

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

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

Councillors: ACR Chappell, H Davies, GFM Dawe, DW Greenow, KG Grumbley, KS Guthrie, JW Hope MBE, B Hunt, G Lucas, RI Matthews, PM Morgan, AT Oliver, JE Pemberton, AP Taylor, DC Taylor, PJ Watts and JD Woodward

In attendance: Councillors PA Andrews, SPA Daniels and MAF Hubbard

127. APOLOGIES FOR ABSENCE

Apologies were received from Councillors PGH Cutter, RC Hunt and WJ Walling.

128. NAMED SUBSTITUTES (IF ANY)

In accordance with paragraph 4.1.23 of the Council's Constitution, Councillors PM Morgan, KG Grumbley and AT Oliver attended the meeting as substitute members for Councillors PGH Cutter, RC Hunt and WJ Walling.

129. DECLARATIONS OF INTEREST

7. DMS/103136/O - LIVESTOCK MARKET AND ADJACENT LAND, EDGAR STREET, HEREFORD, HR4 9HX.

Councillor JD Woodward, Personal, Was a member of the It's Our City campaign.

7. DMS/103136/O - LIVESTOCK MARKET AND ADJACENT LAND, EDGAR STREET, HEREFORD, HR4 9HX.

Councillor MAF Hubbard, Prejudicial, Wrote a letter of objection to the planning department regarding the application.

130. MINUTES

RESOLVED: That the Minutes of the meeting held on 23 February 2011 be approved as a correct record and signed by the Chairman.

131. CHAIRMAN'S ANNOUNCEMENTS

The Chairman introduced all of the Officers who were present at the meeting.

The Chairman also took the opportunity to advise all parties present that the final decision in respect of agenda item 6 would be that of the Committee and that the decision would not be delegated to Officers.

132. APPEALS

The Planning Committee noted the report.

133. DMS/103136/O - LIVESTOCK MARKET AND ADJACENT LAND, EDGAR STREET, HEREFORD, HR4 9HX

The Assistant Director – Environment, Planning and Waste advised the Committee that they were required to determine the application in accordance with the Unitary Development Plan, whilst having regard to any material planning reasons which may give them reason to deviate from the policy. He drew Members' attention to two primary areas for consideration, the first being the layout and street pattern of the proposed development. He confirmed that in his opinion the layout was well thought out and resulted in an extension to the historic layout of the city. The second area he raised was in respect of the linkage between the proposed development and High Town. He advised Members that the layout had been designed to consolidate and promote the vitality and viability of the city centre. It was also noted that Widemarsh Street had been refurbished with a view to its linkage with the proposed development. The Assistant Director advised Members that it was their duty to give significant weight to these factors whilst determining the application.

The Strategic Delivery Manager addressed the Committee and advised Members that the application was in accordance with both local and national planning policies. He made specific reference to national planning policy PPS4; the Council's own Unitary Development Plan; the ESG Supplementary Planning Document; the ESG Masterplan and the role of Hereford as a sub-regional centre in the terms of the Regional Spatial Strategy.

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

During the presentation the Principal Planning Officer confirmed that the Highways Agency had withdrawn their holding direction subject to suitable conditions. As a result of this he confirmed that the recommendation was now for approval without the requirement for the decision to be delegated to Officers. He also advised Members that the application could not be conditioned subject to the completion of the link road as this was a separate application which the developer had no control over. He expanded on this point by advising Members that there were two key tests to be applied in relation to the link road. The first was whether adequate highways capacity existed to accommodate the development without the link road and the second was the acceptable integration and connectivity of the development with the city centre. He confirmed that in his opinion these two tests had been met. In summing up the Principal Planning Officer advised Members that there were a number of additional key considerations, including the need for further retail and leisure facilities; the design parameters; the environmental impacts; sustainability; job creation; and policy considerations.

In accordance with paragraph 5.14.6.3 of the Council's Constitution, Councillor MAF Hubbard, a Central ward member who had declared a prejudicial interest in respect of the application, addressed the Committee before leaving the Council Chamber for the duration of the item. He commented on a number of issues, including:

- A petition containing 10,000 signatories from the It's Our City campaign was presented to full Council in November 2009.
- The application had almost halved in size and now attempted to orientate itself more clearly towards the rest of the city.
- There was no doubt that Hereford City needed to expand its retail offer to add to the vitality of the existing city centre.
- The Committee should not be swayed by the high street names that have been reported in the press.
- The policy had been actively promoted by the Council's administration.

- Need to ensure that the application complies with UDP policies and that it would work on a practical level as a standalone application.
- Had the Design and Access statement accompanying the application fully complied with the Development Management Procedure Order 2010?
- Did it meet the policy requirements of both the UDP and the Edgar Street Grid Design Framework – Supplementary Planning Document? Both of which were material planning considerations.
- The proposals in this application could not be described as “well integrated with the existing city centre”.
- Mention was also made of new road links, but the application was being pursued as a stand alone development, without the benefit of the new link road.
- The report for the planning application for the related link road stated that the first and main purpose of the road was to enable the redistribution of traffic away from Blueschool Street and Newmarket Street (inner ring road) so enabling greater connectivity between the historic city centre and the ESG area. It was accepted that in highway terms, the only means by way a significant amount of traffic could be moved off the inner ring road was through the construction of a new east west highway link further north within the city.
- The planning application could not be conditioned on the delivery of the link road or any other proposals to significantly reduce traffic flows on Newmarket Street and Blueschool Street.
- The application did not comply with the policies referred to and should therefore be deferred.

In accordance with the criteria for public speaking Mr Faulkner and Mr Wolverson spoke in objection to the application, and Mr Shaw and Mr Jackson spoke in support.

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

- The principle of the development was supported.
- Concerns regarding the traffic issues.
- The construction of further traffic light controlled junction on the A49 was a concern.
- The development was needed in order to stop people from shopping outside of the County.

In accordance with paragraph 5.13.7.1 of the Council's Constitution, Councillor AJM Blackshaw, the Cabinet Member for Economic Development and Community Services, commented on a number of issues, including:

- The proposal had been significantly reduced since the petition referred to by the local member had been submitted.
- There had been a recent significant development through the publication of a letter of support regarding the regeneration of Hereford, this had been signed by Mike Ashton, Chief Executive, Herefordshire & Worcestershire Chamber of Commerce; Richard Asghar-Sandys, Chairman, Federation of Small Businesses Herefordshire; Philip Round, Herefordshire Group Training Association; Jo Hilditch, Chairman, CLA Herefordshire; Lesley Whistance, Chairman, NFU Herefordshire; Karen Davies, Chief Executive, Heart of England Fine Foods; Cathy Meredith, Rural Hub; Geoff Draper, Principal & Chief Executive, Royal National College for the Blind; Richard Heatley, Principal, Hereford College of Arts; Ian Peake, Principal & Chief Executive, Herefordshire College of Technology and Neil Kerr, Chairman, Herefordshire Business Board (Working with the Marches LEP).

- The proposed street design would promote visitors to the historical part of the city.
- Nationally only two urban regeneration projects had survived the economic downturn.

Members opened the debate by discussing the benefits that the application would have on the city of Hereford as well as the County of Herefordshire. It was noted that trade in the City was in decline as more people chose to visit neighbouring cities for the retail needs. Members discussed the application and made reference to the design and layout of the site which, in their opinion, provided a clear link to Widemarsh Street and therefore a connection to the historical city.

Members continued to speak in support of the application and highlighted the benefit the application would have on the economy of the County. It was also noted that people would travel from outside of the County and spend money in Hereford. Members were generally of the view that the application should be supported, they noted that the project was a 20 year vision and that it was imperative to commence the development at the earliest opportunity so as to secure the timely implementation of the UDP and deliver the benefits of the scheme to the city.

Some Members expressed concerns regarding the road infrastructure with many of the Members of the opinion that it would be beneficial to have the link road in place prior to work on the retail quarter being commenced. It was however noted that this could not be added as a condition and Members reiterated that they did not want to risk losing funding for the development by delaying a decision on the application. Members raised additional concerns in respect of the service road from Edgar Street to the site; the lack of separate taxi access to the site; and the lack of green open space within the development.

Councillor DB Wilcox, the Cabinet Member for Highways and Transportation, addressed the Committee in respect of the concerns raised regarding the impact the application would have on the highway infrastructure in the area. He advised the Committee that the Highways Agency had withdrawn their objection in respect of the impact on the A49. He added that the provision of the link road would relieve the traffic issues but that the application needed to be determined without the proviso of the link road. He added that condition 44 of the officer's recommendation would address a number of the concerns raised by Members. In summing up he stated that both the Highways Agency and the Council's Traffic Manager were now satisfied with the proposed application.

In response to a question, the Area Engineer (Development Control) advised members that the modifications to the highways network would result in a 15% reduction in westbound traffic on Newmarket Street during the peak period. He confirmed that this was achieved through the introduction of a right hand turning out of Wall Street from Tesco supermarket as well as a right turn from Blueschool Street onto Widemarsh Street.

The Committee also noted that the current proposal had been scaled down significantly since the 'It's Our City' petition had been submitted and that a number of the initial concerns had now been addressed. The Committee expressed concern in respect of existing High Town stores relocating to the application site as they felt this could have an adverse impact on the City Centre.

Members welcomed the number of jobs that would be created as a result of the application. It was noted that 86 full time jobs would be created during the construction phase and over 1000 full time jobs on completion of the development. Members also welcomed the £80m of private sector investment in the site.

One Member of the committee had concerns regarding the mix of pedestrians and motor vehicles at the proposed new junction at Widemarsh Street. He proposed an overhead walkway to connect the new development to Widemarsh Street. He also expressed concerns that the proposed development was situated outside of the city walls, across a busy dual carriageway. In order to support better links between the proposed development and the historical city he requested that a condition be added to the recommendation to request an annual contribution from the applicant of 15K to aid sustainable travel links.

In response to the comment regarding an overhead walkway, the Assistant Director - Environment, Planning and Waste advised that industry best practice was to have vehicular and pedestrian routes at the same level and that subways and bridges were deemed outdated.

Some Members of the Committee had concerns in respect of the application. They noted that the letter referred to by the Cabinet Member for Economic Development and Community Services referred solely to the regeneration of Hereford and not necessarily the proposed redevelopment of the cattle market. They also noted that the Officer's report stated that there was a requirement for an 8 screen cinema but the application only included a 6 screen cinema. Reference was also made to the traffic concerns in the area and it was felt that the construction phase would need careful management. It was also noted that the parking would not be limited to users of the development which raised an issue regarding the possible lack of parking provision during Hereford United match days.

Members discussed the footfall required to make the development commercially viable. The Principal Planning Officer advised the Committee that a commercial judgement was a matter for the applicant to consider. He did however draw Members' attention to paragraph 6.25 of his report which gave some information regarding surplus retail expenditure.

Due to the concerns regarding traffic, landscaping and integration a motion to defer determination of the application was moved and seconded. The motion was put to the vote and failed.

In response to a question the Principal Planning Officer confirmed that the conference facilities would be in the first floor of block B, which also contained the cinema. In response to additional questions he also confirmed that between 250 and 315 additional car parking spaces would be created and that Newmarket Street would remain a dual carriageway.

One Member of the Committee advised Members that the proposed Widemarsh Gate junction was very similar to a scheme in Ashford, Kent. He added that there had been similar concerns with that scheme but it had proved extremely successful.

The Principal Planning Officer confirmed that any concerns regarding asbestos and other contamination were covered under condition 28 of his recommendation.

The Locum lawyer advised Members that the Regional Spatial Strategy should not be given as much weight in their consideration of the application as PPS4. He added that PPS4 was the most relevant policy document and that this gave a presumption of support for the application.

Councillor Andrews and Councillor Daniels were given the opportunity to close the debate and reiterated their opening remarks as well as making additional comments, including:

- The distance between the proposed site and the High Town was very short and could be linked easily.
- Still have reservations about the highways.

RESOLVED

That the application be approved subject to the following conditions, the conditions recommended by the Highways Agency and any further, or amended, conditions considered necessary by officers.

- 1. A02 Time limit for submission of reserved matters (outline permission)**
- 2. A03 Time limit for commencement (outline permission)**
- 3. A04 Approval of reserved matters**
- 4. A05 Plans and particulars of reserved matters**
- 5. B01 Development in accordance with the approved plans and masterplan principles and parameters unless otherwise agreed in writing with the local planning authority**
- 6. C01 Samples of external materials**
- 7. E01 Site investigation – archaeology**
- 8. E04 Submission of foundation design**
- 9. F14 Removal of permitted development rights**
- 10. G09 Details of Boundary treatments**
- 11. G10 Hard and Soft landscaping scheme to include a strategy for the inclusion of public art.**
- 12. G11 Landscaping scheme – implementation**
- 13. G12 Hedgerow planting**
- 14. G14 Landscape management plan**
- 15. H06 Vehicular access construction**
- 16. H08 Access closure**
- 17. H13 Access, turning area and parking**
- 18. H16 Parking/unloading provision - submission of details**
- 19. H17 Junction improvement/off site works**
- 20. No part of the development shall be occupied until all highway works have been completed in accordance with the approved plans unless otherwise agreed in writing with the local planning authority.**

Reason: In order to ensure an adequate and acceptable means of vehicular and pedestrian access is available before the development is occupied and

to conform with the requirements of Policy DR3 of the Herefordshire Unitary Development Plan.

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

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

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

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

27. Prior to commencement of development details of the proposed site hoardings to be erected shall be submitted for the approval in writing of the local planning authority. Details shall include a scaled plan identifying the alignment, access point(s), height, materials, finish, and the details of any advertisements or of images to be placed on the hoardings. The hoardings shall be erected in accordance with the approved details and shall not be changed thereafter for the duration of the demolition and construction operations without the prior written agreement of the local planning authority.

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

28. No development, or phasing as agreed below, shall take place until the following components of a scheme to deal with the risks associated with contamination of the site are submitted to and approved, in writing, by the local planning authority:

- 1) A preliminary risk assessment which has identified:

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

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

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

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

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

Any changes to these components require the express written consent of the Local Planning Authority. The scheme shall be implemented as approved.

Reason: To protect ground and surface waters ('controlled waters' as defined under the Water Resources Act 1991) and to comply with policy DR10 of the Herefordshire Unitary Development Plan

29. If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority, a Method Statement for remediation. The Method Statement must detail how this unsuspected contamination shall be dealt with. A verification (validation) report demonstrating completion of the works set out in the method statement shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of any sampling and monitoring. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action and for the reporting of this to the Local Planning Authority.

Reason: To ensure that any unexpected contamination is dealt with and the development complies with approved details in the interests of protection of ground and surface waters ('controlled waters' as defined under the

Water Resources Act 1991) and to comply with policy DR10 of the Herefordshire Unitary Development Plan.

- 30. L01 Foul and surface water drainage**
- 31. L03 No drainage run-off to public system**
- 32. Surface water discharges shall only be permitted to discharge to the public surface water sewerage system. The rate of discharge shall be agreed in writing with the local planning authority prior to the commencement of the development and the drainage shall be designed and completed in accordance with the agreed discharge rate.**

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

- 33. L04 Comprehensive and integrated drainage of the site**
- 34. I09 Sound insulation of plant and machinery**
- 35. I26 Interception of surface water run off**
- 36. I33 External lighting**
- 37. I41 Scheme of refuse storage (commercial)**
- 38. I51 Details of slab levels**
- 39. I56 BREEAM rating 'Excellent'**
- 40. I55 Site Waste Management**
- 41. K5 Habitat Enhancement Scheme**
- 42. Prior to the commencement of the development, details of the operation, management and pricing structure of the proposed parking (including any interim parking during the construction phase) shall be submitted for the approval in writing of the local planning authority. The parking shall be laid out, operated and managed in accordance with the approved details and pricing structure.**

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

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

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

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

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

45. D19 Items to be re-used

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

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

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

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

Informatives:

1. N15 Reason(s) for the Grant of PP/LBC/CAC
2. HN10 No drainage to discharge to the highway
3. HNO7 Section 278 Agreement
4. HN28 Highway Design Guide and specification
5. HN13 Protection of visibility splay on private land

6. **HN17 Design of street lighting for Section 278**
7. **HN06 Works within highway**
8. **I30 – Wildlife and Countryside Act 1981 (as amended) - Birds**

134. DATE OF NEXT MEETING

The Planning Committee noted the date of the next meeting.

APPENDIX 1 - SCHEDULE OF COMMITTEE UPDATES

The meeting ended at 1.00 pm

CHAIRMAN

PLANNING COMMITTEE

Date 23 March 2011

Schedule of Committee Updates/Additional Representations

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

DMS/103136/O - Redevelopment of site including demolition works to provide mixed use scheme comprising retail, financial & professional services, food, drink & leisure (Use classes A1, A2, A3, A4 & D2), new public realm, landscaping, car parking, servicing & general highway works, including new access arrangements on Newmarket Street & Blackfriars Street at Livestock Market & adj Land, Edgar Street, Hereford, HR4 9HX

For: Mr Bourne, Stanhope Plc per Mr Craig O'Brien, Savills, Embassy House, Queens Avenue, Bristol, BS8 1SB

ADDITIONAL REPRESENTATIONS

Two further letters of objection from Rockfield DIY (Leon Wolverson) and Kings Sturge on behalf of DRE Ltd (Maylords). The points raised are largely covered in section 5.2 of the report. The letters state and reiterate ...

- The development should not be approved until the link road is provided.
- Business on the line of the link road will be blighted for another 5 years as there is no guarantee of funding
- Previous arguments regarding the necessity for the road have been forgotten.
- The application is invalid due to inadequate information regarding the integration of the development with the city and the Committee report provides little commentary or critical analysis on how the development will be integrated or address the proposals compliance with the ESG masterplan and SPD. As such, the application is procedurally flawed and may have to be referred to the courts for judicial review.

A letter of support has been received from Bill Jackson (property agents). The main points raised are:

- Hereford has stood still in recent times while competing centres take advantage of investment opportunities which has resulted in many residents and the young choosing to spend their recreational time outside the County and visitors by-passing the City.
- The development will enable Hereford to compete with other centres and encourage knock on investment guaranteeing an economically prosperous future for the benefit of those who live, work and visit the city.

In response to amended highway plans and further sensitivity testing of the traffic model, the Traffic Manager confirms the following:

- Correction - the reduction in traffic flows on Newmarket Street in the AM period is 15% rather than 25% as quoted in the report
- The amended highway plans largely address all previous comments raised and any minor detail changes such as the engineering design of the Newmarket Street upgrade works can be dealt with through the highway approval process (Section 278 process). The notable changes to the plans include the deletion of the right turn option from Garrick multi storey, extension of the raised table at the Widemarsh Gate junction to include the Wall Street exit and change to the site access junction to include right turn lanes in both directions.
- The 2013 and 2020 traffic modelling scenarios have been re-assessed with a higher percentage of exiting traffic being retained and the re-routing of other traffic back on to the A49. In both scenario assessment years, the modelling demonstrates that the Edgar Street roundabout and Blackfriars/Edgar Street junction operate within or with improved capacity with the development in place and associated proposed highway works compared to the no development and no highway alterations scenario.
- Overall, the proposed highway works are considered acceptable and further testing of the traffic model has achieved acceptable results.

Further comments from the Highways Agency who now confirm the following:

- The Framework Travel Plan is acceptable
- The Sustainable Implementation Strategy is acceptable
- The proposed highway alterations affecting the trunk road in terms of their layout, design and capacity are all acceptable
- The service management plan is broadly acceptable
- The further sensitivity testing of the traffic modelling and junction capacities has demonstrated that the development can be accommodated without detriment to the movement or safety of traffic on the trunk road.

The Highways Agency therefore withdraw their holding Direction to the application subject to conditions concerning the construction of the Blackfriars/Edgar Street and new Edgar Street services access junctions, implementation of the travel plans and submission of the final service management plan and its implementation prior to first occupation.

The planning and listed building applications referred to in section 3.1 of the report proposing alterations to the Old Market Inn have now been approved.

OFFICER COMMENTS

The additional representations received do not raise any new material planning issues that aren't already considered and addressed in the report. In particular, the integration of the development has been fully considered in the assessment of the application and the individual components and development proposals as a whole have been assessed against all relevant policies including the ESG SPD and masterplan.

The additional comments from the Traffic Manager and Highways Agency now mean that all highway, traffic and transport issues have been addressed.

CHANGE TO RECOMMENDATION

As the Highways Agency have now withdrawn their holding Direction, delegated authority is no longer required and the application can now be recommended for approval subject to the conditions set out in the report and any other conditions considered necessary by officers along with the conditions directed by the Highways Agency. Where duplication occurs, the relevant conditions will be amalgamated to follow the Highways Agency's requirements.

RECOMMEND APPROVAL