirements of Planning Policy Statement 1.

Section 106 Matters

- 6.113 Policy TCR20 of the UDP and the associated Supplementary Planning Document on Planning Obligations would normally require the impact of the development be mitigated through contributions to new, or the enhancement of existing community infrastructure in the locality of development. However, the ESG Design Framework Supplementary Planning Document states that the main components of the ESG development will be largely self mitigating (due to the new on and off site infrastructure that would be delivered). This policy applies to this development as the proposed highway improvements, enhancements of public realm, business and use relocation strategy go well beyond what is directly required to facilitate the

development. Other requirements that are traditionally often included within a Section 106 Agreement such as a framework travel plan and the sustainable construction measures can, in this instance, be adequately controlled by conditions.

- 6.114 Notwithstanding this, the applicants are proposing significant financial contributions towards off site community infrastructure through the development agreement between the applicants and the Council. In summary, this is a total of £1 million towards the cost of construction of the new the link road, enhanced public realm such as Blueschool Street and the relocation of Garrick House offices. A development agreement between the land owner and future developer is not normally a material planning consideration. However, as the Council is the primary land owner in this instance the operation of the wider development agreement will ensure that appropriate controls and mitigations are in place. In view of this and having regard to the policy requirements of the Supplementary Planning Document on Planning Obligations in relation to ESG, the impact of the development is satisfactorily mitigated and therefore a Section 106 Agreement is not required in this instance.

10. Conclusion

- 6.115 The Edgar Street Grid vision was developed almost 10 years ago to facilitate the sustainable economic growth of Hereford City. Its implementation will be achieved by various land use allocations promoting a mix of uses that create new employment, residential and leisure opportunities in order to strengthen Hereford's sub regional position and enhance the vitality of the city. This concept has subsequently been tested and continued through the Development Plan process and is now incorporated with the statutory planning framework.
- 6.116 The proposed development forms the a key stage to achieving the objectives of the ESG. The principle is now embedded within the adopted Unitary Development Plan which will eventually be carried through into the Local Development Framework. This includes the expansion of the central shopping and commercial area to include the application site in order to bring forward a complementary expansion of the city centre. The case for the need for new retail and leisure provision within the city is now long established and the latest research and evidence base reinforces this long standing situation.
- 6.117 The proposed development parameters will result in a well structured master plan that reinforces Hereford's character and the urban grain of the existing city centre through the creation of new retail streets directly linked to the existing city centre and wider area. Sufficient information has been provided at this stage to demonstrate that the development parameters can be satisfactorily accommodated on the site and whilst some areas of the design require further attention, your officers are confident that a scheme can be created that achieves the required architectural quality and interest.
- 6.118 The pedestrian and cyclist connections with the site, particularly across Newmarket and Widemarsh Streets are undoubtedly key challenges to the development. Nonetheless, it is considered the proposed design will significantly dilute the barrier that the inner ring road currently presents whilst visually creating a more seamless transition between the city centre and the development site. The applicants have also demonstrated to the satisfaction of the Traffic Manager and appointed consultants that subject to the proposed highway improvements, the development can be accommodated on the Councils highway network with no detriment to highway, pedestrian and cyclists safety.
- 6.119 Further comments are awaited from the Highways Agency on additional information provided and they raise further queries regarding the traffic impact of the development. They currently have a Direction preventing the application being approved pending the outcome of their consideration of the further information. Delegated authority is therefore sought to approve the application subject to the resolution of the Highway Agency's queries.

- 6.120 The Environmental Statement demonstrates that the development will have no unacceptable residual environmental impacts both in its own right and cumulatively alongside other future developments. In many instances, the environmental effects of the development are positive.
- 6.121 The development will result in £80 million of private sector investment into the City and County generating in excess of one thousand new jobs once operational. The development will assist in stemming the retail expenditure that currently leaks from the County whilst providing new facilities that will enhance the vitality and viability of the city centre. Furthermore, 75% of respondents to both the applicant's pre application consultation events and the local planning authority's further consultation were supportive of the principle of the proposals.
- 6.122 The application is considered to be fully development plan compliant both at a national, regional and local level and there are no other material considerations that individually or collectively indicate otherwise. The recommended package of conditions will ensure that appropriate controls are in place both to guide the reserved matters application and the associated design.

RECOMMENDATION

It be recorded that the Environmental Statement and associated documents including the consultation and other responses received on the Environmental Statement and associated documents have been taken into account in making this recommendation.

Subject to the removal of the the Highways Agency holding Direction, the Assistant Director for Environment, Planning and Waste be authorised to approve the application subject to the following conditions and any further conditions considered necessary by officers.

- 1. A02 Time limit for submission of reserved matters (outline permission)**
- 2. A03 Time limit for commencement (outline permission)**
- 3. A04 Approval of reserved matters**
- 4. A05 Plans and particulars of reserved matters**
- 5. B01 Development in accordance with the approved plans and masterplan principles and parameters unless otherwise agreed in writing with the local planning authority**
- 6. C01 Samples of external materials**
- 7. E01 Site investigation – archaeology**
- 8. E04 Submission of foundation design**
- 9. F14 Removal of permitted development rights**
- 10. G09 Details of Boundary treatments**
- 11. G10 Hard and Soft landscaping scheme to include a strategy for the inclusion of public art.**
- 12. G11 Landscaping scheme – implementation**
- 13. G12 Hedgerow planting**

Further information on the subject of this report is available from Mr R Pryce on 01432 260288

14. **G14 Landscape management plan**
15. **H06 Vehicular access construction**
16. **H08 Access closure**
17. **H13 Access, turning area and parking**
18. **H16 Parking/unloading provision - submission of details**
19. **H17 Junction improvement/off site works**
20. **No part of the development shall be occupied until all highway works have been completed in accordance with the approved plans unless otherwise agreed in writing with the local planning authority.**

Reason: In order to ensure an adequate and acceptable means of vehicular and pedestrian access is available before the development is occupied and to conform with the requirements of Policy DR3 of the Herefordshire Unitary Development Plan.

21. **H21 Wheel washing**
22. **H22 Opening windows adjacent to the highway**
23. **H30 Travel Plan**
24. **H29 Secure covered cycle parking provision**
25. **Prior to commencement of the development (including any demolition works) a Construction Environmental Management Plan to include an environmental risk management strategy shall be submitted for approval in writing of the local planning authority which shall include measures to minimise the extent of the dust, odour, noise and vibration along with measures to minimise the risk of contamination arising from the demolition and construction process as set out in the Environmental Statement. Demolition and construction shall be carried out in accordance with the approved Construction and Environmental Management Plan and environmental risk management strategy.**

Reason: To protect the environment and safeguard the amenity of properties in the locality and to comply with Policy DR2 of the Herefordshire Unitary Development Plan.

26. **Prior to the commencement of development a Construction and Traffic Management Plan including a scale plan identifying the principal route of demolition and construction traffic and associated vehicular access points(s) shall be submitted for the approval in writing of the local planning authority. Development shall be carried out in accordance with the agreed Traffic Management Plan.**

Reason: In the interests of highway and pedestrian safety and to safeguard the local amenity and to comply with Policies DR2, DR3 and T13 of the Herefordshire Unitary Development Plan.

27. **Prior to commencement of development details of the proposed site hoardings to be erected shall be submitted for the approval in writing of the local planning authority. Details shall include a scaled plan identifying the alignment, access**

Further information on the subject of this report is available from Mr R Pryce on 01432 260288

point(s), height, materials, finish, and the details of any advertisements or of images to be placed on the hoardings. The hoardings shall be erected in accordance with the approved details and shall not be changed thereafter for the duration of the demolition and construction operations without the prior written agreement of the local planning authority.

Reason: To safeguard the visual amenity area and to comply with Policy DR2 of the Herefordshire Unitary Development Plan.

28. No development, or phasing as agreed below, shall take place until the following components of a scheme to deal with the risks associated with contamination of the site are 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, if necessary, 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. This should include any proposed phasing of demolition or commencement of other works.

5) Prior to occupation of any part of the development (unless in accordance with agreed phasing under part 4 above) a verification (validation) report demonstrating completion of the works set out in the approved remediation strategy (3 and 4). The report shall include results of any sampling and monitoring. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action and for the reporting of this to the Local Planning Authority.

Any changes to these components require the express written 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) and to comply with policy DR10 of the Herefordshire Unitary Development Plan

29. 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, a Method Statement for remediation. The Method Statement must detail how this

unsuspected contamination shall be dealt with. A verification (validation) report demonstrating completion of the works set out in the method statement shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of any sampling and monitoring. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action and for the reporting of this to the Local Planning Authority.

Reason: To ensure that any unexpected contamination is dealt with and the development complies with approved details in the interests of protection of ground and surface waters ('controlled waters' as defined under the Water Resources Act 1991) and to comply with policy DR10 of the Herefordshire Unitary Development Plan.

30. L01 Foul and surface water drainage

31. L03 No drainage run-off to public system

32. Surface water discharges shall only be permitted to discharge to the public surface water sewerage system. The rate of discharge shall be agreed in writing with the local planning authority prior to the commencement of the development and the drainage shall be designed and completed in accordance with the agreed discharge rate.

Reason: To prevent hydraulic overloading of the public foul/combined sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment and to comply with policy CF2 of the Herefordshire Unitary Development Plan

33. L04 Comprehensive and integrated drainage of the site

34. I09 Sound insulation of plant and machinery

35. I26 Interception of surface water run off

36. I33 External lighting

37. I41 Scheme of refuse storage (commercial)

38. I51 Details of slab levels

39. I56 BREEAM rating 'Excellent'

40. I55 Site Waste Management

41. K5 Habitat Enhancement Scheme

42. Prior to the commencement of the development, details of the operation, management and pricing structure of the proposed parking (including any interim parking during the construction phase) shall be submitted for the approval in writing of the local planning authority. The parking shall be laid out, operated and managed in accordance with the approved details and pricing structure.

Reason: To ensure the parking is operated and managed in accordance with the Councils wider parking policy and to comply with policy T11 of the Herefordshire Unitary Development Plan.

43. Notwithstanding the approved masterplan parameters, the detailed plans to be submitted and approved through the reserved matters process shall not identify that both building B and building C as identified on the illustrative masterplan are constructed to the maximum height parameter detailed within the approved masterplan principles and parameters document.

Reason: To ensure the height and general scale of the development respects setting of the adjacent heritage assets and the wider townscape and to comply with policies DR1 and HBA 4 of the Herefordshire Unitary Development Plan.

44. Prior to the commencement of the development, a method statement for the construction of the highway works on Newmarket Street, Widemarsh Street and Blueschool Street shall be submitted for the approval in writing of the local planning authority. The method statement shall include details of the construction methodology, phasing and timings, materials and traffic management to be employed. The works shall be carried out in accordance with the approved details unless otherwise agreed in writing with the local planning authority.

Reason: To ensure the highway works are constructed so as to minimise the impact on existing traffic flows and capacity whilst achieving the required enhancement in the quality and appearance of the public realm and to comply with policies T8 and T13 of the Herefordshire Unitary Development Plan.

45. D19 Items to be re-used

46. Prior to the occupation of any part of the development, a service operation management plan shall be submitted for the approval in writing of the local planning authority. All deliveries, collections, loading and unloading operations shall be carried out in accordance with the approved service operation management plan unless otherwise agreed in writing with the local planning authority.

Reason: To ensure the traffic and environmental effects of the servicing operations are minimised and to comply with policy T9 of the Herefordshire Unitary Development Plan

47. Prior to commencement of the development including any demolition, an updated ecological assessment of the site and buildings to be demolished shall be carried out and submitted to the local planning authority for approval. The demolition and construction operations shall be carried out in accordance with the recommendations of the updated ecological survey. In addition, an appropriately qualified and experienced ecological clerk of works should be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation and enhancement work.

Reasons: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 and Policies NC1, NC6 and NC7 of Herefordshire Unitary Development Plan and to comply with Herefordshire Council's Policy NC8 and NC9 in relation to Nature Conservation and Biodiversity and to meet the requirements of PPS9 Biodiversity and Geological Conservation and the NERC Act 2006.

Informatives:

1. N15 Reason(s) for the Grant of PP/LBC/CAC
2. HN10 No drainage to discharge to the highway

3. **HNO7 Section 278 Agreement**
4. **HN28 Highway Design Guide and specification**
5. **HN13 Protection of visibility splay on private land**
6. **HN17 Design of street lighting for Section 278**
7. **HN06 Works within highway**
8. **I30 – Wildlife and Countryside Act 1981 (as amended) - Birds**

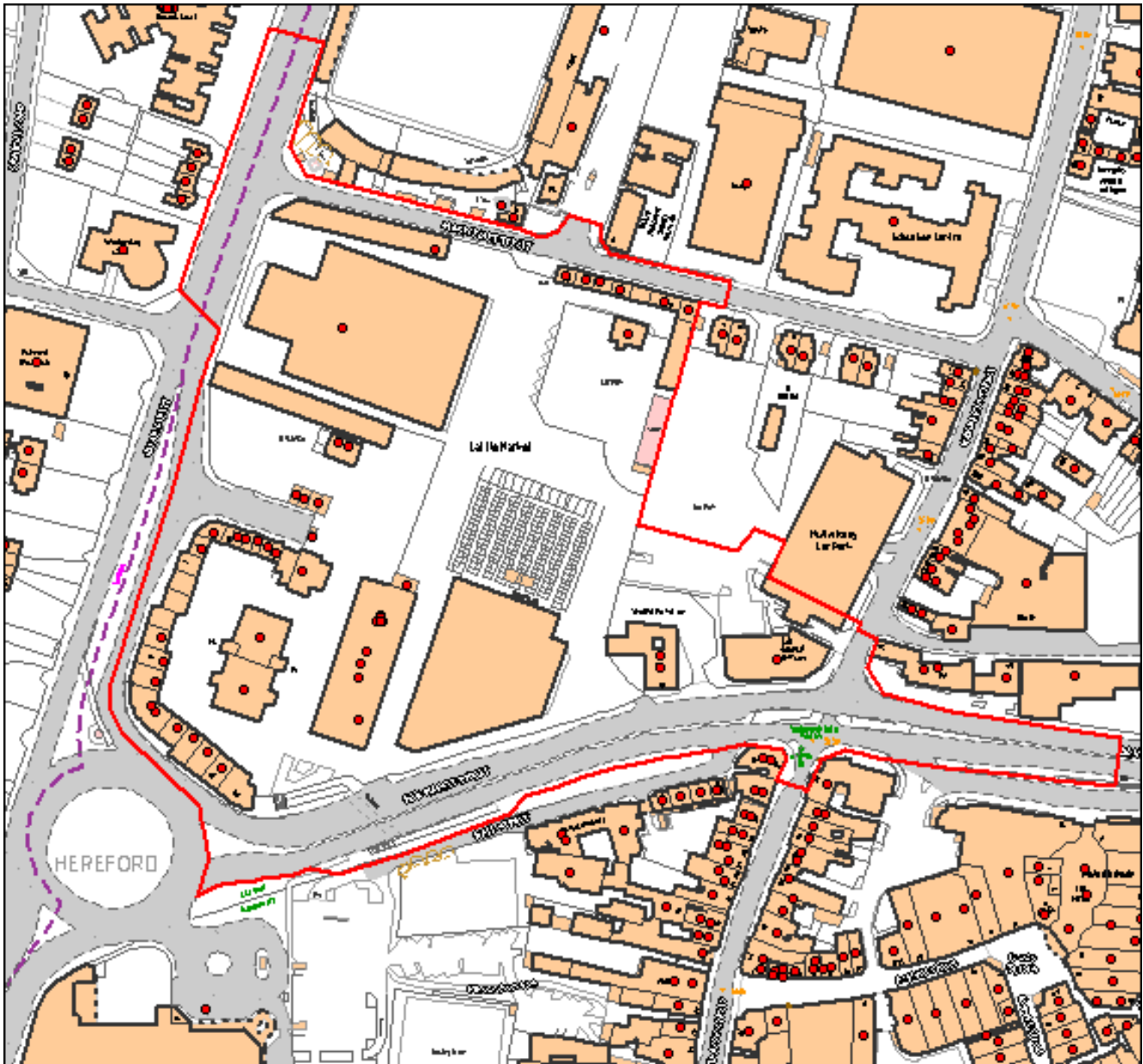
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DMS/103136/O

SITE ADDRESS : LIVESTOCK MARKET & ADJ LAND, EDGAR STREET, HEREFORD, HR4 9HX

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Further information on the subject of this report is available from Mr R Pryce on 01432 260288