

2 CW2002/3441/F - DEMOLITION OF EXISTING BUILDINGS AND DEVELOPMENT OF MIXED-USE SCHEME COMPRISING ASDA FOOD STORE, COMMUNITY USES, RESIDENTIAL DEVELOPMENT, REPLACEMENT BOWLING GREEN/CLUB HOUSE, RETAINED TRAMWAY AND FLOOD DEFENCE WALL, PARKING, SERVICING, LANDSCAPING, NEW ACCESSES AND OTHER HIGHWAYS INFRASTRUCTURE IMPROVEMENTS AT LAND TO THE WEST OF THE A49(T) AND NORTH OF BELMONT AVENUE, BELMONT, HEREFORD

For: Asda Stores/Eign Enterprises Ltd. per RPS Group Plc, 3rd Floor, Park House, Greyfriars Road, Cardiff, CF10 3AF

Date Received: 29th November 2002 Ward: St. Martins & Hinton Grid Ref: 50612, 39257

Expiry Date: 21st March 2003

Local Members: Councillors Mrs. W.U. Attfield, A.C.R. Chappell and R. Preece

1. Site Description and Proposal

- 1.1 The application site is located at the junction of the A49/A465 immediately to the south of the River Wye and Hereford City Centre. It is almost triangular in shape and covers approximately 7.1 hectares. The former tramway and associated public open space form the northern boundary of the site whilst to the east of the site is the A49 and Greyfriars Bridge. To the west is Hunderton County Primary Junior School and associated playing fields and the site's southern boundary is formed largely by the rear of residential properties fronting onto Belmont Avenue and the Belmont road junction.
- 1.2 The site appears generally level but there is a slight slope down from the south-east towards the river to the north. Presently the site is largely overgrown. The only existing buildings on site are a boarded up office and hardstanding on the eastern boundary where a garage and caravan site used to be situated. There is also the landmark Greyhound Dog which is also in a derelict condition fronting onto Belmont roundabout behind which is an existing bowling green which is incidentally the only active land use on site. The allotments to the rear of the Greyhound Dog do not form part of the application site.
- 1.3 At present the most distinctive landscape feature on site is the former tramway which forms the northern boundary adjoining the River Wye. The tramway embankment has formed a flood defence for the site and now has a significant coverage of mature trees and shrubs. There are also a number of other significant trees on site which are clearly visible from surrounding areas.

- 1.4 Vehicular access to the site is not at present possible with the former access being blocked up on land between the Greyhound Dog and the One Stop shop fronting Belmont roundabout. There are however public rights of way which are well used, particularly for recreational purposes and dog walking.
- 1.5 This planning application which is subject to the Environmental Impact Regulations 1999 proposes a comprehensive redevelopment of the site which can be broken down into the following key elements.
- An Asda foodstore totalling 7,480 m² (80,500 sq.ft.) gross together with 530 customer/operational car parking spaces.
 - A new community centre (482 metres²/5190 sq.ft.) gross to serve the Belmont area.
 - A community health centre (87m²/940 sq.ft.).
 - A creche totalling 200 m² (2150 sq.ft.) with associated outdoor play area.
 - 18 residential apartments in a landmark block adjoining the A49.
 - A new replacement bowling green, club house and facilities totalling 96m² (1,030 sq.ft.) with car parking.
 - New and enhanced pedestrian/cycle routes and links through the site to the city centre and Belmont area including a £50,000 contribution to the Local Authority to improve Drybridge Walk.
 - The retained tramway and flood defence wall on the northern boundary of the site.
 - A comprehensive landscaping scheme, including £5,000 contribution to nature conservation enhancement.
 - New access infrastructure incorporating a major new highway junction and roundabout on the A49 together with vehicular emergency access/egress and pedestrian access onto Belmont Avenue. A financial contribution of £78,000 will also be made to improve public transport services.
- 1.6 As well as the above the application proposes a financial contribution of £2,000,000.00 from the developer towards the cost of a comprehensive flood alleviation scheme to protect the City of Hereford against flooding from the River Wye. This contribution will be paid to the Environment Agency.
- 1.7 As identified in both the Hereford Local Plan (1996) and the emerging Unitary Development Plan, the site lies within the Hereford Central Conservation Area and is identified as land liable to flood.
- 1.8 The proposal, if minded for approval by Herefordshire Council would be referred to the Secretary of State for the Environment as a departure from the adopted Development Plan. This could result in a call-in Public Inquiry.

2. Policies

2.1 Planning Policy Guidance Notes:

PPG1	-	General Policy and Principles
PPG3	-	Housing
PPG6	-	Town Centres and Retail Development (subsequent Ministerial Statements)
PPG9	-	Nature Conservation
PPG13	-	Transport
PPG15	-	Planning and the Historic Environment
PPG16	-	Archaeology and Planning
PPG23	-	Planning and Pollution Control (Draft)
PPG24	-	Planning and Noise
PPG25	-	Development and Flood Risk

2.2 Hereford & Worcester County Structure Plan:

Policy E2	-	Economic Growth
Policy T15	-	Pedestrians and Cyclists
Policy CTC15	-	Preservation, Enhancement and Extension of Conservation Areas
Policy CTC18	-	Use of Urban Areas for Development
Policy S1	-	Criteria for Retail Development
Policy S3	-	Retail Development outside Town Centres

2.3 Hereford Local Plan:

As identified in the Hereford Local Plan (1996) the site lies outside the city centre but is a designated development site with a specific policy. Policy H2 specifies that:

“Land at Belmont Road is suitable for development for residential, commercial and open spaces purposes. The residential element will form the major part of any scheme, which should also incorporate substantial open space provision. To be acceptable schemes must be prepared on a comprehensive basis for the site as a whole. Piecemeal approaches will be discouraged. Development is contingent upon approval of the Department of Transport and the Environment Agency in respect of access and flooding respectively. It is imperative that studies of these aspects be undertaken prior to development proposals being formulated.”

Other policies directly relevant to this proposal are:

Policy ENV1	-	Land Liable to Flood
Policy ENV2	-	Flood Storage Areas
Policy ENV3	-	Access to Watercourses
Policy ENV4	-	Groundwater
Policy ENV7	-	Noise
Policy ENV8	-	Contaminated Land
Policy ENV9	-	Energy Conservation
Policy ENV11	-	Infrastructure
Policy ENV14	-	Design
Policy ENV15	-	Access for All
Policy ENV16	-	Landscaping
Policy ENV17	-	Safety and Security

Policy ENV18	-	External Lighting
Policy H3	-	Design of Residential Development
Policy H4	-	Residential Roads
Policy H6	-	Amenity Open Space Provision in Small Schemes
Policy H7	-	Communal Open Space
Policy H12	-	Established Residential Areas – Character and Amenity
Policy H14	-	Established Residential Areas – Site Factors
Policy H21	-	Compatibility of Non-residential Uses
Policy S1	-	Role of Central Shopping Area
Policy S11	-	Criteria for Large Scale Retail Development
Policy CON12	-	Conservation Areas
Policy CON 13	-	Conservation Areas – Development Proposals
Policy CON14	-	Planning Applications in Conservation Areas
Policy CON16	-	Conservation Area Consent
Policy CON17	-	Conservation Area Consent – Condition
Policy CON18	-	Historic Street Pattern
Policy CON19	-	Townscape
Policy CON20	-	Skyline
Policy CON21	-	Protection of Trees
Policy CON23	-	Tree Planting
Policy CON35	-	Archaeological Evaluation
Policy NC1	-	Sites of National Importance
Policy NC2	-	Sites of International Importance
Policy NC5	-	Wildlife Network
Policy NC6	-	Criteria for Development Proposals
Policy NC7	-	Development Proposals – Habitat Creation and Enhancement
Policy NC8	-	Protected Species
Policy NC9	-	Infrastructure Works
Policy NC10	-	Management Agreements
Policy NC11	-	Access to Wildlife Site
Policy NC12	-	Community Involvement
Policy T2	-	Highway and Junction Improvement
Policy T3	-	Traffic Calming
Policy T5	-	Car Parking – Designated Areas
Policy T6	-	Car Parking – Restrictions
Policy T7	-	Car Parking – Short Stay
Policy T8	-	Park and Ride
Policy T11	-	Pedestrian Provision
Policy T12	-	Cyclist Provision
Policy T13	-	Pedestrian and Cycle Routes
Policy R2	-	Deficiencies in Public Open Space Provision
Policy R11	-	Urban Open Space
Policy R13	-	Public Rights of Way
Policy SC1	-	Health Care
Policy SC4	-	Day Nurseries
Policy SC7	-	Hunderton Infant School

2.4 Unitary Development Plan (Deposit Draft):

As with the Hereford City Local Plan the application site is shown within the Central Conservation Area and as land liable to flood. The site specific policy TCR24 states that:

“Land at Causeway Farm is identified for comprehensive mixed use development to secure the regeneration of this important gateway site. The scheme should

1. Provide a mix of uses including residential, commercial, community and open space recreation within the requirements of other Plan policies, including those for nature conservation.
2. Provide for the retention within the site of the bowling club and green and allotments.
3. Achieve a high standard of design, particularly in terms of the riverside location and main road frontages.
4. Ensure that safe, effective and attractive pedestrian links are provided to the city centre and neighbouring areas and uses.”

The UDP also identifies Causeway Farm under Policy H2 – Housing Land Allocations as providing 50 dwellings as part of any development.

Policy RST4 – Safeguarding existing Open Space is also given as a site specific policy within the UDP. The policy states that

“Development proposals that would result in the loss of public or private open spaces with recreational and amenity value, or facilities that help meet the recreational needs of the community will not be permitted unless

1. Alternative provision of at least equivalent community benefit is provided in a convenient and accessible location (without reducing a developer’s obligation to provide new open space within the development); or
2. The open space or recreational facilities can be best enhanced or complemented through the development of a small part of the site; or
3. There is a clear excess of outdoor playing space provision and/or open space in the area taking into account of the wider recreational and amenity value of such provision.

Development within parks and public gardens should be limited to that which is complementary to the main use of the open space. Change of use from private to public open space will be permitted only where it secures enhanced provision for the community.”

The other policies directly relevant to this application are

Policy S1	-	Sustainable Development
Policy S2	-	Development Requirements
Policy S5	-	Town Centres and Retail
Policy S6	-	Transport
Policy S11	-	Community Facilities and Services
Policy DR1	-	Design
Policy DR2	-	Land Use and Activity
Policy DR3	-	Movement
Policy DR4	-	Environment
Policy DR5	-	Planning Obligations

Policy DR7	-	Flood Risk
Policy DR9	-	Air Quality
Policy DR10	-	Contaminated Land
Policy DR13	-	Noise
Policy DR14	-	Lighting
Policy H13	-	Sustainable Residential Design
Policy H14	-	Reusing Previously Developed Land and Building
Policy H15	-	Density
Policy H16	-	Car Parking
Policy H19	-	Open Space Requirements
Policy E7	-	Other Employment Proposals in Hereford and the Market Towns
Policy TCR1	-	Central Shopping and Commercial Areas
Policy TCR2	-	Vitality and Viability
Policy TCR9	-	Large Scale Retail Development outside Central Shopping and Commercial Areas
Policy T1	-	Public Transport Facilities
Policy T2	-	Park and Ride
Policy T6	-	Walking
Policy T7	-	Cycling
Policy T8	-	Road Hierarchy
Policy H11	-	Parking Provision
Policy T13	-	Traffic Management Scheme
Policy T16	-	Access for All
Policy LA5	-	Protection of Trees, Woodlands and Hedgerows
Policy LA6	-	Landscaping Schemes
Policy NC1	-	Nature Conservation and Development
Policy NC2	-	Sites of International Importance
Policy NC3	-	Sites of National Importance
Policy NC5	-	European and Nationally Protected Species
Policy NC7	-	Compensation for Loss of Biodiversity
Policy NC8	-	Habitat Creation, Restoration and Enhancement
Policy NC9	-	Management of Landscape Features
Policy HBA6	-	New Development within Conservation Areas
Policy HBA7	-	Demolition of Unlisted Buildings within Conservation Areas
Policy HBA8	-	Locally Important Buildings
Policy HBA9	-	Protection of Open Areas and Green Spaces
Policy ARCH1	-	Archaeological Assessment and Field Evaluations
Policy ARCH6	-	Recording of Archaeological Remains
Policy S8	-	Recreation, Sport and Tourism
Policy RST4	-	Safeguarding existing Open Space
Policy RST7	-	Promoting Recreation Routes
Policy CF1	-	Utility Services and Infrastructure
Policy CF2	-	Foul Drainage
Policy CF5	-	New Community Facilities

3. Planning History

- 3.1 CW2000/2908/F Demolition of existing buildings and development of a district centre mixed use scheme comprising an Asda foodstore, retail/service/community uses, residential development, replacement of bowling green and allotments and associated car parking and landscaping. Withdrawn 17th April 2003.

CW2000/2931/C Application for Conservation Area Consent for the demolition of the vacant Greyhound Dog Public house and associated outbuildings. Withdrawn 17th April 2003.

4. Consultation Summary

- 4.1 Given the length of time over which this application has been processed a number of consultation responses have been received from statutory consultees. The following represents a summary of their latest comments on the amended scheme for consideration.

Statutory Consultations

- 4.2 Highway Agency: The Highways Agency has no objection to the proposed development subject to the delivery bay shown adjacent to No. 8 Belmont Road being removed and the following conditions:

1. No development may commence until arrangements for temporary access to the development and for temporary traffic management has been submitted to the local planning authority for approval in consultation with the Highways Agency. Thereafter all temporary access to the site and temporary traffic management shall be in accordance with the approved plans.
2. No part of the development may be occupied until the local planning authority in consultation with the Highways Agency has certified the highway works in the form shown on drawing no. 1501.08D entitled proposed site access and highway works dated 14th April 2003 in writing as complete.

Reasons: To enable the A49 Trunk Road and A465 Trunk Road to continue to be an effective part of the system of routes for through traffic in accordance with Section 10(2) of the Highways Act 1980 by avoiding the disruption to the flow on those routes by traffic expected to be generated by the development and to protect the interest of road safety on the trunk road.

- 4.3 Environment Agency: Letter dated 10th November 2003 – further to submission of a formal Flood Risk Assessment (FRA) by the applicant's agent the Environment Agency are now in a position to offer additional revised comments for the consideration of the Council.

Flood Risk

Whilst the Agency has been in discussions with the applicant's agent, these have not been concluded to our satisfaction with respect to the issue of flood risk. The proposed development and its context within the flood plain is clearly one material issue of concern to the Local Planning Authority. It is also an issue which the Agency comments upon in the context of PPG25 – Development and Flood Risk.

The site, as proposed, is shown as being within the 1% apf (annual probability flooding) Indicative Floodplain and is located upon the Agency's Section 105 map which relates to historic flood data. This shows that the site is at risk of flooding. The Environmental Statement and FRA submitted with the application acknowledges that the site floods. Government advice in PPG25 states that those proposing particular developments are responsible for:

- “providing an assessment of whether any proposed development is likely to be affected by flooding and whether it will increase flood risk elsewhere and of the measures proposed to deal with these effects and risks; and
- satisfying the local planning authority that any flood risk to the development or additional risk arising from the proposal will be successfully managed with the minimum environmental effect, to ensure that the site can be developed and occupied safely.” PPG25, Paragraph 20.

The Environment Agency’s response goes on to comment in detail on the Flood Risk Assessment (FRA). In those details they state that:

A key concern is that the proposed development will be at risk of flooding and disruption at relatively low thresholds until completion of a proposed Hereford Flood Alleviation Scheme (FAS). The FRA has considered the consequences of flooding before and following the completion of the Agency’s proposed FAS and it is understood by the Agency and the developer, that this proposal, if approved, ultimately requires completion of the Hereford FAS to provide a suitable level of protection to the development. The developer wishes to construct the development scheme in advance of the Hereford FAS. The FRA has thus addressed this issue by providing a phased occupation as described in section 3 only allowing occupation of the proposed retail unit and bowling club prior to completion of the Hereford FAS. Occupation of the creche, community and health centre and residential elements would only be upon completion of the appropriate elements of the wider Hereford FAS. An evacuation plan has also been adequately described which will effectively close the retail unit on receipt of the Agency’s flood warning service, which exists for this area. The Agency concurs with the FRA that a large lead in time of approximately 10 hours is given for the issue of flood warnings for this site when floods are generated from the upper catchment. However, this is not always the case as past experience has shown that rainfall between Hay-on-Wye and Hereford can trigger flood levels which have not been previously predicted.

Policy Context and Agency Comments

PPG25 states that development in a “development area” with a high risk (annual probability) of flooding may be suitable for residential, commercial and industrial development provided the appropriate minimum standard of flood defence (including suitable warning and evacuation procedures) can be maintained for the lifetime of the development. It is thus considered essential that there is a minimum standard of appropriate defence.

The proposed development also includes provision of a creche and other community facilities behind a flood defence. Paragraph 35 of PPG25 recognises the issue and advises that “....Sites vulnerable to rapid inundation should defences be overtopped or breached are unlikely to be suitable for those of restricted mobility.....”. Whilst it refers directly to housing or institutional accommodation the issue of vulnerability is considered to apply equally to other uses occupied primarily by children and the immobile. Whilst the applicant proposes not to occupy the above elements until relevant elements of the Hereford FAS are completed, and to establish an evacuation plan, it is the Agency’s opinion, that adopting the precautionary principle, these elements should not be provided behind a flood defence.

Biodiversity

In addition to the comments on flood risk the Agency made representations concerning biodiversity issues in our letter dated 27th May 2003. I would reiterate the point that the Agency consider Herefordshire Council to be the relevant 'competent authority' under the 1994 Habitats Regulations, on the basis that the matter to be determined is a planning application.

Notwithstanding this, in acknowledgement of the nature conservation value of the River Wye and in the interests of environmental protection, if the Council were minded to approve the application the Agency would recommend that appropriate conditions be imposed to minimise the risk of pollution of the water environment.

Hereford Flood Alleviation Scheme – comments in letter dated 27th May 2003.

Hereford Flood Alleviation Scheme

This section is provided to inform your Council of the up to date situation concerning the Hereford Flood Alleviation Scheme (FAS). The Agency has been actively pursuing the Hereford FAS. Earlier this month, the Agency in consultation with the Local Flood Defence Committee decided to progress the Scheme to a more advanced stage. Consultants have been engaged to prepare a detailed environmental study and options appraisal, with the objective of securing DEFRA approval and thereafter implementation. This Scheme is independent of and would not if approved by DEFRA rely upon any funding which might be secured by means of a S106 Planning Agreement with the applicant. I would clarify that at this date there is no guarantee of the construction of the Hereford Flood Alleviation Scheme.

Conclusions

The FRA has assessed the risks to and from the proposed development to be broadly in accordance with the requirements of PPG25 Appendix F. The Agency agrees that the site falls within Zone 3a – Developed Area, of Table 1 PPG25 and as such is considered suitable for residential commercial and industrial development provided the minimum standard of defence can be maintained for the lifetime of the development. However, the Agency does not consider that the risk of locating a creche, community and health facilities, within a flood risk area is acceptable and does not accord with the precautionary approach of PPG25. This is on the basis that sites vulnerable to rapid inundation should defences be overtopped or breached are unlikely to be suitable for those of restricted mobility. Whilst PPG25 refers directly to housing or institutional accommodation the issues of vulnerability is considered to apply equally to other uses occupied primarily by children and the immobile.

Recommendations

The Agency maintains its OBJECTION to the development proposals as submitted due to the presence of a creche, community and health facilities located within the flood risk area of the site.

If your Council is minded to grant permission, it should consult further with the Agency as recommended by paragraph 65 of PPG25. This consultation would be to seek measures to mitigate perceived adverse impacts, signing of a S106 Agreement, to secure an appropriate contribution towards the wider FAS and to secure wider community benefits.

- 4.3 English Nature - response dated 19th December 2002: The application site lies close to the River Wye SSSI and we are treating it as a notice under Section 281 of the Wildlife and Countryside Act. This development presents the same difficulties as the previous application in terms of assessing the possible effect of a flood defence scheme for Hereford on the River Wye Candidate Special Area of Conservation. Such a scheme is integral to the protection of this land and to its development.

A Hereford Flood Alleviation Scheme is likely to require an appropriate assessment under Regulation 48 of the Habitat Regulations. Appropriate assessment for that project should involve co-ordination between Herefordshire Council and the Environment Agency as competent authorities (Regulation 52). We understand that investigations into the flood defence options are still underway and the Environment Agency will prepare an Environmental Assessment as part of those investigations.

It is difficult to see how the impact of removing land from the flood plain and defending the Asda development can be considered in isolation from the Hereford Flood Alleviation Scheme as it is dependent upon and will act in combination with a wider scheme. We are awaiting further clarification from the Environment Agency as to what stage their environmental studies and the development of the scheme has reached. Following a further submission from the applicant, English Nature have accepted in their letter dated 28th October 2003 that it is not possible to carry out an "in combination" assessment as no FAS has been proposed to date.

Environmental Assessment - options - we note that the statement does not include a sequential test of options for sites within Hereford and has selected the site as most closely meeting that need. It is unclear what environmental factors influence the selection of options considered. The consideration of alternative locations for the proposed development on wildlife habitats, flooding, water quality and traffic congestion has therefore not been assessed.

Construction phase impacts - we are pleased to note that the Environmental Statement addresses construction impacts. A set of appropriate conditions would need to be established to enforce these measures if development were to proceed.

Protected species - the assessment identifies the use of the site by badgers and proposes retention of their main sett on the tramway. A detailed badger management plan is required to address this issue.

Open space - the adopted planning policy of this area (H2) requires provision of substantial public open space. The proposal retains an area of allotments but does not provide significant public open space. We suggest that this issue might be addressed by enhancing the land between the tramway and bank of the River Wye. A comprehensive plan to improve and manage this area as a wildlife amenity and landscape corridor should be considered.

Letter dated 21st February 2003 - as previously noted works to the embankment would require a licence because of the presence of badgers. In view of the significant reworking of the embankment in places and the proximity of sheet piling to the tramway we advise that this additional information is necessary before determining the planning application. A key point is to ensure that it is feasible to devise a working method statement that can reconcile the badger issues with the proposed alignment.

- 4.4 English Heritage - letter dated 20th December 2002: There are clearly complex planning policy issues to be resolved by your Council in assessment of this application.

These are mostly outside English Heritage's locus but may affect historic environment considerations in so far as for example the Council may or may not judge that the present proposal is a mixed use scheme as specified in the Local Plan.

The scheme as presented in the current application goes some way to meeting our objections in principle to the previous scheme. In particular the location of the main building towards the western end of the site offers the opportunity to provide a better outlook from Greyfriars Bridge thus to meet one of our earlier previous concerns. The retention of the existing allotments is welcomed but English Heritage would be concerned that the design of the car park does not prejudice the visual gains from reconsideration of the site of the main building.

We also note the intention to provide a landmark building at the junction of the Ross Road and Belmont Road. The principle of providing a landmark building is certainly one that English Heritage would support.

Letter dated 6th May 2003. We refer to our extensive previous correspondence and discussions about this site and specifically the proposal for the residential building adjacent to the main road serving the development site.

We have discussed the site which is one on which it is difficult to discern a clear historic built context and the townscape qualities of the site will be further altered by the highway construction. We would however suggest that the site has an important urban design function as a gateway to the historic city for the traveller from the south and leading the eye towards Greyfriars Bridge and the historic city.

In discussions we have considered a number of options as to how this function may be achieved. In particular we have discussed a development that derives its form more clearly from the shape of the site albeit that shape is determined by the engineering requirements of the highway layout.

No formal response has been received with regard to the revised design as now proposed for the landmark residential building. English Heritage have indicated however to Officers of the Council that forming frontages to the A49 and superstore access road is a more convincing way to mark the prominent corner and lead the eye up towards Greyfriars Bridge and the city beyond the river. The building as proposed could now "turn the corner" very effectively. Some reservations were expressed with regard to the height of the building which is estimated to be at least one and three quarters times the height of the Greyhound Dog pub.

- 4.5 Welsh Water - latest comments in letter dated 28th April 2003: We would request that if you are minded to grant planning consent for the above development that conditions are included.

Eight conditions are suggested, most of which are technical requirements from the development. It should be noted however that a condition worded as follows is suggested should the Council be minded to grant permission.

"There shall be no beneficiary use or occupation of any building on the site until essential improvements have been completed and approved by Dwr Cymru Welsh Water and the local planning authority has been informed in writing of its completion. Completion of these improvements will occur no later than the 31st December 2005."

Reason: To protect the proposed development and public health and safety.

- 4.6 Sport England: It would appear that a view has been taken that the bowling green is not surplus to requirements and does need to be replaced. This is welcomed in recognition of the important role sport and recreation uses have in the community. The main issue is whether or not the proposed site is appropriate and how will the future management and viability of the bowling green be secured. No information has been supplied in respect of management and maintenance. If the proposal is approved it is hoped that conditions or agreements will ensure the replacement of the greens as a whole is available before the existing facility is lost and the management and maintenance of the facility will be secured.

Internal Council advice

- 4.7 Head of Engineering and Transportation: (comments dated 29th August 2003). The comments can be summarised that a number of improvements have been made during discussions with the applicant to improve the internal layout and sustainable forms of access into and out of the site. A number of conditions will be required to ensure these improvements are implemented should planning permission be granted. The Transportation Unit have been in discussion with the applicants on a number of ways in which sustainable access could be improved to the residential dwellings and the store itself. Issues such as the alignment of the cycleways, provision of cycle stands and coach parking and manoeuvring facilities have been improved and are considered to be adequate. At the time of this response, no proposals have been put forward for the improvements of the pedestrian/cycleway under the A49 and nor had any financial contribution been discussed to improve public transport links into the site.

Since receiving the comments of the 29th August 2003, the applicant has indicated a willingness to provide a £50,000 contribution to improve the Drybridge Walk pedestrian/cycleway under the A49. With regard to public transport, a contribution of £78,000 is suggested to improve bus services into the site. Comments on the acceptability of these figures are still awaited at the time of writing this report.

The developers must apply to the Public Rights of Way Department for an Order to divert the public footpath HER63 as soon as they have received planning permission. It should be noted that development must not commence until the Order has been made and confirmed. As public safety must be secured during construction the developers will need to apply for a temporary closure order from this department. The reassurances of the developers regarding road crossings are accepted, however we would like to see detailed plans of various points at which HER63 will cross vehicular access roads when they are available. The new pedestrian routes across the site will be permissive rights of way. We note the proposed pedestrian access to the bowling club is "fully supported by the bowling club".

- 4.8 Chief Forward Planning Officer: (memorandum dated 15th May 2003): the Council's retail consultant have raised fundamental concerns at the proposed development. The applicant has failed to demonstrate a quantitative need for the store and the arguments in relation to qualitative issues are not regarded as sufficiently material to justify demonstrable need. The importance of quantitative need expressed in terms of goods sold has now been given greater weight in terms of determining applications in light of the recent Parliamentary Statement (10th April 2003).

For the reasons given above the proposed development is in conflict with the Development Plan policies and Government guidance relating to issues of need.

4.9.1 Chief Conservation Officer:

- Historic Building and Design – Proposed Retail Store. The main proposal is to develop the site for retail purposes with extensive associated car parking and some limited community facilities. This is to be a combined with what has been defined by the applicant's as a landmark building' for residential use at the main entrance to the site adjacent to the redefined Belmont roundabout. The site does not include the Council owned allotment gardens and nor does it have direct access onto the river frontage.

By its very nature the development of this site will involve the removal of substantial tree and shrub cover and their replacement with the mass of the large retail unit and associated car parks. It will therefore by definition directly affect the character of the site. The question is whether it preserves or enhances the character of the Conservation Area as this is the principal test which needs to be applied under the provisions of PPG15 (Planning and the Historic Environment).

In architectural terms both the store and landmark residential block have been subject to extensive discussions but a number of elements which were previously unsatisfactory have been resolved in architectural terms. After detailed examination Officers remain unconvinced that the proposed food store with associated car parking will either preserve or enhance the character of the Conservation Area. If it fails to meet that test it would be contrary to the provisions of PPG15 para. 4.19.

Proposed Residential Building – (comments dated 2nd October 2003) The proposed "landmark" building has been significantly amended and as now proposed is capable in itself of making a major architectural contribution to the city.

Road Traffic Proposals – very serious concerns about the proposed redefinition of the proposed Belmont roundabout are raised due to the severe visual impact this will have on the townscape setting at this important entrance to the Central Conservation Area. The scale of the proposal will totally disrupt the scale and setting of surrounding buildings in a manner that is completely alien to this or any other part of Hereford.

In summary it is considered that the architecture of individual elements of this scheme have been significantly improved, however my original reservations on the appropriateness of the whole site for the development still remain as do the serious reservations with regard to the highway improvements.

- Landscape Impact (memorandum dated 8th September 2003). It is considered that the proposed layout lacks any design flair and maximises the development potential development of the site without investigating the potential for amenity open space linking with the riverside walk. It is suggested that it would be possible to provide a planted footpath corridor from the riverside walk to Belmont roundabout without going through the proposed food store car park.

The construction of the access road, car park and flood wall so close to the embankment will result in the loss of at least half of the trees. I do not agree with the landscape master plan which shows most of the trees on the western part of the tramway being retained. The construction of the flood wall will inevitably destroy a good proportion of them. This will manifest itself as a significant thinning

of tree cover along the western part of the tramway and total loss of cover along much of the tramway to the east of the bisecting footpath. I consider that this overall loss is unacceptable and contrary to the landscape principles of the Environmental Statement, and a number of improvements could be made.

- In respect of archaeology conditions are recommended should planning permission be granted.
- Having regard to ecology the application is very thin on mitigation for the impact that the development would have on nature conservation. It is accepted however that the applicant's would have difficulty given that up to 90-95% of the site is earmarked for development. It has been suggested that off site mitigation could be secured through a Section 106 Agreement and that opportunity exists to enhance native planting on the river frontage through the city to improve nature corridors.

5. Representations

5.1 Hereford City Council - response dated 18th September 2003. The City Council have no objection to this application but make the following comments:

- (1) The proposed development is long overdue and the area should be tidied up.
- (2) The application is considered to be the most appropriate use of land in that area.
- (3) The visual approach from Greyfriars Bridge will be acceptable.
- (4) There will be no adverse impact on the view from Belmont Road.
- (5) Adequate screening will be provided for the avoidance of visual and sign nuisance for houses behind Belmont Road.
- (6) The approved access to the site should be to the satisfaction of the Highway Authority.
- (7) The development should not have any serious impact on the Belmont roundabout.
- (8) It is understood that the development will not add to potential flooding problems believed to be caused by drainage from the Newtown Farm area.
- (9) The proposed development does not go outside the tramway which is in itself believed to be part of the flood defences.
- (10) The provision of pedestrian access should help local community and should give local people the choice of shopping locally or in the city and provide competition between supermarkets.
- (11) The development should provide investment in local jobs.
- (12) The provision of adequate parking for the disabled and cycle store and locker is welcomed.
- (13) The inclusion of 18 flats with decent and well proportioned living/dining accommodation looking out onto a green is welcomed.

(14) The needs of the community are attended to in the application with the provision of a play area and bowling green and the retention of the allotments.

5.2 Hereford Civic Trust – response dated 21st April 2003: As you are aware we objected to the original application and the amended plans while going some way to overcome the objections raised by ourselves and many others still leave many questions unresolved as they deal primarily with the so called landmark building at the entrance to the site. In our view matters unresolved include:

1. The design of the store itself with the large unbroken roof line and no attempt made to show structural form or environment energy saving improvements.
2. Its location near Hunderton Road housing and the noise nuisance this will bring.
3. No demonstration that the retail case for the store in this area contrary to the UDP has been made. We remain unconvinced that Hereford needs this supermarket at all.
4. No more information on the flooding problems - particularly Belmont Road sewer. While we understand the use of flood water retention culvert to deal with the site drainage, we are not convinced that this will be effective in all flood conditions originating from both the river and the sewer system.
5. (These comments relate to the previous design). As far as the proposed redesign of the flats at the entrance is concerned which together with the conservation assessment form the main part of the revised submission, we feel that while there is some improvement on the original proposal, it does not to us have the inherent character required for a building on this city gateway site. Also the conservation report does not demonstrate the proposed landmark building is in keeping with the other existing buildings or add to the character of this Conservation Area. Therefore we wish to maintain our objections to these proposals.

5.3 Conservation Area Advisory Committee: The proposed store building is out of scale with development in the area and is not considered to be good design. The application is considered to be a lost opportunity for the city - one was hoping to see a building of a design which would be worthy of the site but this design is considered bland and has no scale or thought. The elevations are a mish mash of designs taken from buildings within the city. The elevation to the river is bland and will be a target for vandalism. The general roof line of the store is disappointing, a large track of unbroken flatness which could be broken up with a fresh good design.

Comments dated 16th September 2003 – amended residential block – the Committee were pleased to see a building which will be an asset to the Conservation Area and the city. The building will be a focal point especially when lit at night. The CAAC felt the design will give the City of Hereford a building which will enhance this area and also a building of good design worthy of this important site.

5.4 CABE (letter dated 11th July 2003): Having considered the materials sent to us we do not wish to review this scheme formally, however we do have the following observations:

- The various site constraints and ownerships have given the designers a difficult task, however we do not believe that the current proposal is not making optimum use of the site.
 - Whilst we welcome the mix of uses we would observe that the Local Planning Authority ambition for a mixed use scheme for the site should not end up with a series of “bolt on elements” but should produce a scheme that works in the round.
 - We believe that the awkward and inconsistent routing across the site needs to be considered further.
 - We are concerned about the location the bowls club next to a turning corner for articulated lorries – it seems to us that this may prove to be the opposite of a tranquil haven which most bowls club members seek.
 - On the residential block, our view is that although unusual it may have a role in making a decent piece of new architecture. In our view there are more fundamental issues of concern in this proposal (these comments again relate to the previous design).
- 5.5 CPRE: We object to the proposed development which is not in accordance with the Development Plan. CPRE would expect to see details of a significant transport provision with this scheme connected with a broad city transport network before further consideration is given to the application. We would strongly question whether demonstrable need has been established in qualitative and quantitative terms in this location - the sequential approach for site selection has been followed and question whether the site can even be defined as edge of centre.
- 5.6 Herefordshire Nature Trust (comments dated 15th September 2003): In our previous comments dated 20th December 2002 we recommended that the application should not be determined until the Environment Agency had completed its Hereford Flood Alleviation Scheme Study. Until this work is completed we will not be in a position to review our initial position and provide further comments on flood impact issues relating to the overall scheme. However we thought it may prove useful to clarify our current position on other issues relating to the proposal.
- The Trust is minded to recommend to Herefordshire Council that the proposal be refused. (The detailed response sets out four reasons for refusal relating to nature conservation legislation and adopted policies contained within the Hereford Local Plan. Given the length of the response it is not repeated in full in this report, however it is available for inspection at the Planning Office).
- 5.7 Open Spaces Society: Raise a number of comments with regard to walking and cycling through the site but do not quantify an objection or support for the scheme. In summary they have reservations about the proposed dual use of the cycle and pedestrian ways through the site as they appear too narrow. They suggest the local planning authority consult their Rights of Way Department.
- 5.8 South Wye Regeneration Partnership: The site has been derelict for a number of years and is a real eyesore as both an entrance to Hereford city and South Wye area. The development of this site would therefore have a real impact on the physical appearance of one of the city's gateways. The proposed development is also consistent with the business and community ambitions of the Herefordshire Plan. I

would make the following comments with regards to how the application fits with the strategy for regeneration of South Wye.

Physical regeneration - this site has been singled out as a development opportunity for housing and business uses if the flooding and access issues relating to the site can be resolved. The South Wye Regeneration Partnership approved the UDP allocation for this site at its Committee meeting on the 3rd December 2002 with a request that retail be included as an additional use.

Employment opportunities - unemployment in the South Wye area and specifically Belmont Ward (5.6%) is consistently higher than the County average (1.9%). This development is likely to see a significant number of jobs made available to local people. I would comment that Asda should work closely with the South Wye Regeneration Partnership and existing networks to maximise these opportunities for South Wye residents.

Health facilities - health statistics show the South Wye residents are more likely to die younger than elsewhere in the County. At a meeting on the 30th December 2002, the Primary Care Trust expressed an interest in the health care facility linked to the store especially if there was an in store pharmacy to be used in health promotion under the venue for shoppers to see a nurse or other medical staff. A request was made to Asda's representative to confirm whether an in store pharmacy would be included - no response has been received.

Childcare provision - the Early Years Childcare Development Partnership has identified the need for additional full time childcare places, in both Belmont and St. Martins Wards. However neighbourhood nursery initiative funding will provide these places and proposed schemes have already been identified at Hunderton Infant School and St. Martins Primary School. Initial comments from the EYCDP indicate that the Asda site may be appropriate for resiting of an existing provider or to consider other types of family services such as childrens centres mentioned in the Government spending review.

Community facilities - on the basis of the survey of community services feasibility report produced by Archetype in 2000, the main principle underlying the development of facilities at South Wye is that each of the five estates should have its own neighbourhood centre acting as a generic community facility with other facilities allocated to one or more of this network of centres depending on the location, distribution and availability of suitable space. I would therefore comment that negotiations with Asda should include discussions on their support for the development of community facilities on the estates identified in the partnership strategy.

Transport issues - the need for an improved bus service between the estates of South Wye to link with the Rotherwas Industrial Estate and centre of Hereford has been well documented. The area has been successful in its urban bus challenge bid which will develop the bus service South Wye to operate over the next two financial years (up to March 2005). I would therefore comment that negotiations with Asda should include discussions on how the service could be continued with their support after March 2005.

Updated position 13th May 2003 - the meeting on the 25th February 2003, the Partnership agreed to support the proposal for a community and health facility on site and were concerned to hear the Environment Agency objected to such a proposal. There was some disappointment that the applicant had chosen not to use the consultation event in February 2003 to consult over what community facilities local

people wanted at the site. At that meeting the applicant's representative advised that Asda would be unable to provide any financial support for any off site provision of community facilities as it might be challenged in the High Court which would delay the development.

Neither the Partnership nor the South Wye Community Development Team have had the resources to conduct a meaningful consultation with the local community about establishing end users for the proposed building. The priority for our resources at the moment is to support the community and residents' associations and the development of community facilities they have already identified. However, there are some internal discussions amongst partners about the following possibilities - offices for community/voluntary groups, a sports facility and health facility possibly linked to a pharmacy.

The applicant's representative will be attending a community event meeting on the 31st May 2003 so this might be an opportunity to start discussions. However, we feel that a major consultation exercise/feasibility needs to take place before we are in a position to say what the end use of the possible building should have. Of course this may then require some changes to the current proposed design of the building to allow a flexible use of space.

- 5.9 Ramblers' Association: In general the developer should be congratulated in the provision of paths and cycleways in the vicinity of the new store, however there are a few points which require additional input. Some clear distinction needs to be placed between pedestrian and cycle routes.
- 5.10 St. Martins Street Residents and Traders Association: There is significant concern about the proposed development and a number of comments are made as to how the scheme could be improved for local people. With regard to design issue there was a consensus of opinion that the architecture of the proposed buildings are very poor and a much better individual design should be put forward. Of particular concern were the design of the residential block which must have a positive not negative impact on the approach to the city and the view of the development from the river which should be considered more carefully on the northern elevation. (Design comments relate to the previous scheme).
- 5.11 Sixteen private letters of objection have been received to the development. The issues raised as objections can be summarised as follows:
- There are strong concerns about the ability of the site to accommodate the amount of traffic generated by the proposal in light of the existing problems which are experienced at the Belmont roundabout.
 - Strong concerns are made with regard to flooding of the site and the knock on impact that the flood defence wall may have elsewhere in the city.
 - Objections are raised from local retailers at the site entrance who will lose the existing loading/unloading/parking area with the reworked traffic light control gyratory. This will significantly affect small businesses.
 - The need for another supermarket in Hereford is strongly questioned and objections are raised on this issue.
 - Strong retail objections are made with regard to the site which is not allocated for retail purposes and is not within a city centre or even in an edge of centre location as defined by PPG6. The applicant is obliged to demonstrate there is a

"need" for the store, particularly in light of the Parliamentary Statement of the 10th April 2003. The applicant has sought to demonstrate there is capacity for their proposal but this is based on their estimates of overtrading at existing stores. They are seeking to absorb virtually all the available growth up to 2011. This growth could be accommodated in a number of ways in the existing centre. The proposed store would take up all of this capacity and still require a high level of trade diversion from the existing stores serving the same catchment. Asda are reliant on a 50% trade draw from Tescos at Belmont to demonstrate that there is sufficient capacity to justify the proposed floorspace. This confirms the weakness of their quantitative need case.

- The Hereford catchment is well served by existing stores (Safeways, Sainsburys and Tescos have two stores) where choice is especially good. Any additional floorspace required should be directed to maintain the vitality and viability of the existing centre. The proximity of the proposed store to the city centre must mean that it will have an impact. No information is supplied with regard to comparison goods or the type of goods to be sold. The Parliamentary Statement confirms this information should be provided by the applicants.
- The site is not well related to the primary shopping area in Hereford, particularly for pedestrians and cannot be considered as edge of centre. The proposed improvements to the pedestrian network will not overcome the inadequacies of the pedestrian route to the main shopping centre which is lengthy and inconvenient. It is clearly evident that there are strong objections to the proposal both at national and local levels.
- The proposed development represents a missed opportunity for the site at a very important entrance to the city. The proposed landmark block would be more akin to an out of town business park being charmless and overbearing. The Greyhound Dog as existing is a far superior building and part of Hereford's history.

5.13 A petition (received 12th June 2003) against the removal of the slip road/parking area to the front of the Friar Tuck containing approximately 660 names.

5.14 One private letter of support has been submitted for the application and a petition has been provided by the applicant which has the names of 46 local residents in support of the scheme. The letter in support states that the site has sat derelict for too many years which has been detrimental to the area and is potentially dangerous for local residents. The letter encourages the development to tidy up the site and improve the overall amenity of the area.

5.15 Four additional private letters have been received which do not clearly support or object to the development proposal but raise issues of concern and comment. Suggestions are made in these letters as to how the scheme could be improved for local residents and the wider community.

The full text of these letters can be inspected at Central Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

6. Officers Appraisal

6.1 In dealing with a major development scheme of this size there are clearly a number of important issues which need to be carefully considered as part of the schemes overall

assessment. The key issues in this instance are the retail need for the proposed development, access and transportation issues associated with the development, flooding and land drainage, design and nature conservation issues and finally any other material considerations which should be afforded weight in the overall assessment.

- 6.2 The Development Plan for the area comprises of the Hereford Local Plan (1996), the Hereford and Worcester County Structure Plan and the emerging Herefordshire Unitary Development Plan, Deposit Draft (2002). The Hereford Local Plan Policy H2 allocated the site as being suitable for development for residential, commercial and open space purposes. To date no scheme has been put forward which meets the requirements of Policy H2 which suggest that residential development would form the major part of any scheme and that a proposal should incorporate a substantial provision of open space. Reference is made to the requirement of access and flooding which need to be resolved in order for development to take place. Clearly the current proposal does not comply with Policy H2 which in light of the Environment Agency's latest comments would be very difficult to achieve. Given the new emphasis in PPG25, it is understood that the Environment Agency would be likely to object to a significant residential development unless both a Flood Defence Scheme and the ground level of the site were raised to an acceptable level.
- 6.3 The emerging Unitary Development Plan has a site specific Policy TCR24 which identifies the site for a comprehensive mixed use development to secure the regeneration of this important gateway site. It then lists four criteria which should be achieved from a comprehensive development. Again, a requirement for housing is suggested under Policy H2 of the UDP as the site providing 50 dwellings. As with the previous policy for the site, this will be difficult to deliver unless significant ground level changes were to occur to the satisfaction of the Environment Agency.
- 6.4 Policy RST4 seeks to safeguard existing open space and is also directly relevant to the Causeway Farm site. Again, three criteria are specified which the development should comply with.

Retail Need

- 6.5 Planning policy in respect of retail development and town centres has evolved in recent years and to some extent is still evolving through recent decisions reached by the Office of the Deputy Prime Minister in recent appeal decisions. The key national planning policy guidance is contained in PPG6 (Revised) "Town Centres and Retail Development" (June 1996) and has been supplemented by subsequent Ministerial Statements including a recent statement issued by the ODPM on the 10th April 2003 seeking to clarify policy on planning for town centre retailing.
- 6.6 PPG6 emphasises the sequential approach to site selection for new development proposals, including retail, employment, leisure and other key town centre uses. This approach means that first preference should be for town centre sites, where suitable sites for conversion are available, followed by edge of centre sites. In addition, the guidance recognises the need for an identification and assessment of sites in a range of locations. Such an approach is appropriate for both developers and local authorities in assessing new sites. It is however important to note that the guidance stresses that the sequential test and site selection exercise should be undertaken in the development plan process only after carefully considering the need for the development. Neither the adopted Hereford Local Plan (1996) or the Herefordshire Unitary Development Plan (Deposit Draft 2002) identify the Causeway Farm site

specifically for large retail development. In terms of the site's assessment in line with the PPG6 requirements, it is considered that the site is neither within the central shopping or commercial area, or can it be described as an "edge of centre" location relative to the central shopping and commercial area. This means within easy walking distance taking into account the physical barriers between the site and the central shopping area and involves distances of approximately 200-300 metres. As the position of the proposed food store clearly exceeds the threshold in PPG6 it is considered a "out of centre" location where a need must be justified. From the centre of High Town to the store entrance it would be in excess of 1,000 metres for a pedestrian.

- 6.7 Taking into account the above national policy issues and guidance an important element of the overall assessment of this application must be to consider to what extent the size of the store proposed could be accommodated by future growth in convenience goods expenditure and whether or not there is a clear need for a store of 7,480 sq. metres gross. If capacity for the store cannot be demonstrated then are there other material considerations or weighty 'qualitative' needs which must be deemed material in the assessment. Only if need is justified is it then necessary to consider the development with the requirements of the sequential approach.
- 6.8 For this proposal the applicant has undertaken a sequential test for a number of sites in and around the city centre. At the time of submission, proposals for the "Edgar Street Grid" had not been prepared or been subject to any consultation. The Council had identified the existing cattle market site as being suitable for redevelopment with a mix use scheme as reflected in Policy TCR21 of the emerging Unitary Development Plan (Deposit Draft). As such, the developer and the Council's own Retail Advisor did not consider it to be a suitable location for convenience goods retail and subsequently discarded the site for the purposes of this application. Since that time the Edgar Street Grid master planning exercise has been undertaken giving a number of development options for this area some including convenience retail uses. It should be noted that in theory, a number of sites in the Edgar Street Grid would be sequentially preferable than the Causeway Farm site.
- 6.9 The issue of "retail need" has most recently been addressed by the Ministerial Statement of the 10th April 2003. Previously, a Ministerial Statement (Richard Cabourne - Planning Minister for the Regions Parliamentary Statement February 1999) had stated
- "The requirement to demonstrate "need" should not be regarded as being fulfilled simply by showing that there is capacity (in physical terms) or demand (in terms of available expenditure within the proposal's catchment area) for the proposed development. Whilst the existence of capacity or demand may form part of the demonstration of need, the significance in any particular case of the factors which may show need will be a matter for the decision maker."
- 6.10 The above statement implied that retail need should not be just based on a quantitative demonstration but the wider and more qualitative or intangible benefits such as improved choice, improved competition, contributions to social inclusion or other regeneration benefits must also be considered. This particular issue is critical in the assessment of the current planning application on which the applicant has placed a strong qualitative need argument. For the purposes of this application the applicant's retail case can be summarised as follows.

- The scheme will redevelop a prominent and strategically located “brownfield” allocated development site which is accessible by sustainable forms of transport.
- The proposed Asda store will have a catalytic effect in terms of facilitating the provision of a mixed use scheme use with “district centre” credentials.
- The store will bring about qualitative and quantitative improvements in South Hereford’s retail offer.
- The introduction of a quality food store will assist in “clawing back “ expenditure that is spent at the out of centre Tesco’s store at Abbotsmead.
- The generation of potential “spin-off” benefits for Hereford city centre associated with link trips.
- The proposed development will result in new opportunities for the local community.

6.11 Following a careful assessment of the applicant’s retail case, it is considered that the quantitative need arguments associated with this development are extremely weak. The applicant’s retail case relies heavily on qualitative arguments associated with the issues listed above. Whilst it is accepted that the proposed food store would not have a significant impact on the vitality and viability of the city centre and that the applicant has undertaken a thorough sequential test to site selection, the quantitative need arguments for additional food retailing in the city cannot be justified.

6.12 The latest Ministerial Statement on town centres and retail development (10th April 2003) seeks to clarify the previously ambiguous issue of what actually constitutes retail need. Many recent large retail schemes across the country have been subject to lengthy Inquiries where the issue of retail need has been examined. Many of these Inquires have revolved around qualitative needs/benefits on the application which in some instances have been accepted as strong factors in the overall assessment of need. However it is important to review the most recent statement issued by Central Government as to what should be considered material when forming a view on the need for a retail development. The statement issued by the First Secretary of State with regard to the definition of need is as follows.

“Some applicants have sought to make distinction between quantitative and qualitative need for new retail facilities. PPG6 does not make this distinction although evidence on both has frequently been presented at Planning Inquires. The First Secretary of State accepts that need can be expressed in quantitative and qualitative terms but considers that evidence presented on need is becoming increasingly unnecessarily complicated. He therefore places greater weight on quantitative need for new retail provision to be defined in terms of additional floorspace for the types of retail development distinguished in PPG6 which are comparison and convenience shopping.

6.13 In view of the above it is clear that greater weight should be placed on the quantitative issues rather than the qualitative need/benefits of the proposed retail development. In fact the statement goes on to suggest that qualitative issues such as regeneration and job creation do not constitute retail need. It is considered that the issuing of this statement whilst not providing a definite guide as to what actually constitutes retail need, it does place greater clarity on the weight attached to quantitative need and whether or not such issues as regeneration or job creation should be seen as part of the need demonstration.

- 6.14 Whilst Officers would not normally examine one issue in such great detail in their Committee Report, it is stressed that a recent publication of a Ministerial Statement has a significant bearing on the overall assessment of this proposal. In assessing the "retail need" issues associated with this proposal, Officers and the Council's independent retail consultant conclude that the application fails to comply with Central Government advice contained in PPG6 and more recent Ministerial Statements. This conclusion will need to be balanced against the other issues contained in this report.

Access and Transportation Issues

- 6.15 A full Transportation Assessment has been submitted with this planning application which has been carefully considered by the Highways Agency and Council Officers. The highway works as proposed as part of the development include improvements to both the vehicular highway network, pedestrian and cycle facilities and public transport. Arguably the most significant improvement proposed is the replacement of the existing Belmont Road roundabout with a traffic signalled gyratory. Furthermore, the existing substandard U-turn facility from Meadow Close and the adjacent commercial developments would be replaced with a new turning facility as part of the gyratory arrangements. The Highways Agency raise no objections to the latest plans of the gyratory or the content of the Transport Assessment as submitted.
- 6.16 It is important to note that the reworked Belmont roundabout is based on the former scheme of the Highways Agency which is no longer part of their programme of works. As such, the proposed development is the only legitimate short term opportunity for the improvement works to take place at this heavily congested junction.
- 6.17 The proposed scheme also includes improvements to pedestrian facilities in the locality to include direct crossing facilities on the gyratory system and pedestrian routes through the car park proposed food store to the surrounding area. Pedestrian links will provide access to the Wye Valley/riverside link (to the north) to Belmont Avenue (to the south) and the proposed gyratory system to the west. Pedestrian facilities would be provided to the bowling club and community facilities on the site. Improvements for the provision of cyclists would be made with a split use between cyclists and pedestrians on the new footpaths which are at least three metres wide. In a letter dated 4th November 2003, the applicant's Highway Consultant has indicated that his client would also be willing to offer the sum of £50,000 towards pedestrian and cycle improvements in the vicinity of the site. This is in addition to the works shown on the site plan and could be secured through a Section 106 Agreement.
- 6.18 The site layout also has provision for a bus stop within the site and a bus turning facility is included as part of the site layout. Discussions are ongoing with local bus companies regarding diversions and enhancement of the existing services into the site. This includes an increase in the bus frequency to ensure two buses per hour.
- 6.19 The applicant in support of the proposal states that being close to the town centre the development would reduce the overall need to travel and furthermore the provision of a supermarket in the South Hereford area would again lead to significant journey reductions. The proposed Belmont gyratory would improve capacity on the highway network to allow for both supermarket and future traffic growth. Furthermore, the proposed gyratory system would improve safety for both vehicular, pedestrian and cycle and public transport modes.
- 6.20 In total the site provides car parking spaces for 541 vehicles. Parking is primarily contained around the store itself, however a large section of customer parking is

provided on land between the allotments and the tramway to the northern part of the site and abuts Greyfriars Bridge. Generally it is considered that the proposed access, parking, pedestrian and cycle provision are reasonable. Some minor points of detail remain unresolved, however the basic concepts and principles as detailed in the scheme and the Transportation Assessment are generally accepted. The proposal does offer the opportunity for improvements in pedestrian and cycle provision and gives good access to South Wye residents to the Wye Valley Walk. It also offers the opportunity to enhance pedestrian and cycle linkage between the South Wye area and the city centre.

- 6.21 With regard to public transport and access issues, discussions are ongoing between the applicant and the First Group Bus Company to deal with buses to and from the site serving the South Wye area. It is considered that at minimum two buses per hour from the Belmont and Hunderton direction should be diverted into the site. This would be the minimum acceptable bus service to the proposal. Should Members be minded to approve the scheme a clear commitment to bus services would need to be secured through a Section 106 legal agreement which may include some kind of bond to ensure the improved services are provided. The Development Impact Group has considered the issue of financial contributions to improve the wider bus facilities for the South Wye area and a contribution towards a potential park and ride scheme from the south side of the city also been examined. The applicant is not prepared to make financial contributions to these projects and argues improvements will accrue from the proposed development and that it will be well served by public transport.
- 6.22 On balance, whilst minor issues remain outstanding and of course the necessary agreement and Footpath Diversion Orders would be required there is no significant objection which would justify a refusal on any of the matters referred to above. Furthermore, it should be stressed that the development is the only reasonable prospect of the long awaited improvements to Belmont roundabout being fulfilled in the short term. This does carry material weight in the assessment of the scheme should Members consider this to be a priority. The counter argument is of course that the developer must put the junction in place to access the site and as such the works to Belmont roundabout are the minimum infrastructure required for the development to proceed. The applicant has stressed this particular issue as one which should carry significant weight in the assessment of the proposals.

Design and Conservation Area Impact

- 6.23 The site known as Causeway Farm is situated within the Hereford Central Conservation Area at the principal entrance to the city from the south close to the River Wye. It is also bounded to the north side by the former tramway which runs parallel to the river. The essential character of this part of the Central Conservation Area is defined by its openness and by the proliferation of trees which occupy the site. It is particularly visible when viewed from the banks of the River Wye and from the raised Greyfriars Bridge which takes the main A49 Trunk Road through the city. This gives an unusual dimension to the character of the site in that it can be viewed from so many different areas and particularly from elevated positions. The principle of some form of development on this site is not questioned given the allocation in both the Hereford Local Plan and the emerging Unitary Development Plan. However, the essential consideration for development in the Conservation Area is whether the proposal would preserve or enhance the character or appearance of the area. This must be the principal test which is applied under the provisions of PPG15 (Planning and the Historic Environment). The main part of this proposal is to develop the site for retail purposes within an extensive associated car parking area and new community

facilities. This is to be combined with what has been defined by the applicant as a "landmark residential building" at the entrance to the site adjoining the redefined Belmont roundabout. The site does not include the Council owned allotments nor does it have direct access onto the river frontage. By its very nature the development of this site will involve the removal of a substantial tree and shrub cover and their replacement with the mass of a large retail unit and associated car parks. It will therefore by definition directly affect the character of the site. The key issue is whether or not the proposal will preserve or enhance that character.

- 6.24 The two principal buildings which are the Asda food store with integral community facilities and the landmark residential block have both been subject to extensive discussions with Officers. With regard to the store a number of elements which were previously unsatisfactory have been resolved. It has been the purpose of negotiations to ensure the best possible design solution and then to judge the impact of the scheme on the character of the Conservation Area. The general scale of the building has been reduced visually by the inclusion of external "bolt ons" which help disguise the basic rectangular form of the retail store. The interplay of planes and selection of materials has helped reduce the mass of this building even further. Various architectural devices have been used to articulate the façade and give some interest to its visual appearance and to highlight the main entrance. Whilst primarily the negotiations on the store have led to a satisfactory design, one area of concern still relates to the north elevation facing the river. Internally this section of the building houses the main service area and as such the applicant contests that articulation of the elevation is particularly difficult. The landscape assessment submitted with the scheme suggests that the tramway retention will significantly screen the northern side of the building and that the majority of the trees on the tramway will be retained. This issue will be directly addressed later in the report, however given the size and scale of the building it will have a significant visual impact from the north particularly during winter months.
- 6.25 If the principle of development is accepted for a supermarket to be developed on the site, it is considered that the design of the store itself is not a major issue and in terms of its siting and design is arguably the most satisfactory solution that could be provided.
- 6.26 With regard to the extensive areas of surface car parking, the applicant has tried to mitigate this element of the scheme with the introduction of a significant planting programme through the site. Also integral to the layout of the site is the incorporation of a new flood defence wall against the south side of the tramway to the north of the store. The details of the wall show that it will be significantly underpinned and this will in effect act as a flood defence wall for the site and could form part of the Environment Agency's scheme for the city which has not yet been produced and for which there is no design or costings.
- 6.27 At present the application site forms a major green wedge adjoining the banks of the River Wye and the city. Whilst this green wedge will partially be retained by the tramway retention, should significant trees be lost the proposal will have a significant impact. Furthermore, the loss of trees on the tramway will be very difficult to mitigate against given the proximity of the River Wye and flood storage area and the fact that new planting could significantly disrupt flood flows on the north side of the tramway. The applicants have suggested that the retention of the allotments which do not form part of the site will ensure the partial retention of the green areas and tree coverage.
- 6.28 The second major design element is the landmark residential block containing 18 apartments at the site entrance adjoining the reworked Belmont roundabout. Arguably

in townscape and design terms this is the most vital element of the overall development scheme and will be particularly prominent on the approach to Hereford city centre on Belmont Road and Ross Road. In townscape terms the proposed gyratory roundabout will have a significant impact on the character and appearance of the townscape in this area. The proposed residential block is sited between Greyfriars Bridge and the new entrance road to service the site. It is however an extremely constrained site and particularly sensitive given that critical views can be obtained from all four sides. The building itself is a modern flat roofed design ranging between 3 and 5 storeys in height. Adjoining highway, it is a maximum of 16.3 metres high (53½ feet).

- 6.29 The latest design for the residential block represents a significant amendment to the scheme as submitted. It has been broken down into three almost separate blocks which are joined by large glazed stairwells. The largest central block which is southerly facing is linked by the glass stair towers to two lower units each containing six apartments with a seventh “penthouse” apartment with its own roof terrace. The concept of these “stepped” elements is to reduce the scale of the building as it extends on one hand into the supermarket site and on the other to Greyfriars Bridge. A covered car park is provided beneath the building (at ground floor level) which enables an uninterrupted landscape courtyard garden area for future residents.
- 6.30 The architect has examined a number of different finishes and materials for this modern design and has provided details of a materials pallet. Primarily the central “tower block” will have a steel and glass finish with over sailing brise soleil to provide solar shading. A horizontal timber cladding would be applied to the setback apartments on each of the lower blocks with an off-white render applied to the side walls.
- 6.31 Careful assessment has taken place with regard to this design and Officers are satisfied that the proposed building will effectively “turn the corner” and is capable in itself of making a positive architectural contribution to the city subject to its detailing. The test of suitability in design terms must relate to PPG15 and whether the building proposed will either preserve or enhance this part of the Conservation Area and whether it is in itself of such architectural merit that it will make a positive contribution to the entrance of the city.
- 6.32 In conclusion Members must decide whether the overall scheme either preserves or enhances the character or appearance of the Conservation Area through its design and layout. Whilst individual elements of the scheme in architectural terms have been significantly improved, the requirements of PPG15 must be applied to the development as a whole. On this issue Officers conclude on balance the development of the whole site would fail to preserve or enhance the Central Conservation Area.

Flooding and Land Drainage

- 6.33 The site as allocated in both the Hereford Local Plan and the emerging Unitary Development Plan shows the designated area as land liable to flood. As Members will be aware Belmont roundabout has been particularly prone to flooding in recent times as a direct result of the River Wye and the backup of the combined foul and surface water drainage in this part of the city.
- 6.34 With regard to the Environment Agency’s objection to the proposal, it relates directly to Planning Policy Guidance Note 25 (Development and Flood Risk) which sets out to reduce the risk to people and the developed and natural environment from flooding.

As the application includes a community and health facility and nursery/crèche sited within the flood risk area, the proposal is unacceptable to the Agency and it maintains its objection. They define the site as falling within Zone 3A of Table 1 (para. 30) of the PPG.

- 6.35 As part of the planning application the developer is proposing a £2,000,000.00 contribution to the Environment Agency in its implementation of a Flood Defence Scheme for the City of Hereford. This contribution is above and beyond the Flood Defence Scheme proposed for the application site. The proposed site would be protected directly from the River Wye by a newly constructed floodwall on the south side of the existing tramway. The proposed wall, which is crossed in one place for pedestrian access projects 2.3 metres above ground level but is sheet piled to prevent groundwater penetration from the river to a depth of approximately 6 metres.
- 6.36 The applicant has produced a Flood Risk Assessment which has considered the consequences of flooding before and following the completion of the Environment Agency's proposed Flood Alleviation Scheme and it is understood by the Agency and the developer that this proposal, if approved, ultimately requires the completion of the Hereford Flood Alleviation Scheme to provide a suitable level of protection to the development. The developer wishes to construct the development scheme in advance of a Flood Alleviation Scheme for the city and thus has addressed this issue by providing the option of a phased occupation which would only allow the occupation of the retail unit and bowling club prior to the completion of the wider Flood Defence Scheme. Occupation of the crèche, community and health centre and residential elements would only be upon completion of the appropriate element of the wider Flood Alleviation Scheme. It is your Officers' opinion that such a phased development would be unacceptable and would fail to deliver the community benefits on which the applicant has placed significant weight. Ultimately with no control over the timing and delivery of the Hereford Flood Alleviation Scheme, the Local Planning Authority could in theory approve land uses which could not be occupied leaving just the bowling club and a free-standing superstore on the site.
- 6.37 Given that the wider Flood Defence Scheme for Hereford has not yet been publicised the comments of the Environment Agency are critical both on development of the site itself and on the possible implications for the scheme to directly affect the River Wye which is a cSAC and a SSSI. Given the importance placed on developments within flood plains and land liable to flood, the objection of the Environment Agency although only relating to certain elements of the scheme must carry significant weight in the overall assessment. Officers would also advise strongly against a condition which 'phased' the occupation of important elements of the scheme.
- 6.38 As noted above, the flooding problems experienced on the site and at Belmont roundabout have been shown to be the combined effect of both water from the River Wye and the backing up of the combined sewer outlet which runs diagonally across the site and discharges into the river. On the site itself the backing up of foul water occurs in the approximate location of the proposed store. Welsh Water in their consultation response on foul water drainage suggests a number of conditions to be attached to any planning permission. One of those conditions requires no beneficial use or occupation of any building on site until essential improvements have been completed and approved by Dwr Cymru. The completion of these improvement works will occur no later than 31st December 2005. It is not clear from this condition if they will be undertaking the necessary works or it is a requirement of the developer. Clearly ensuring no foul and surface water flooding problems occur in conjunction with any approved Flood Defence Scheme is of paramount importance. At the time of

writing, further clarification is being sought from Welsh Water. It would appear that the wording of the condition is both unclear and unreasonable and would fail to meet the 'tests' for a planning condition. This being the case this material planning issue could be a reason for refusal.

Nature Conservation and Landscape Impact

- 6.39 In their initial consultation responses, English Nature concluded that it would be premature of the Local Authority to determine the application until a Flood Alleviation Scheme has been identified and its environmental affects assessed and tested against the Habitat Regulations. They therefore advised under Section 281 of the Wildlife and Countryside Act (as amended) that consent should not be given for the proposal. Their view was formed on the basis that the proposal represents an integral part of the Hereford Flood Defence Scheme. Given the proximity of the River Wye which is a cSAC and also a SSSI (Site of Special Scientific Interest) an "appropriate assessment" should be carried out by a competent Authority where a proposal may have a significant effect on those designated areas. Following the receipt of additional information submitted by the applicant, English Nature in their letter dated 28th October 2003 comment further on the issue of prematurity and the need to carry out an "an appropriate assessment" in accordance with Regulation 48(1) of the Habitats Directive. They state that, "having considered the current position of the Hereford Alleviation Scheme (HFAS), which it appears remains at a preliminary stage in which various options are being considered, we do not consider that there is a particular plan or project which has formed to a stage at which it could be said to be actually proposed." As such English Nature now accept that Herefordshire Council and the Environment Agency as "competent authorities" can assess the development proposed against the Habitat Regulations in the absence of the HFAS. They do however state that English Nature remain concerned at the influence of the development that is being considered would have on any future flood scheme. If the development site were fully defended it would clearly have an impact on flooding within Hereford by removing a substantial area of the River Wye flood plain.
- 6.40 The habitat survey accompanying the planning application also identified the use of the site for badgers, which are a protected species. The badger setts which are located in the tramway could be significantly affected by the proposed floodwall and sheet piling required for this part of the development. Whilst a detailed badger management plan has been forwarded by the applicant, English Nature in their letter dated 2nd October 2003 state that a mitigation package would need to be provided including a management plan to establish how badgers will be managed during construction stages, an English Nature licence will be required before construction can commence. No clearance work on site in the proximity of any badger setts should begin without a licence.
- 6.41 Given the loss of a significant part of the site to the proposed development, it has been identified that there is an opportunity to create an enhanced habitat/recreation facility on land immediately to the north of the tramway. Whilst this land is not within the applicant's ownership, they have indicated that a financial contribution to improve the nature conservation value of this land may be negotiated. Limited planting is possible in this area given the proximity of the River Wye and the requirement for flood storage, however there is potential for native riverside planting to enhance wildlife corridors and for a management plan to be prepared to retain and enhance biodiversity features.

- 6.42 As noted earlier in the report, a comprehensive landscaping scheme has been put forward as part of this application to mitigate the loss of a significant number of trees and shrubs. Officers' main concern with regard to the landscape impact of this proposal relates to the tramway embankment running along the northern boundary of the site. The current tramway contains a number of mature and semi mature trees. The applicant maintains the majority of these trees will be retained and will provide an effective screen when approaching and viewing the site from the north. It is contested however that with the proposed flood defence wall a large proportion of the root systems of these trees will inevitably be damaged and will lead to the loss of a significant amount of the species on site. Furthermore, the root system of these trees forms an intrinsic part of the embankment structure. It is estimated by the Chief Conservation Officer that up to 50% of the trees will be lost which could provide significant exposure of the development when viewed from the north. Given that replacement planting on the tramway may not be acceptable and that the remainder of the land to the north would remain within the flood flow storage area, any significant replacement planting could be severely restricted.
- 6.43 To summarise, the key physical landscape issue which is of concern to Officers relates to the tramway embankment on the northern part of the site. The majority of proposed landscaping in combination with the retention of the allotments and the existing trees within that site is considered acceptable in principle. The loss of up to half the trees on the tramway however is of significant concern and will be detrimental both to the landscape quality of the site itself and the wider Conservation Area. Furthermore, the acceptability of a 'badger management plan' remains unresolved in light of English Nature's comments on this issue.

Other Material Considerations

- 6.44 A desk top archaeological survey has been undertaken prior to the submission of this application which has been considered. It is considered that the archaeology issues associated with this site can be satisfactorily addressed with conditions. Some concerns have been expressed by the applicants on the suggested wording of archaeological conditions, however if approved conditions will be attached in accordance with the archaeological advisors comments.
- 6.45 The issues of air quality, noise from both the operation of the site and during the construction phase and contaminated land have all been carefully examined. Some concerns have been expressed with regard to the position of the residential block as it falls within the Air Quality Management Area (AQMA) for the city. Under the draft PPG23 (Planning and Pollution Control) it has been recommended that consideration be given that the building should be sited outside the specified boundary of the management area. On closer inspection it would appear that only part of the proposed residential block is within this area and given the constraints associated with the site, it would be impossible in the scheme's current form to address this concern. The Head of Environmental Health and Trading Standards does identify that this new housing block is within an area of poor and failing air quality.
- 6.46 The relationship of the proposed development to existing residential properties has also been carefully considered. Most notably the development will be extremely close to properties on Belmont Avenue on the southern boundary of the application site. At its closest point the proposed community centre is less than 10 metres from the adjoining residential boundary. Furthermore, improvements to landscaping would be required to reduce the impact of the development on the residential properties closest to the first roundabout upon entering the site. This may entail the removal of car

parking spaces to soften this part of the scheme should Members consider the proposal to be acceptable.

6.47 As set out under the first heading of the Officer comments on this report, the applicant has heavily stressed the qualitative (benefits) arguments of this scheme and indeed the other material consideration which the decision maker should take into account in assessing the proposal. To summarise the benefits suggest include:

- A commitment by the developer to contribute £2,000,000 to wards the Environment Agency's Hereford Flood Alleviation Scheme.
- An Asda store which will meet the quantitative and qualitative need for a new major food store to serve South Wye and the wider community.
- A major new junction improvement which are widely acknowledged as being needed although the Highways Agency does not appear to be in a position to deliver the project.
- The provision of community facilities including a crèche/health care provision and a new community centre to serve the South Wye area.
- The provision of a replacement bowling green and club house together with increased parking.
- The provision within the store of between 400-450 much needed jobs within this part of the city where unemployment is greatest.

6.48 Whilst all of the above are legitimate material planning considerations, they should not be confused with the issue of retail need for additional convenience floor space outside the city centre.

Conclusions

6.49 This multifaceted planning application raises a number of very important issues and considerations for the decision maker to take into account. The application has been subject to extensive discussions and negotiation between the applicant and Officers in an attempt to resolve as many of the outstanding issues as is possible. It is your Officers opinion that within the confines of this development proposal that objective has been achieved and that this scheme has been taken as far as it reasonably can at this stage.

6.50 It is clear by simply travelling past the site that this part of the city does little to enhance this important gateway to Hereford and requires much needed regeneration. This need for regeneration should not though outweigh some fundamental planning principles which any scheme no matter what the use should satisfactorily resolve. Indeed the allocation in both the Hereford Local Plan (1996) and the emerging Unitary Development Plan clearly establish a principle for development on the site. Furthermore, as noted above there are material planning considerations associated with this scheme which do carry weight in the assessment of the proposal. Most notably these include the opportunity for significant improvements to the local highway infrastructure and the provision of 400-450 jobs. The site also clearly has huge potential for a gateway building to act as a landmark on the approach from the south to the city. The applicant has also made a significant offer of a £2,000,000 financial contribution towards the wider Flood Defence Scheme for Hereford which would be

secured through a Section 106 legal agreement and also needs due weight attached to it.

- 6.51 The applicant asserts that this proposal will bring significant benefits on a number of different levels to both the local community, the whole of South Wye and indeed the City of Hereford. In reality however it is a financial contribution towards a Flood Defence Scheme and the creation of jobs which are in Officers' opinion the only significant benefits of this proposal. The proposed gyratory system whilst in theory improving traffic flows is a necessity of the development in order to provide an acceptable form of access. It could be argued that this is merely infrastructure to facilitate the development. Furthermore, whilst the significance in location and townscape terms of the site is not contested, the proposed design and layout must either preserve or enhance the character or appearance of the Conservation Area.
- 6.52 The application also contains new community facilities including a community centre, a community health centre, nursery and crèche. Again, whilst in principle these facilities are supported, no end users have been identified although work is ongoing with the South Wye Regeneration Partnership. Officers consider that whilst new community facilities are in principle welcomed, it is vitally important that they are sited in the communities in which they are to serve. The South Wye Regeneration Partnership is already committed to a number of projects within the specific areas of South Wye and the inability to identify an end use for this community provision does raise some concern about their future viability.
- 6.53 Returning to the basic principle of a 80,500 sq.ft. food store in this location, it is clear from the relevant planning guidance that a retail need for the proposal must be demonstrated. The issue of the vitality and viability of the city centre and a sequential approach to site selection have been satisfactorily addressed by the scheme as submitted. However, given that the proposal is not in accordance with an up to date Development Plan allocation, the 'need' issue is of paramount importance. The Ministerial Statement from the Office of the Deputy Prime Minister on the 10th April 2003 has clearly put greater emphasis on the quantitative demonstration of need as being more important than other qualitative issues. Whilst qualitative issues can still be material consideration in assessing a scheme for development, this Ministerial Statement emphasises how the Government view town centre retail policy. In addition to this, the proposed location of the store is unlikely to result in significant linked trips between the store and the established retail core and would in essence operate as a stand alone facility outside the city centre. The development therefore does not fulfil the aims and objectives set in PPG6 which seek to direct new retail investment into or on the edge of established centres. The regeneration arguments for a store in this location do not outweigh this fundamental issue.
- 6.54 In view of the above your Officers conclude this major development scheme is contrary to national and local planning policy conflicting with retail planning guidance and the requirements for development within a Conservation Area. Furthermore, the Environment Agency objection must carry significant weight in the final decision on this scheme. Notwithstanding the weight attached to the other material considerations, refusal is recommended.

RECOMMENDATION

That planning permission be refused for the following reasons:

1. The proposed development is contrary to PPG6 (which has since been clarified by statements from the then Planning Ministers, Mr. Richard Caborne and Mr. Nick Rainsford and more recently by the Deputy Prime Minister, Mr. John Prescott) and Policy TCR9 (Large Scale Retail Development outside Central Shopping and Commercial Areas) of the deposit draft Herefordshire Unitary Development Plan. The applicant has failed to demonstrate that there is a "retail need" for the proposed food store. In considering "retail need" the application fails to show that there is sufficient quantitative need to support the size of food store proposed.
2. The proposed scheme fails to comply with Policy H2 of the adopted Hereford Local Plan (1996) or Policies TCR24, H2 and RST4 (Causeway Farm) of the emerging Unitary Development Plan (Deposit Draft 2002). Notwithstanding the other material considerations submitted in support of this scheme, the proposal does not justify a decision not in accordance with the adopted and emerging policies for the site.
3. The application site is located within the recognised flood risk area as identified by the Environment Agency's Section 105 map which relates to historic flood data. As the proposal includes uses which are likely to be occupied by vulnerable members of the public, notably the community and health facilities and a nursery/creche, the proposal is unacceptable in accordance with Zone 3a of Table 1 (para. 30) of PPG25 "Development and Flood Risk" which seeks to reduce the risk to people and the developed and natural environment from flooding.
4. The site lies within the designated Hereford Central Conservation Area where the local planning authority has a duty to ensure new development either preserves or enhances the character or appearance of the area. It is considered that the essential character of this part of the Conservation Area is defined by openness and the substantial amount of trees which occupy the site. Having regard to size and scale of the proposed foodstore, the residential building and the resulting surface level car parking, the proposal would neither preserve or enhance the character or appearance of the area. Furthermore the proposed flood defence wall would lead to a significant loss in established and mature trees on the existing tramway embankment. Having regard to the important visual and nature conservation role of this established landscape feature and the very limited opportunity for suitable mitigation, the loss of trees would be harmful to the character and appearance of the site and would have a detrimental impact on the established wildlife and habitat of the feature. As such, the proposal conflicts with Policies ENV14, CON12, CON13, NC7 and CON21 of the adopted Hereford Local Plan, emerging Policies DR1, HBA6 and NC1 of the emerging Herefordshire Unitary Development Plan (Deposit Draft) and Central Government guidance contained in PPG9 – Nature Conservation (1994) and PPG15 - Planning and the Historic Environment (1994).

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.