

7. TOWN CENTRES AND RETAIL

7.1 INTRODUCTION - PARAGRAPHS 7.1.1 TO 7.1.7

Objections

P635/1547	Campaign to Protect Rural England
P635/1548	Campaign to Protect Rural England
P635/1553	Campaign to Protect Rural England
P1171/3715	Safeway Stores Ltd

Summary of Objections / Issues

- The Plan focuses on urban areas to the detriment of rural areas. (635)
- The Plan should reflect an increasingly mobile retail environment and the interdependence between rural and urban areas. (635)
- The inferences drawn from the background paper are questionable. (635)
- There is a lack of justification for the statement that no new retail allocations are needed. (1171)

Inspector's Reasoning and Conclusions

Insufficient emphasis on rural areas – 635

7.1.1 The focus of major new retail provision in urban areas follows national guidance and the advice in PPS 6 that uses which generate most journeys should be located where they are most accessible by means of transport other than the car. I do not consider that this is to the detriment of rural areas. The Plan recognises the needs of rural areas in Policy TCR14, which deals with village commercial facilities. Farm shops and other forms of diversification also have a role to play in meeting rural needs.

7.1.2 I consider that the Plan generally reflects national guidance. Greater emphasis on new retail provision outside Hereford and the market towns (beyond any development which is at an appropriate scale to be accommodated in villages) would not be a sustainable approach to retail provision. The Council recognises that town centres meet the needs of the rural hinterland as well as urban areas.

7.1.3 No examples are given by the objector of inappropriate inferences being drawn from the background paper, so I am unable to comment on this matter.

Justification for lack of retail allocations – 1171

7.1.4 Support for suitable small scale development in existing identified centres is given in the second sentence of Paragraph 7.1.5. The objector has not provided any evidence to demonstrate that new allocations are needed and I consider that the Council's approach to this matter is satisfactory.

RECOMMENDATION

7.1/1 Do not make any modification in response to the objections.

7.2 CENTRAL SHOPPING AND COMMERCIAL AREAS - POLICY TCR1 AND PARAGRAPHS 7.4.1 TO 7.4.3

Objections

P635/4087 Campaign to Protect Rural England
P890/2527 Government Office for the West Midlands

Summary of Objections / Issues

- Retail policies should be based on a reflective approach. (635)
- Whether shopping and commercial developments should be treated separately. (890)

Inspector's Reasoning and Conclusions

Reflective approach - 635

7.2.1 At the inquiry, the objector did not wish to pursue this objection. There is inadequate justification for any related modification of the Plan.

Treatment of shopping and commercial developments - 890

7.2.2 It appears to me that Policy TCR1 is a general policy directed at ensuring the continued vitality and viability of the city and town centres. Under this policy, the extent of the town centres is identified for the purposes of the sequential approach. It is those centres to which large scale retail, leisure and office developments are directed. At the same time, these various land uses are the subject of separate and specific policies.

7.2.3 To my mind, the approach adopted by the Council is consistent with the latest advice on town centres as set out in PPS 6. Amongst other things, this guidance is concerned with defining centres; promoting and enhancing existing centres by focussing development in such centres; and addressing a range of town centre uses including retail, leisure and offices.

7.2.4 In the circumstances, I do not see the need to differentiate between shopping and commercial uses within this overall policy or, beyond those already set out in the Plan, to have separate policies for retail and commerce in town centres. No modification of the Plan is necessary.

RECOMMENDATION

7.2/1 Do not make any modification in response to the objections.

7.3 CENTRAL SHOPPING AND COMMERCIAL AREAS - POLICY TCR1 - ADDITIONAL AREA - HEREFORD – LIVESTOCK MARKET SITE

Objections

P758/1881 Formssole Ltd
P889/10518 The Crown Estate

Summary of Objections / Issues

- Whether the football club site should be included within the boundary of the central shopping and commercial area of Hereford. (758)
- Whether the livestock market site should be included within the boundary of the central shopping and commercial area of Hereford. (889)

Inspector's Reasoning and Conclusions

Football club site - 758

7.3.1 Amongst other things, the objector is concerned to secure a comprehensive approach to the implementation of town centre sites and the football ground in particular. In this regard, several changes were introduced at the revised deposit stage. An area known as the Edgar Street Grid has been identified as a major regeneration area; and comprehensive policies have been developed for more specific areas that include the Eign Gate Regeneration Area and the Hereford United / Merton Meadow area.

7.3.2 At the same time, the allocation of land for retail warehousing at Blackfriars Street, east of the objection site, has been dropped. In addition, the city centre shopping and commercial area would not extend any further north than Blackfriars Street.

7.3.3 I consider that the various policies set out in the Revised Deposit Draft will enable a comprehensive approach to be adopted to the implementation of the town centre developments. In particular, Policy TCR22R and the proposals for the Hereford United Football Club / Merton Meadow area will pave the way for successful redevelopment as envisaged in the Plan. However, it would be wrong to extend the boundary of the shopping and commercial area so as to include the grounds of the football club.

7.3.4 As a means of encouraging a comprehensive approach, inclusion of the objection site within the defined town centre would not be necessary bearing in mind the revised provisions. Further, and in relation to its peripheral location, the wrong signals would be sent as to the intended location of major retail and commercial development. All in all, no modification of the Plan is necessary.

Livestock market site - 889

7.3.5 I have dealt with this matter in Section 7.24 of my report. I have concluded that, in order to meet Hereford's retail requirements, the livestock market site will need to be made available for retail development. It follows that

the site should be treated as part of the central shopping and commercial area. No modification of the Plan is necessary.

RECOMMENDATION

7.3/1 Do not make any modification in response to the objections.

7.4 CENTRAL SHOPPING AND COMMERCIAL AREAS - POLICY TCR1 - ADDITIONAL AREA - BROMYARD - CO-OP

Objection

P832/2169 Co-operative Group

Summary of Objection / Issue

- The Co-op store should not be excluded from the Central Shopping and Commercial area of Bromyard (832)

Inspector's Reasoning and Conclusions

7.4.1 The Co-op store was included in the principal shopping and commercial area in the Malvern Hills District Local Plan adopted in 1998. The Council has undertaken a review of all town centres in the course of preparing the UDP, seeking to achieve a consistency of approach in accordance with criteria set out in Section 5 of the Town Centres and Retail background paper. Amongst other things, these aim to achieve a restricted area for new retail development, excluding large undeveloped areas such as surface car parks on the periphery.

7.4.2 Whilst I agree that the Co-op store makes an important contribution to retail provision in Bromyard, to my mind it occupies an edge-of centre location. It is a stand-alone store separated from the main concentration of retail development of the High Street / Broad Street area by car parks and individual buildings not in retail use. I acknowledge that extending the retail offer of the store may be of benefit to the locality, though this would need to be carefully assessed in relation to its effects on the vitality and viability of the core retail area.

7.4.3 I note the objector's concerns about potential competition from out of centre stores, but any such proposal would have to show evidence of need in accordance with PPS 6 and the relevant policies of the UDP. Though the Co-op store would not be included in the defined central shopping and commercial area, it would be a material element in any assessment of need in respect of further proposals for retail development in Bromyard.

RECOMMENDATION

7.4/1 Do not make any modification in response to the objection.

7.5 CENTRAL SHOPPING AND COMMERCIAL AREAS - POLICY TCR1 - ADDITIONAL AREA - KINGTON - ARROW MILLS

Objection

P810/2086 J and P Turner

Summary of Objection / Issue

- Arrow Mills should be included in the central shopping and commercial area of Ross-on-Wye (810).

Inspector's Reasoning and Conclusions

7.5.1 The Council has undertaken a review of all town centres in the course of preparing the UDP, seeking to achieve a consistency of approach in accordance with criteria set out in Section 5 of the Town Centres and Retail background paper. Amongst other things, these should represent a concentration of shopping and service facilities, with retail activity as a dominant activity and main function.

7.5.2 In my judgment, the location of Arrow Mills does not meet this criterion. It does not adjoin the concentration of shopping uses to the north. I agree with the Council that inclusion of this site would be an unjustified extension of the central shopping and commercial area.

RECOMMENDATION

7.5/1 Do not make any modification in response to the objection.

7.6 CENTRAL SHOPPING AND COMMERCIAL AREAS - POLICY TCR1 - ADDITIONAL AREA – ROSS-ON-WYE - LAND AT BROOKEND STREET / KYRLE STREET

Objection

P331/620 B S Group

Summary of Objection / Issue

- Land at Brookend Street / Kyrle Street should be included in the central shopping and commercial area of Ross-on-Wye. (331)

Inspector's Reasoning and Conclusions

Land at Brookend Street / Kyrle Street, Ross-on-Wye - 331

7.6.1 The site is predominantly open land used for car parking. It has an extant planning permission for a Class A1 foodstore originally granted in 1999 and renewed in September 2003. To date this permission has not been implemented.

7.6.2 The Council has undertaken a review of all town centres in the course of preparing the UDP, seeking to achieve a consistency of approach in accordance with criteria set out in Section 5 of the Town Centres and Retail background paper. Amongst other things, defined areas should represent a concentration of shopping and service facilities, with retail activity as a dominant activity and main function. A further criterion is that large undeveloped areas such as surface car parks on the periphery should be excluded.

7.6.3 I consider that inclusion in the central shopping and commercial area would represent a significant extension to the shopping area of Ross-on-Wye. As a large surface car park it would conflict with the criterion set out in the background paper. Though the extant planning permission is a material consideration, the fact that it has not been implemented to date suggests that need for retail provision in this location is a matter which may need to be re-evaluated. To my mind, it is appropriate to treat this part of Ross-on-Wye as an edge of centre location in the context of the retail hierarchy set out in PPS 6.

7.6.4 Exclusion from the central shopping and commercial area would not necessarily prevent retail development on the site if need could be demonstrated and other requirements of Policies TCR1 and TCR9 complied with. I acknowledge that the Council has not undertaken a detailed study of retail requirements in Ross-on-Wye and the other market towns and it may be shown that there is a need for further retail development which cannot be accommodated in the defined area. However, in view of the lack of progress on implementing the permission, this is by no means certain.

RECOMMENDATION

7.6/1 Do not make any modification in response to the objection.

7.7 VITALITY AND VIABILITY - POLICY TCR2 AND PARAGRAPH 7.4.5

Objections

P790/1994	West Midlands RSL Planning Consortium
P809/2092	Hereford and Worcester Chamber of Commerce
P864/2363	Transport 2000
P865/2424	Cyclists' Touring Club

Summary of Objections / Issues

- The particularly appropriate use of upper floors in town centres for affordable housing should be emphasised. (790)
- The vitality and viability of the city centre can be maintained with edge of centre or out of centre sites. (809)
- The benefits of accessibility for cyclists and of pedestrianisation should be noted. (864, 865)

Inspector's Reasoning and Conclusions

Emphasising the appropriateness of affordable housing on upper floors - 790

7.7.1 The objector is seeking modification of that section of the Plan relating to vitality and viability. In this regard, I can see that encouraging the use of upper floors, particularly for residential purposes, has a role to play. However, there is inadequate justification for promoting affordable housing in particular. No modification of the Plan is appropriate.

Edge of centre and out of centre sites - 809

7.7.2 It may well be that, in certain circumstances, retail provision on edge of centre or out of centre sites would have a role to play in maintaining the vitality and viability of the city centre. However, this would be subject to the sequential approach. To my mind, the approach to be followed is clearly set out in the Plan and no modification is necessary.

Accessibility for cyclists and pedestrianisation – 864, 865

7.7.3 I note that Policy TCR2 already includes reference to securing improvements to the public realm including contributions to traffic management. To my mind, this would include pedestrianisation projects. In addition, accessibility to all is specifically recognised. I do not consider that more specific recognition needs to be given to the benefits of accessibility for cyclists and more pedestrianisation. No modification of the Plan is necessary.

RECOMMENDATION

7.7/1 Do not make any modification in response to the objections.

7.8 VITALITY AND VIABILITY - POLICY TCR2 AND PARAGRAPH 7.4.5 - HEREFORD - EDGAR STREET

Objection

P758/1883

Formsole Ltd

Summary of Objection / Issue

- The identification and redevelopment of the Hereford United Football Club ground will assist in enhancing the vitality and viability of the city centre. (758)

Inspector's Reasoning and Conclusions

Hereford United Football Club ground - 758

7.8.1 Irrespective of what happens at Causeway Farm, I would expect the identification and redevelopment of the Hereford United Football Club ground to assist in enhancing the vitality and viability of the city centre. However, no modifications are needed in this regard. The Revised Deposit Draft already contains a suite of appropriate policies that will foster the contribution from the objection site.

RECOMMENDATION

7.8/1 Do not make any modification in response to the objection.

7.9 VITALITY AND VIABILITY - POLICY TCR2 AND PARAGRAPH 7.4.5 - ROSS-ON-WYE - BROOKEND STREET

Objection

P331/621

B S Group

Summary of Objection / Issue

- Recognition should be given to the extant permission for a class A1 foodstore.

Inspector's Reasoning and Conclusions

Brookend Street, Ross-on-Wye - 331

7.9.1 I have concluded above that land at Brookend Street / Kyrle Street should not be included in the central shopping and commercial area. This would not necessarily preclude retail development on the site provided that evidence of need could be clearly demonstrated and the development could be shown to support the vitality and viability of the town centre. I consider that it is appropriate to treat this site as an edge of centre location in the context of the hierarchical approach set out in PPS 6. No modification to the Plan is necessary.

RECOMMENDATION

7.9/1 Do not make any modification in response to the objection.

7.10 PRIMARY SHOPPING FRONTAGES - POLICY TCR3 - HEREFORD - BEWELL STREET

Objection

P1185/3760 Tesco Stores Ltd (Conditionally Withdrawn)

Summary of Objection / Issue

- The Tesco store at Bewell Street should be included within the primary shopping frontage. (1185)

Inspector's Reasoning and Conclusion

Tesco store, Bewell Street - 1185

7.10.1 An amendment has been made to the Revised Deposit Draft which has allowed the objection to be withdrawn.

RECOMMENDATION

7.10/1 Do not make any modification in response to the objection.

7.11 PRIMARY SHOPPING FRONTAGES - POLICY TCR3 - KINGTON - CHURCH STREET, BRIDGE STREET AND DUKE STREET

Objections

W321/942 Mrs E Newman
P535/1136 Kington Town Council

Summary of Objections / Issue

- The primary shopping frontage at Kington should be extended to include parts of Church Street, Bridge Street and Duke Street. (321, 535)

Inspector's Reasoning and Conclusions

7.11.1 An amendment has been made to the Revised Deposit Draft to include shops in Duke Street which meets part of the objection. However, the Council considers that other areas should remain excluded.

7.11.2 The Council has assessed the frontages against a number of criteria, including the concentration of retail uses. I consider that the remaining objection areas do not meet the criteria for inclusion in the primary shopping frontage. There is only one multiple retailer in Church Street and many of the surrounding adjoining properties are in complementary use. PPS 6 says that planning

authorities should be realistic in defining primary shopping frontages to allow for an element of diversification into complementary uses. I accept that the area defined in the Revised Deposit Draft satisfactorily reflects this guidance.

RECOMMENDATION

7.11/1 Do not make any modification in response to the objections.

7.12 SMALL SCALE RETAIL DEVELOPMENT - POLICY TCR8 AND PARAGRAPH 7.4.16

Objection

P1171/3714 Safeway Stores Ltd

Summary of Objection / Issue

- The policy should be amended to include reference to extensions to existing stores in local centres. (1171)

Inspector's Reasoning and Conclusions

7.12.1 This policy deals with town centre development and therefore the suggested modification is not appropriate. The objector's concerns are adequately covered by Policy TCR9.

RECOMMENDATION

7.12/1 Do not make any modification in response to the objection.

7.13 LARGE SCALE RETAIL AND LEISURE DEVELOPMENT OUTSIDE CENTRAL SHOPPING AND COMMERCIAL AREAS - POLICY TCR9 AND PARAGRAPH 7.5.2

Objections

P758/1886	Formsole Ltd
P809/2093	Hereford and Worcester Chamber of Commerce
P864/2364	Transport 2000
P865/2425	Cyclists' Touring Club
P889/2513	The Crown Estate
P890/2588	Government Office for the West Midlands
P1050/3181	Sainsburys Supermarkets
P1059/3204	Prudential Property Investment Managers Ltd
P1178/3728	B&Q Ltd
P1185/3759	Tesco Stores Ltd (Conditionally Withdrawn)

RP1483/10854 RLUK
RP1485/10898 DFKE (Hereford) Ltd

Summary of Objections / Issues

- There has been a failure to deal with the clear quantitative and qualitative need for additional retail provision in Hereford. (758)
- Various clarifications and amendments are needed. (809)
- Policy TCR9 should be widened to include other sustainable modes. (864, 865)
- Reference to the central shopping area should be clarified in the policy. (889)
- There should be modified reference to need. (890)
- The floorspace levels to which reference is made should be a guideline only. (1050)
- Any development on edge of centre or out of centre sites should not adversely affect the vitality and viability of nearby centres. (1059)
- There should be reference to the need to adopt more flexible attitudes to the form of development. (1059)
- There is no need to refer to sites in the open countryside or on allocated or safeguarded land. (1178)
- "Edge of centre" is inappropriately defined. (1185)
- Various modifications and clarifications of the policy are needed. (1483)
- Whether the retail warehousing allocations reflect national planning guidance. (1485)

Inspector's Reasoning and Conclusions

Dealing with quantitative and qualitative need - 758

7.13.1 The objector's analysis, as referred to in the duly made objection, indicated a need for approximately 4,645 sq m (50,000 sq ft) of additional convenience floorspace in Hereford. Since then, permission has been granted for an extension to the Tesco store at Belmont, now open for business, and for 7,480 sq m of convenience floorspace to be developed by Asda at Causeway Farm. I appreciate that the objector is sceptical about the implementation of the Causeway Farm site but I am not aware of any overriding problem in this regard or necessity to identify additional retail floorspace within the Edgar Street Grid.

7.13.2 With regard to retail warehousing, the Revised Deposit Draft allocates land at Holmer Road. Outline planning permission has already been granted for 5,202 sq m of bulk durable goods retailing and further land exists within the allocation site. The remaining provision would be enabled through Policy TCR9 if necessary. Bearing in mind the plans for the Edgar Street Grid and the Hereford United Football Club / Merton Meadow area, I see no need for additional retail warehousing provision on the objection site.

Need for various clarifications and amendments - 809

7.13.3 A number of matters are raised by the Hereford and Worcester Chamber of Commerce. First of all, it is stated that the policy fails to define what is meant by "large scale retail development". In this regard, I consider that an element of flexibility would be appropriate. In this way the policy could be applied relatively at any particular location.

7.13.4 On a second point, I agree that there is no requirement to prove need both quantitatively and qualitatively. I am recommending an appropriate modification.

7.13.5 Thirdly, the objector suggests that further guidance should be given as to when a potential sequentially preferable site can be considered to be not available. For my part, I note that the Plan uses terminology similar to that found in PPS 6 (Paragraph 2.44). I would say that assessing availability is a familiar concept and that no additional guidance within the Plan is necessary.

7.13.6 Fourthly, it is stated that unreasonable or far-fetched proposals should not be required to be considered. In this regard, it would not normally be possible to reject planning applications that were validly made.

7.13.7 Finally, it is suggested that retail development should be allowed on sites allocated for other uses if the need for the retail development is overwhelming. In response, material considerations can always point to a decision that does not accord with the development plan. This does not need to be stated in the Plan. Be that as it may, sites are allocated to meet a particular need. To allow alternative uses could undermine the strategy of the Plan.

Including other sustainable modes – 864, 865

7.13.8 I take the reference to a choice of means of transport (Policy TCR9, criterion 5) to include all sustainable modes. Paragraph 2.49 of PPS 6 also refers to a choice of means of transport and makes it clear that this includes public transport, walking and cycling as well as the car. Paragraph 7.3.3 of the Revised Deposit Draft refers as well. No modification of the Plan is necessary.

Clarifying the central shopping area - 889

7.13.9 Paragraph 7.4.3 already refers to the central shopping and commercial area together with its identification on the Proposals Map. No modification of the Plan is necessary.

Modified reference to need - 890

7.13.10 In common with the objection of the Chamber of Commerce, it is suggested that the reference to quantitative and qualitative need should be deleted. I am recommending accordingly.

7.13.11 A second point concerns the establishment of need in advance of the sequential test where a site is not allocated for retail or leisure purposes. This matter has been addressed in the Revised Deposit Draft and no modification of the Plan is necessary.

Floorspace levels as a guideline - 1050

7.13.12 The floorspace figures are expressed as a range. To my mind they are clearly indicative and subject to reconsideration at the time of any planning application. No modification of the Plan is necessary.

Effect on the vitality and viability of nearby centres - 1059

7.13.13 Policy TCR9 at criterion 4 already safeguards the vitality and viability of existing centres. No modification of the Plan is necessary.

Flexible attitudes to the form of development - 1059

7.13.14 This matter is addressed in the final sentence of Paragraph 7.5.4. No modification of the Plan is necessary.

Sites in the open countryside or on allocated or safeguarded land - 1178

7.13.15 I appreciate that protection on these matters may be available elsewhere in the Plan. However, their inclusion within Policy TCR9 provides certainty about where developments would or would not be acceptable. No modification of the Plan is necessary.

Definition of edge of centre - 1185

7.13.16 In the Revised Deposit Draft, reference to the distance from the central shopping and commercial area has been dropped from the policy. The objection has been addressed and has been conditionally withdrawn. No modification of the Plan is necessary.

Modifications and clarifications of the policy - 1483

7.13.17 The objector makes four basic points. The first relates to demonstrating qualitative and qualitative need. This has been addressed above and in Recommendation 7.13/1.

7.13.18 On a second point, the objector says that it is often difficult to quantify a need for leisure development. I appreciate that this can be the case. Nevertheless, Paragraph 3.9 of PPS 6 makes clear that need must be demonstrated for any application for a main town centre use which would be in an edge of centre or out of centre location and not in accordance with the development plan.

7.13.19 In a third point, the objector states that "in the location proposed" is unclear. I would say that the expression means in the area that would be served by the development. I do not consider that there is any lack of clarity in this regard.

7.13.20 Fourthly, the objector says that there are circumstances when it will be appropriate to allow retail development in the absence of need. In response, I appreciate that other material circumstances, such as regeneration or employment considerations, could be relevant in the site selection process. However, the clear message from Government guidance is that retail and leisure developments must demonstrate need in edge of centre or out of centre locations. No modification of the Plan is necessary.

Retail warehousing allocations - 1485

7.13.21 In respect of Policies TCR20R, 22R and 25R, the objector argues that large format retailing should be allowed in the Hereford United Football Club /

Merton Meadow area. As a consequence, retail warehousing at Holmer Road should only be allowed if there were to be no sequentially preferable site. These matters are discussed below. However, I conclude that the Holmer Road site should continue to be allocated. As such no modification of Paragraph 7.5.2 is necessary.

RECOMMENDATIONS

7.13/1 Modify criterion 1 of Policy TCR9 so that it reads "it can be demonstrated that there is a need for the development".

7.13/2 Do not make any other modification in response to the objections.

7.14 LARGE SCALE RETAIL AND LEISURE DEVELOPMENT OUTSIDE CENTRAL SHOPPING AND COMMERCIAL AREAS - POLICY TCR9 AND PARAGRAPH 7.5.2 – ROSS-ON-WYE - LAND AT BROOKEND STREET

Objection

P331/619 B S Group

Summary of Objection / Issue

- Policy TCR9 should be amended to recognise that this site is suitable to meet a quantitative and qualitative requirement for an additional foodstore at Ross-on-Wye.

Inspector's Reasoning and Conclusions

Land at Brookend Street, Ross-on-Wye - 331

7.14.1 I have concluded above that this land should be treated as an edge of centre site in considering further proposals for retail provision in Ross-on-Wye. Whilst there is an extant permission for a Class A1 food store on the site, lack of progress on implementation means that it would be appropriate for need to be reassessed at the time of any further proposals for the development of the land.

RECOMMENDATION

7.14/1 Do not make any modification in response to the objection.

7.15 LOCAL AND NEIGHBOURHOOD SHOPPING CENTRES - POLICY TCR13 AND PARAGRAPH 7.6.1

Objections

P832/2170	Co-operative Group (Conditionally Withdrawn)
P1059/3205	Prudential Property Investment Managers Ltd
RW1280/500160	Wm Morrison Supermarkets plc

Summary of Objections / Issues

- Criterion 1 of the Policy should be amended to accord with ministerial guidance on the assessment of need. (832)
- Additional "local" shopping floorspace should be limited so as not to compete with town centre provision. (1059)
- Expansion of local and neighbourhood centres should not be restricted if as a result the competitiveness of the centre would be impaired. (1280)

Inspector's Reasoning and Conclusions

Assessment of need – 832

7.15.1 An amendment was made to the Revised Deposit Draft which enabled the objection to be conditionally withdrawn.

Limitation on floorspace – 1059

7.15.2 The policy was amended at revised deposit stage to indicate that proposals will need to be consistent with the scale and function of the centre and its place in the retail hierarchy. I consider that this satisfies the objection.

Competitiveness – 1280

7.15.3 To my mind, the provision that proposals should be consistent with the scale and function of the centre allows some opportunity to address issues of competitiveness within the hierarchical framework set out in PPS 6. Whilst the hierarchy is dynamic, any significant change in the relative position of centres within the hierarchy should be addressed through a review of policy. I consider that no modification is necessary.

RECOMMENDATION

7.15/1 Do not make any modification in response to the objections.

7.16 VILLAGE COMMERCIAL FACILITIES - POLICY TCR14 AND PARAGRAPHS 7.6.2 TO 7.6.4

Objections

P217/11285	Walford Parish Council
P284/574	CDS Development Services
P790/1995	West Midlands RSL Planning Consortium

Summary of Objections / Issues

- Paragraph 7.6.4 should be amended to read "... business has been widely marketed." (217)
- The policy should also apply in suburban areas. (284)
- Upper floors should be used for affordable housing. (790)

Inspector's Reasoning and Conclusions

Marketing of businesses - 217

7.16.1 I consider the paragraph provides satisfactory guidance on the type of marketing information required and no modification is necessary.

Suburban areas – 284

7.16.2 This policy is specifically concerned with villages. Appropriate guidance for suburban areas is given in Policy TCR13 which relates to local and neighbourhood shopping centres.

Affordable housing – 790

7.16.3 I consider that affordable housing is satisfactorily addressed in the housing chapter of the Plan and there is no need for an additional reference here.

RECOMMENDATION

7.16/1 Do not make any modification in response to the objections.

7.17 GARDEN CENTRES - POLICY TCR16 AND PARAGRAPHS 7.6.6 TO 7.6.9

Objection

P108/305	Country Homes and Gardens
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Summary of Objection / Issue

- Policy TCR16 and Paragraph 7.6.8 should be amended to recognise that garden centres are not comparable to comparison goods outlets, have particular locational requirements and have no effect on town centre viability. (108)

Inspector's Reasoning and Conclusions

Special circumstances of garden centres - 108

7.17.1 Some garden centres have significant floorspace devoted to the sale of comparison goods. Paragraph 7.6.8 makes it clear that the sequential approach will only be applied in such circumstances. Given the potential for garden centres to generate high numbers of vehicle trips, I consider this to be a reasonable approach. No modification is necessary.

RECOMMENDATION

7.17/1 Do not make any modification in response to the objection.

7.18 PETROL FILLING STATIONS - POLICY TCR18 AND PARAGRAPHS 7.6.12 TO 7.6.13

Objections

W323/500146	Cyclists' Touring Club Right to Ride, Ledbury
P830/500231	Herefordshire Friends of the Earth
P862/2293	BP Oil (UK) Ltd
P862/2296	BP Oil (UK) Ltd
P862/2298	BP Oil (UK) Ltd
P862/10890	BP Oil (UK) Ltd
P866/2463	Church Commissioners for England

Summary of Objections / Issues

- The policy should require retail facilities at petrol filling stations to be reasonably accessible by means other than the private car. (323)
- A demonstration of need should be required. (830)
- Policy TCR18 amounts to a blanket embargo on petrol filling stations in the countryside and should be deleted. (862)
- Reference to need in Paragraph 7.6.12 should be deleted. (862)
- Reference to retail need and impact assessment in Paragraph 7.6.13 should be deleted. (862)

- The amendment to criterion 2 of Policy TCR18 should be deleted. Goods to be sold from filling stations should not be unduly restricted. (862)
- Policy TCR18 should be amended to provide a criteria-based approach to the provision of service areas. (866)

Inspector's Reasoning and Conclusions

Accessibility – 323, 862

7.18.1 Accessibility to sites by means other than the car is covered by many policies in the Plan, including DR3, S6, T6, and T7. There is no need for it to be repeated here.

Need – 830, 862

7.18.2 The Council accepts that a requirement to demonstrate need for petrol filling stations is unreasonable. Appropriate changes were made in the Revised Deposit Draft which satisfy the objection.

Whether the policy is over restrictive in the countryside - 862

7.18.3 I do not agree with the objector that the policy amounts to an unreasonable embargo on filling stations in the countryside. PPS 7 requires that the countryside should be protected for the sake of its natural beauty. To my mind, a requirement that petrol filling stations should be located within or adjacent to settlements is in accordance with the principles of sustainability.

Retail facilities - 862

7.18.4 I agree that retail development in association with petrol filling stations can have a negative impact on existing local facilities. Criterion 3 states that they should not adversely impact on local facilities. I consider that this reflects the PPS 6 requirement to ensure that existing facilities are not unduly affected.

Range of goods – 862

7.18.5 In my judgment, restricting the range of goods for sale to convenience goods and those associated with motoring is necessary to ensure that such proposals meet an identifiable need or are otherwise appropriate for sale from a filling station. There is no justification for the deletion of criterion 2.

Criteria for service areas – 866

7.18.6 The principles of sustainable development are given high importance in the Plan in accordance with national policy. I see no need for a specific policy dealing with the location of service areas which might provide justification for treating this form of development as an exception to these principles.

RECOMMENDATION

7.18/1 Do not make any modification in response to the objections.

7.19 PARAGRAPHS 7.7.1 TO 7.7.7 AND 7.7.1R TO 7.7.9R – HEREFORD

Objections

P635/1656	Campaign to Protect Rural England
P635/1657	Campaign to Protect Rural England
P635/1658	Campaign to Protect Rural England
P758/1885	Formsole Ltd
P808/500012	Mr J C George
P809/2094	Hereford and Worcester Chamber of Commerce
P864/2365	Transport 2000
P865/2426	Cyclists' Touring Club
P1059/3206	Prudential Property Investment Managers Ltd
P1059/3218	Prudential Property Investment Managers Ltd
RP1361/10312	Mr N Jones
RP1485/10899	DFKE (Hereford) Ltd
P1113/11132	Rail for Herefordshire

Summary of Objections / Issues

- The importance of market towns is not emphasised. (635)
- There should be a more flexible policy approach to retail developments. (635)
- Whether the public transport interchange facility should be at the railway station. (635, 864, 865, 1361, 1113)
- The football club should be included within the wider redevelopment proposals. (758)
- The Council's offices should be located outside Hereford. (808)
- The floorspace requirements have not been substantiated. (809)
- Any application for a multiplex cinema should be assessed against Policy TCR12. (1059)
- Pressure for out of centre development should be prevented. (1059)
- The retail requirement should be revised to take into account the extra expenditure capacity acknowledged by the Council. (1485)

Inspector's Reasoning and Conclusions

Importance of market towns - 635

7.19.1 I appreciate that there is a particular emphasis upon Hereford in the town centre and retail policies. I see this as inevitable given the sub-regional role of the city and the major regeneration proposals. Nevertheless, I do not consider that there has been a failure to emphasise the importance of the market towns. In this regard, a suite of policies are included within the chapter which would cover development that could arise in these centres.

Flexible policy approach to retail developments - 635

7.19.2 I acknowledge that a range of factors will have a bearing on the amount of shopping floorspace that will be needed in the future. Utilisation of throughput is one such factor. However, I have no reason to suppose that the calculations on which the UDP are based do not provide a satisfactory basis for the land use allocations and policy provisions contained within the Plan. No modification is necessary.

Location of the public transport interchange facility - 635, 864, 865, 1361, 1113

7.19.3 I have discussed the Council's strategy in respect of improved public transport facilities in Hereford city centre in Section 8 of my report. I support the flexibility that is provided by the Revised Deposit Draft. No modification of the Plan is needed in this regard.

Inclusion of the football club within the wider regeneration proposals - 758

7.19.4 In the Revised Deposit Draft, the football club is seen as part and parcel of the regeneration proposals for the Edgar Street Grid. Within the Hereford United Football Club / Merton Meadow area, reorientation and redevelopment of the football stadium and club would take place as well as complementary leisure development. I consider that the objection has been met and that no modification of the Plan is necessary.

Locating the Council's offices outside Hereford - 808

7.19.5 To my mind, public offices are a key town centre use that attracts a lot of people. Employees and visitors would benefit from good access by public transport. There is also the potential for trips linked with other activities such as shopping. I consider that there is inadequate justification for modification of the Plan in regard to this objection.

Substantiation of the floorspace requirements - 809

7.19.6 The floorspace requirements are substantiated in the Town Centres and Retail Background Paper and in the General Statement. No modification of the Plan is needed.

Application for multiplex cinema - 1059

7.19.7 Policy TCR12 has been dropped from the Revised Deposit Draft. As such, the objection has been overtaken by events. In any event, and as envisaged in Paragraph 7.7.44R, the multiplex cinema would be located within the Hereford United Football Club / Merton Meadow area. This would be part of a planned cultural and leisure quarter with links to the Courtyard Theatre on the opposite side of Edgar Street. No modification of the Plan is necessary.

Preventing pressure for out of centre development - 1059

7.19.8 The objector supports the provision of an additional 14-16,000 sq m of city centre comparison retail floorspace but feels that, if this level cannot be accommodated within the central shopping and commercial area, the figure should be reviewed to prevent pressure for out of centre development.

7.19.9 To my mind, additional floorspace of this order has been justified by the various background studies. If the additional floorspace cannot be provided within the boundary of the TCR20 or 20R policy area, it does not mean that the figure

should be reviewed. Rather, the sequential approach should come into play as provided for in the Plan. No modification is necessary.

Extra expenditure capacity - 1485

7.19.10 No extra expenditure capacity has been acknowledged by the Council. No related modification of the Plan is necessary.

RECOMMENDATION

7.19/1 Do not make any modification in response to the objections.

7.20 PARAGRAPHS 7.7.10R TO 7.7.16R - EDGAR STREET GRID

Objections

W198/11621	Hereford Civic Society
P357/11390	English Heritage
P415/11291	Crest Strategic Projects Ltd
P755/11503	The Highways Agency
P1108/11117	Hereford and Gloucestershire Canal Trust Ltd
P1113/11131	Rail for Herefordshire
P1113/11139	Rail for Herefordshire

Summary of Objections / Issues

- Until an integrated transport strategy is developed the Edgar Street Grid proposals are neither viable nor practicable. (198)
- Inadequate consideration has been given to the urban design implications of the proposals and opportunities for integrating key city centre functions such as the railway station. (357)
- The local planning authority should set out anticipated phasing for the implementation of the proposals. (415)
- The paragraph should refer to the potential impact of proposals on the A49(T) and the need for mitigation measures to be funded by the developer. (755)
- The policy should give greater emphasis to the canal restoration proposals. (1108)
- The station should form the site of the development's key transport interchange. (1113)
- Increased parking provision will encourage further congestion. (1113)

Inspector's Reasoning and Conclusions

Integrated transport strategy – 198, 1113

7.20.1 I have discussed the Council's strategy in respect of improved public transport facilities in Hereford city centre in Section 8 of my report. I support the

flexibility that is provided by the Revised Deposit Draft. No modification of the Plan is needed in this regard.

Urban design / improving integration – 198, 357, 1113

7.20.2 To my mind, the Plan contains important references to the need for high quality design and successful integration of key city centre functions, for example, in Paragraphs 7.7.9R and 7.7.11R to 7.7.15R. However, I would expect these requirements to be translated into successful schemes through the mechanism of planning and development briefs. Adequate detail is contained within the Plan and no modification is necessary.

Phasing and implementation - 415

7.20.3 The Council accepts that the Edgar Street Grid is a long term regeneration proposal. There is a strong public commitment to delivering the regeneration of this part of Hereford, which derives support from the national and regional planning agendas. Given the extent of this commitment, I have no reason to doubt that progress will be made within the plan period.

Impact on the A49(T) - 755

7.20.4 The Council accepts that there will be a need for close consultation with the Highways Agency as detailed design proposals for the area are developed. The effect on the trunk road network is clearly a key consideration. The Agency and the Council have jointly commissioned further modelling to inform the design of the new road. Whilst this reflects the realities of the situation, I do not consider any modification to this part of the Plan is necessary.

Canal restoration – 1108

7.20.5 Paragraph 7.7.15R includes reference to the need for financial contributions to the regeneration requirements, including the provision of a canal basin, wharfage and visitor centre. Bearing in mind also that further information on planning obligations associated with the regeneration of the Edgar Street Grid will be provided through development briefs, I do not consider that any modification of the Plan is necessary.

Parking – 1113

7.20.6 I would agree with the statement that the Edgar Street grid regeneration area has potential for additional public car parking provision to serve the city centre. I would expect provision to be carefully balanced so as not to encourage unnecessary trips by car; also to be carefully designed to avoid visual and other environmental problems. Other parts of the Plan place strong emphasis on reducing reliance on the car and I have no doubt that this emphasis will be reflected in developing proposals for central Hereford. No modification of the Plan is necessary.

RECOMMENDATION

7.20/1 Do not make any modification in response to the objections.

7.21 POLICY TCR19/TCR19R, PARAGRAPHS 7.7.8 TO 7.7.12 AND PARAGRAPHS 7.7.17R – 7.7.21R

Objections

P194/421	Callow and Haywood Group Parish Council
W198/11307	Hereford Civic Society
P358/11347	Environment Agency (Conditionally Withdrawn)
P802/10333	Kings Acre Residents' Association
P802/10336	Kings Acre Residents' Association
P866/2468	Church Commissioners for England
P1134/3637	Hereford Auctioneers Ltd (Conditionally Withdrawn)
P1185/3754	Tesco Stores Ltd
P1185/500164	Tesco Stores Ltd
P1185/500165	Tesco Stores Ltd
P1189/10338	Breinton Parish Council
W457/928	Mr N Williamson
W457/929	Mr N Williamson
P616/1381	Mr A Choppen
P779/1939	Mr H T Griffiths
P808/2074	Mr J C George
P808/11607	Mr J C George
P808/500009	Mr J C George
P808/500010	Mr J C George
P978/2926	Mr A Jones
P1008/3092	Mr P G Shaw
P1073/3247	R A Padmore
P1129/3629	Mrs B Spanjers
P1130/3632	Mr N Kellett
P1132/3635	R J Jesson
P1133/3636	G A and J E Cheetham
P1136/3639	Mr and Mrs G King
P1138/3640	K H Stevens
P1139/3646	Dr D Goodfellow
P1141/3648	Mr D Lunn
RP1482/10807	Mrs P J Whistance
RP1482/10809	Mrs P J Whistance

Summary of Objections / Issues

- The market could be improved on its existing site. (194)
- Whether a site should be identified for a relocated livestock market. (198, 1185)
- The development proposals must provide a flood risk assessment. (358)
- Adequate drainage arrangements should be made. (802, 1189)
- Access arrangement and speed limits should be controlled. (802, 1189)
- There is no appropriate linkage with Policy TCR21. (866)
- Any new market site would have to improve on the current site. (1134)
- Compulsory purchase powers should be used if necessary. (1185)

- Whether an environmental impact assessment would be required. (1185)
- A much smaller site will be required. (457)
- Whether the project would be financially viable. (457, 779, 616, 978, 808, 1073, 1129, 1132, 1136, 1138, 1139, 1141)
- Consideration of the Hereford Livestock Market is inadequate. (616, 978)
- Any new market should be distant from existing residential areas. (808, 1139)
- The historic charter is irrelevant. (808)
- Objection is raised to the proposed site. (1129)
- There are various alternatives to relocation. (1130)
- Relocation should take place to any of a number of brownfield sites. (1133)
- Objection is raised to re-siting the cattle market. (1482)

Inspector's Reasoning and Conclusions

Improving the market on its existing site - 194

7.21.1 The Council's statement indicates that, in relation to the Edgar Street Grid consultation proposals, only 11% of businesses felt that linkages between the livestock market and the city centre were very important. 44% of all respondents indicated that linkages with the city centre were not very important. A parallel study to examine long term economic viability also concluded that the relationship between the city centre and the livestock market was considered to be weak. On this basis, I see no justification for improving the market on its existing site with or without redevelopment of redundant areas.

7.21.2 A further question is whether a market outside the city could be sustained by livestock and necessary ancillary uses only. In this regard, I have no reason to suppose that the relocated market would not be viable. All in all, there is no justification for a modification of the Plan.

Identifying an alternative site in the Plan – 198, 1185

7.21.3 It would have been preferable if a site suitable for the relocation of the livestock market was allocated in the Plan. However, for the reasons stated by the Council, this has not been possible. Nevertheless, it is important to pave the way for the regeneration of the Edgar Street Grid. In the circumstances, I support the approach adopted by the Council. The criteria based policy will enable the livestock market to be relocated on a suitable site without prejudicing the town centre redevelopment proposals.

Need for flood risk assessment - 358

7.21.4 The objector originally stated that development proposals must be the subject of a flood risk assessment. However, this matter has not been pursued. The objection has been conditionally withdrawn and no further modification of the Plan is necessary.

Adequacy of drainage arrangements – 802, 1189

7.21.5 I believe that adequate drainage arrangements would be secured through various provisions in the Plan. These include criteria 4 and 5 in Policy TCR19R. No modification of the Plan is necessary.

Access arrangements and speed limits – 802, 1189

7.21.6 The objections of the Kings Acre Residents' Association and Breinton Parish Council are based on the assumption that a site for a new livestock market has been identified south of Roman Road. The Plan does not make any such provision. Rather, there is a criteria based policy. A site would be identified through a planning application. Access issues and traffic management measures would be determined in accordance with the criteria set out in the Plan. No modification of the UDP is necessary.

Linkage with Policy TCR21 - 866

7.21.7 Policies TCR19 and 21 have been dropped from the Revised Deposit Draft. As such, the objection has been overtaken by events.

Improving on the current site - 1134

7.21.8 The Revised Deposit Draft contains a criteria based policy that will, in my opinion, provide a satisfactory basis for the identification of a suitable alternative livestock market site. The objection has been conditionally withdrawn and no modification of the Plan is necessary.

Use of compulsory purchase powers - 1185

7.21.9 Paragraph 7.7.16R of the Plan already states that, in order to enable and assist with land assembly, the Council may wish to use its compulsory purchase powers. This comment applies to the whole of the Edgar Street Grid including the livestock market area. In my opinion, the point does not need to be repeated in the context of Policy TCR19R.

Environment impact assessment - 1185

7.21.10 In Paragraph 7.7.21R of the Plan, it is stated that an environmental impact assessment will be required prior to any planning permission being granted. It would be better to say that it is likely that an EIA would be required. It is not possible to reach a definite conclusion until a particular scheme and site have been appraised. I recommend accordingly.

Smaller site - 457

7.21.11 The Council has referred to the Hereford Livestock Market Development Study as evidence of the fact that a replacement market of approximately 8 ha would be required. I would expect the foot and mouth crisis to have been taken into account in the preparation of the study. In the circumstance, I find that there is inadequate justification for modification of the Plan.

Financial viability – 457, 779, 616, 978, 808, 1073, 1129, 1132, 1136, 1138, 1139, 1141

7.21.12 Several objectors are concerned about the financial viability of any proposed new livestock market. Amongst other things, they would not wish the market to become a substantial drain on council tax payers. Other options are suggested.

7.21.13 For my part, I note that the Council has undertaken the Hereford Livestock Market Development Study. This post-dates many of the objections on financial viability and need. It is stated that the study confirmed the long term economic viability of the livestock market with recommendations on the way forward.

7.21.14 I am aware that, although the study looked at other market development costs, there was no financial assessment of relocation. A detailed assessment would be required once a site has been identified. Nevertheless, it is clear to me that the relocation would be part of an overall package that would include the redevelopment of the current site. There are no outstanding land use matters that need to be addressed in the development plan. No modification of the UDP is necessary.

Inadequate consideration of the livestock market issue – 616, 978

7.21.15 The objectors have made a number of criticisms about the way in which the livestock market issue is addressed in the UDP. However, it appears to me that many of the points raised are concerns about the decision to relocate the market rather than land use considerations.

7.21.16 For example, there are worries about the economic case for a relocated market; also that improvements could be made to the existing site or other options pursued. However, these points do not undermine the soundness of the provisions in the Plan. Given the decision to relocate the market, robust land use policies are in place regarding the redevelopment of the site and the establishment of a replacement facility elsewhere. In this regard, matters such as site layout and landscaping will be important considerations albeit with a cost implication.

7.21.17 Further, I do not see that the Plan is some sort of “procedural device for avoiding scrutiny and claiming some future need for expediency”. The related policies are essentially permissive policies that would facilitate redevelopment and relocation. Other options are not precluded. Planning permission would be needed in due course and any unsatisfactory scheme could be rejected. All in all, no modification of the Plan is necessary.

Distance from existing residential areas – 808, 1139

7.21.18 Under criteria 2 and 6 of Policy TCR19R, the surrounding area, immediate setting and local amenity would be safeguarded. To my mind, residents’ living conditions would be protected under these provisions. It is not necessary to say that the market should be a certain distance from existing residential areas.

Historic charter - 808

7.21.19 The historic charter restricted the limits within which an alternative market site could be found. As such, it appears to me that the reference to the charter is relevant and its inclusion within the Plan is justified.

Objection to the proposed site - 1129

7.21.20 Mrs Spanjers’ objection is based, in part, on an assumption that the cattle market would be located at Burghill. However, the Plan does not come down in favour of any particular location. The criteria based Policy TCR19R would be the basis of consideration. Satisfactory access arrangements would be needed under criterion 3. Potential traffic problems could thereby be assessed.

Alternatives to relocation - 1130

7.21.21 Alternatives to relocation have been alluded to by various objectors. Options include redeveloping the present site to include a reduced market; constructing a new smaller market elsewhere in the city; and closing the market altogether. In response, reference has been made to the Hereford Livestock Market Development Study. It is stated that the study has confirmed the long term economic viability of the livestock market. A site of some 8 ha would be required. I find that Policy TCR19R identifies the appropriate criteria in this regard and no modification of the Plan is necessary.

Relocation to a brownfield site - 1133

7.21.22 The objectors say that if a cattle market really is perceived to be necessary it should be relocated to any of a number of brownfield sites. The Rotherwas Industrial Estate is given as an example. In this regard, I can see the potential attraction of the Rotherwas Industrial Estate or a brownfield site. However, in practice, finding a suitable brownfield site may prove to be difficult. Be that as it may, Policy TCR19R is a criteria based policy that would address all eventualities. No modification of the Plan is necessary.

Objection to re-siting the cattle market - 1482

7.21.23 A number of objections to the re-siting of the cattle market are identified. Some of these have been discussed above in relation to other objections. However, the main wish of the objector is to retain the cattle market on its present site. Specific objections are also identified in respect of a site outside the city.

7.21.24 I appreciate that there are many advantages associated with the present site of the livestock market. Some of these have been articulated by the objector. However, there are also major constraints in terms of location, access and congestion. As stated by the Council, refurbishment would not be practical due to the existing layout and the presence of other uses. At the same time, rationalisation of existing operations has already taken place.

7.21.25 There are particular concerns with regard to animal welfare and legislation requirements. In addition, the future of the market is seen as one based on the sale of store stock. A larger site area and open field lairage would be essential. All in all, and notwithstanding the advantages of the present location, it seems to me that relocation onto a new site is the way forward.

7.21.26 With regard to a site outside Hereford city, the objection is in part based on the assumption that the livestock market is going to be sited on land north of Wyevale. Here, problems are perceived in relation to the aquifer and proximity to a primary school. For my part, I note that the Plan does not refer to any particular site. Relocation would be guided by a criteria based policy that would cover all eventualities.

7.21.27 In any event, I would expect the welfare of children to be protected under the criteria in the policy, for example, criteria 2 and 6. In addition, matters relating to any aquifer would be addressed as part of any environmental impact assessment and/or under the development control process. For the avoidance of doubt, I am recommending that ground water should be referred to in criterion 5. In all other respects, I do not consider that modification of the Plan is necessary.

RECOMMENDATIONS

7.21/1 Substitute the following for the final sentence of Paragraph 7.7.21R: "An environmental impact assessment of the development is likely to be required prior to any planning permission being granted. In addition, a transport assessment will be needed."

7.21/2 At the end of Policy TCR19R, criterion 5, add "or ground water".

7.21/3 Do not make any other modification in response to the objections.

7.22 HEREFORD LIVESTOCK MARKET RELOCATION - POLICY TCR19/TCR19R - OMISSION SITE - LAND AT STRETTON SUGWAS QUARRY

Objection

P1125/3621 Duchy of Cornwall

Summary of Objection / Issue

- The eastern portion of the land is the most suitable site for relocation of the livestock market. (1125)

Inspector's Reasoning and Conclusions

Livestock market at Stretton Sugwas - 1125

7.22.1 The Council has not been able to identify a preferred site for the relocation of the livestock market. However, in terms of general location, it concludes that a site to the northwest of the city offers the best accessibility for market users.

7.22.2 Whilst the Stretton Sugwas site fulfils the locational requirements set out in Policy TCR19R, there are a number of outstanding issues to be resolved which prevent its inclusion in the UDP at this time, including effects on the Yazor Gravels aquifer, access, amenity and animal welfare. I agree that it would have been preferable to include a specific allocation for the relocation in the UDP. However, I accept the reasons given by the Council for not doing so at present and consider that Policy TCT19R provides a satisfactory context for assessing future proposals.

RECOMMENDATION

7.22/1 Do not make any modification in response the objection.

7.23 HEREFORD LIVESTOCK MARKET REDEVELOPMENT AND EIGN GATE REGENERATION AREA - POLICIES TCR21/TCR20R AND PARAGRAPHS 7.7.18 TO 7.7.25 AND 7.7.22R TO 7.7.32R

Objections

W198/1182	Hereford Civic Society (Conditionally Withdrawn)
W198/1184	Hereford Civic Society (Conditionally Withdrawn)
W198/11308	Hereford Civic Society
P357/11395	English Heritage
P357/11397	English Heritage
P358/11348	Environment Agency (Conditionally Withdrawn)
P635/11439	Campaign to Protect Rural England
P866/2470	Church Commissioners for England
P889/2514	The Crown Estate
P889/10514	The Crown Estate
P889/10516	The Crown Estate
P959/2766	Hereford City Partnership Ltd
P1058/3196	Eaton Bishop Parish Council (Conditionally Withdrawn)
P1078/3299	Braemar Gardens Neighbourhood Watch
P1078/3302	Braemar Gardens Neighbourhood Watch
P1108/11113	Hereford and Gloucestershire Canal Trust Ltd Ltd
P1113/3568	Rail for Herefordshire
P1113/11133	Rail for Herefordshire
P1113/11136	Rail for Herefordshire
P1134/3638	Hereford Auctioneers Ltd (Conditionally Withdrawn)
P1185/3755	Tesco Stores Ltd (Conditionally Withdrawn)
P1185/3756	Tesco Stores Ltd (Conditionally Withdrawn)
P1185/500167	Tesco Stores Ltd
P1185/500168	Tesco Stores Ltd
P1185/500169	Tesco Stores Ltd
P1185/500170	Tesco Stores Ltd
P367/784	Mr A Highfield
P808/2076	Mr J C George
P1085/3443	Mr J R Makin
P1129/6624	Mrs B Spanjers

Summary of Objections / Issues

- Use of the Berrington Street / Aubrey Street site for retail purposes is questioned. (198)
- Rethinking and modification of the section on the livestock market is sought. (198)
- The need for integration should be strengthened. (198)
- Inadequate consideration has been given to urban design and to the integration of key city centre functions. (357)
- A flood risk assessment must be provided. (358)
- Whether the bus station should be adjacent to the railway station. (635, 1113)
- There is no appropriate linkage with Policy TCR19. (866)

- Whether the retail proposals for the Eign Gate regeneration area are appropriate. (889)
- Greater clarity is required as to uses on the livestock market site. (959)
- Policy TCR21 is too prescriptive. (1058)
- The provision for local government offices is questioned. (1078, 367, 808, 1085, 1129)
- The justification for a new public transport interchange is questioned. (1078)
- Contributions towards the canal are not mentioned. (1108)
- The bus station should be outside the railway station. (1113)
- The provision of additional car parks would contradict aims to manage traffic. (1113)
- At least a proportion of the site should be identified for retail development. (1134)
- The commercial viability of the proposals is questioned. (1185)
- Whether additional reference should be made to access by car. (1185)
- Whether possible locations for a public transport interchange should be identified. (1185)
- Whether retail development should be identified as a major contributor towards obligations. (1185)

Inspector's Reasoning and Conclusions

Use of the Berrington Street / Aubrey Street site for retail purposes - 198

7.23.1 This objection stems from the initial deposit stage. The provisions have been varied in the Revised Deposit Draft and the objection has been conditionally withdrawn. No modification of the Plan is necessary.

Section on the livestock market - 198

7.23.2 This objection stems from the initial deposit stage. The provisions have been varied in the Revised Deposit Draft and the objection has been conditionally withdrawn. No modification of the Plan is necessary.

Strengthening the need for integration - 198

7.23.3 In its duly made objection, the Civic Society states that there is insufficient emphasis on the need for comprehensive planning of the entire Berrington Street, Bewell Street and livestock market area. To my mind, adequate provision is made within the Plan. For example, criterion 2 of Policy TCR20R calls for a comprehensive scheme treating the site as a whole, albeit based on Class A1 retail uses for the livestock market. In addition, I would expect the planning and development briefs referred to in Paragraph 7.7.9R to give direction in this respect.

7.23.4 In terms of allocations, I do not consider that there is too rigid a specification of detail or that the whole of the area should be designated for mixed uses. In my opinion, it is important that the retail requirements set out in Paragraph 7.7.2R can be met. It is also important that provision is made in

locations that can contribute to the vitality and viability of the centre. As such, a certain amount of direction is necessary.

7.23.5 At the same time, it does not appear to me that other complementary uses would be excluded. The proposals for the Berrington Street area already provide for a variety of uses; and I see no reason why the notional residential component could not be increased if the other objectives can be met. In addition, an element of mixed use would not necessarily be precluded in other areas provided that the retail contribution could be delivered.

7.23.6 As to linkages and integration with the existing centre, there are appropriate references throughout Section 7.7R of the Plan. Examples include Paragraphs 7.7.9R, 7.7.12R to 7.7.15R, 7.7.24R, 7.7.25R and 7.7.29R as well as in Policy TCR20R itself. Be that as it may, I would expect fundamental design principles to be expanded upon in the planning and development briefs. In this way, the basic requirements set out in the Plan should be translated into successful development proposals.

Urban design / improving integration - 357

7.23.7 To my mind, the Plan contains important references to the need for high quality design and successful integration of key city centre functions, for example, in Paragraphs 7.7.9R and 7.7.11R to 7.7.15R. However, I would expect these requirements to be translated into successful schemes through the mechanism of planning and development briefs. Adequate detail is contained within the Plan and no modification is necessary.

Flood risk assessment - 358

7.23.8 The need for a flood risk assessment is covered by Proposed Change No 10 which is hereby recommended. The objection has been conditionally withdrawn and no further modification of the Plan is necessary.

Location of the bus station – 635, 1113

7.23.9 I have discussed the Council's approach to the integration of bus and rail in Section 8 of my report. I support the flexible approach provided by the Revised Deposit Draft. No modification of the Plan is necessary.

Linkage with Policy TCR19 - 866

7.23.10 Policies TCR19 and 21 have been dropped from the Revised Deposit Draft. As such, the objection has been overtaken by events.

Retail proposals for the Eign Gate regeneration area - 889

7.23.11 My starting point for consideration of the objection of The Crown Estate is the need for new retail floorspace in Hereford city centre. In Paragraph 7.7.2R, the retail requirement is stated to include 14-16,000 sq m net of comparison retail floorspace and an additional 11-15,000 sq m net of retail warehouse floorspace. There is no significant requirement for further convenience floorspace.

7.23.12 Retail warehousing can be regarded as a sub-category of comparison goods. The total comparison goods requirement, therefore, is of the order of 25-31,000 sq m net. I estimate that the allocation and planning permission granted at Holmer Road would account for some 10,000 sq m net of floorspace. The residual comparison floorspace requirement is therefore of the order of 15-21,000 sq m net. These figures will need to be kept under review.

7.23.13 In principle, I would expect that the majority of goods typically sold from retail warehouses could be sold from the central shopping and commercial area. This is especially so when redevelopment provides the opportunity for the introduction of large format stores into the layout. Some adjustment to Paragraph 7.5.1 is needed to reflect this conclusion.

7.23.14 It is clear to me that, notwithstanding certain opportunities for additional retail floorspace, for example at Bewell Street, provision of the order identified cannot be provided within what is currently regarded as the central shopping area in the adopted Local Plan. The obvious places to expand are into the Berrington Street area where limited opportunities exist; and more particularly onto the site of the current livestock market. Logically, these areas would then become part of the central shopping and commercial area.

7.23.15 Having decided that there is a need for additional retail floorspace, and that the new floorspace would best be accommodated in an extended shopping and commercial area embracing the livestock market as well as Berrington Street, it is necessary to consider whether new provision should be restricted to comparison floorspace only. I have concluded that it should not. To my mind, an unrestricted policy would facilitate the comprehensive planning and development of the whole of the Eign Gate regeneration area as envisaged in Policy TCR20R.

7.23.16 I am aware that there is no requirement to demonstrate need within the primary shopping area which, in the case of Hereford, would be the central shopping and commercial area including the livestock market site. As such, there is a possibility that there could be pressure to increase convenience goods floorspace. This could be harmful to the proper planning of the area if the provision of comparison goods floorspace was "squeezed out". I am recommending a form of words that would cover this situation.

7.23.17 In conclusion, I envisage that the bulk of the retail requirement, including retail warehousing, would be met within the Eign Gate regeneration area. However, as part of a comprehensive scheme of development and in order to exploit opportunities for new provision within an improved overall layout, some redistribution of uses could be appropriate. An unfettered retail policy would facilitate this comprehensive approach to regeneration. At the same time, the overall balance of convenience and comparison provision should be safeguarded.

Clarity on uses for the livestock market site - 959

7.23.18 This objection dates from the initial deposit stage and is concerned with sites for local government offices and the parking accorded to them. In the Revised Deposit Draft, such offices are no longer contemplated on the livestock market site. Separate provision is made within the Plan. The objection has been overtaken by events and no modification of the Plan is necessary.

Policy TCR21 is too prescriptive - 1058

7.23.19 This objection relates to Policy TCR21 in the Deposit Draft Plan. The policy has been amended in the Revised Deposit Draft. The objection has been conditionally withdrawn and no modification is necessary.

Provision for local government offices – 1078, 367, 808, 1085, 1129

7.23.20 These objections date from the initial deposit stage when provision was made for local government offices on the livestock market site. The Council's

proposals have now changed. The objections have been overtaken by events and no modification of the Plan is necessary.

Justification for new public transport interchange - 1078

7.23.21 I note that the matter of a new public transport interchange for Hereford is discussed in Paragraph 8.4.2 of the Plan by reference to the Hereford Transport Review. To my mind, improvements to the present set-up are highly desirable and I support the flexible provisions in the Revised Deposit Draft. However, it would be inappropriate for detail of costings and finances to be included in a development plan.

Contributions towards the canal - 1108

7.23.22 I appreciate that contributions towards the canal are not mentioned in Paragraph 7.7.32R. However, in Paragraph 7.7.15R, it is identified as one of the main requirements to support regeneration and towards which financial contributions would be sought. New and improved pedestrian / cycle routes are also mentioned. This could include those associated with the canal basin. Bearing in mind also that further information of planning obligations associated with the regeneration of the Edgar Street Grid will be provided through development briefs, I do not consider that any modification of the Plan is necessary.

Provision of additional car parks - 1113

7.23.23 I would agree with the statement that the Eign Gate regeneration area has potential for additional public car parking provision to serve the city centre. I would expect provision to be carefully balanced so as not to encourage unnecessary trips by car; also to be carefully designed to avoid visual and other environmental problems. No modification of the Plan is necessary.

Retail development on at least a proportion of the site - 1134

7.23.24 This objection dates from the initial deposit stage but has been met in Policy TCR20R in the Revised Deposit Draft. No modification of the Plan is necessary.

Commercial viability of the proposals - 1185

7.23.25 These objections date from the initial deposit stage but have been met in Policy TCR20R in the Revised Deposit Draft. The objections have been conditionally withdrawn and no modification of the Plan is necessary.

Additional reference to access by car - 1185

7.23.26 Paragraph 7.7.12R refers to providing adequate car parking and managing access by car. In addition, provision of car parking is referred to in Policy TCR20R. In my opinion, the references to access by car are adequate. There is no need to amend the transport strategy. Indeed, in the light of current Government guidance, it would be wrong to give undue emphasis to the car. No modification of the Plan is necessary.

Identification of locations for a public transport interchange - 1185

7.23.27 With regard to the reference in Paragraph 7.7.27R to the livestock market site as a possible location for new public transport interchange facilities, I do not consider that any change is necessary. It appears to me that the livestock

market is still a candidate site. At the same time, there is no commitment to provision in this location. No modification of the Plan is necessary.

Retail development as a major contributor towards obligations - 1185

7.23.28 Development plans should indicate the circumstances in which financial contributions would be sought. In this regard, I see as legitimate the statement in Paragraph 7.7.32R that the retail development proposed in the Eign Gate regeneration area is seen as a major financial contributor towards the obligations. However, there is no need to refer specifically to matters such as a link road, flood alleviation and the public transport interchange facility. The Council is amenable to omission of such references. I recommend accordingly.

RECOMMENDATIONS

7.23/1 In Paragraph 7.5.1, replace “within the confines of the CSCA’s of” with “within the heart of”.

7.23/2 Add the following after the second sentence of Policy TCR20R: “Within the overall regeneration scheme, the emphasis will be on the provision of comparison goods floorspace, including retail warehousing, to meet Hereford’s retail requirements but with no significant net increase in provision for the sale of convenience goods.”

7.23/3 In the final sentence of Paragraph 7.7.32R, delete the words after “obligations”.

7.23/4 Modify the Plan in accordance with Proposed Change No 10 (except insofar as it relates to deleted Paragraph 7.7.50R – see Section 7.27 below).

7.23/5 Do not make any other modification in response to the objections.

7.24 LAND AT WIDEMARSH STREET / CANAL BASIN AND HISTORIC CORE – POLICIES TCR23 AND TCR21R, PARAGRAPHS 7.7.28 TO 7.7.32 AND PARAGRAPHS 7.7.33R TO 7.7.39R

Objections

P767/1895	Pegasus Juniors F C
P959/2768	Hereford City Partnership Ltd
P1108/3547	Hereford & Gloucestershire Canal Trust Ltd
P1108/3549	Hereford & Gloucestershire Canal Trust Ltd
P357/11398	English Heritage
P1113/11134	Rail for Herefordshire
P1108/11114	Hereford & Gloucestershire Canal Trust Ltd
P1113/11135	Rail for Herefordshire
P1108/11122	Hereford & Gloucestershire Canal Trust Ltd
P357/11406	English Heritage
P415/11297	Crest Strategic Partnership
P1108/11115	Hereford & Gloucestershire Canal Trust Ltd
RW1280/500162	Wm Morrison Supermarkets plc
P358/11349	Environment Agency

Summary of Objections / Issues

- Reference should be need to the need for a replacement for Pegasus Juniors' ground at Widemarsh Street. (767)
- More clarity for the proposed mix of development is required. (959)
- Pedestrian links across the Inner Ring Road should be improved. (1108)
- Routes of green corridors should be identified on the Plan. (1108)
- Inadequate consideration has been given to the urban design implications of the proposals and opportunities for integrating key city centre functions such as the railway station. (357)
- It is unclear why a flood alleviation scheme is needed. (1113)
- The policy should encourage craft and antiques related uses. (1108)
- Canal Road extension should be car free and other modes of transport should be emphasised. (1113)
- The policy should include reference to contributions towards the canal. (1108)
- The timing of the development is likely to be beyond 2011. (415)
- The policy should make reference to the canal being restored out to Shelwick Green and its importance as a cycle route / footpath providing access to the town centre. (1108)
- Clarification is needed that 180 of the total of 600 dwellings will be provided in the plan period. (1108)
- The proposed link road should be shown as "indicative only". A full assessment of traffic impacts is necessary. (1280)
- A flood risk assessment should be undertaken. A requirement for sustainable urban drainage should be included. (358)

Inspector's Reasoning and Conclusions

Replacement playing field – 767

7.24.1 Any development proposal affecting the existing ground will have to comply with the requirements of Policy RST4 as regards a replacement facility. I consider that there is no need to include a specific reference in Policy TCR21R.

Mix of development – 959, 1108

7.24.2 I consider that it is important to retain a degree of flexibility in framing proposals for the development area. In my view, the Revised Deposit Draft contains an appropriate amount of detail. I would expect greater precision and refinement of the proposals to be developed through the preparation of development briefs for the site, which would themselves be the subject of further consultation.

7.24.3 In response to an objection by the Canal Trust, hotel uses are now included in the proposals. Office uses could be considered through the preparation of design briefs for the area. No further modification is necessary.

Canal restoration – 1108

7.24.4 The objector makes a number of points, several of which have been addressed in the revised deposit proposals. First, in response to the suggestion that pedestrian crossings over the Inner Ring Road should be enhanced, this has now been recognised in the masterplan proposals.

7.24.5 Secondly, the Plan now includes reference to the use of planning obligations to deliver regeneration, including canal restoration. I consider that specific reference to financial mechanisms for index-linked maintenance payments would be an unnecessary level of detail.

7.24.6 Thirdly, whilst I recognise that parking provision is important to the success of the development, this is a matter which can be addressed through the preparation of development briefs.

7.24.7 Fourthly, some of the additional land proposed by the objector is now included in the policy area. In addition, green corridors are now included in the Plan at Paragraphs 7.7.37R and 7.7.38R and at Policy TCR21R criterion 4. I consider that these amendments satisfy the objections.

Urban design / improving integration - 357

7.24.8 I have considered a similar objection in relation to the livestock market redevelopment and the Eign Gate regeneration area. This is set out in Section 7.23 of my report. I conclude that the Plan contains important references to the need for high quality design and successful integration of key city centre functions, for example, in Paragraphs 7.7.9R and 7.7.11R to 7.7.15R. I would expect these requirements to be translated into successful schemes through the mechanism of planning and development briefs. Adequate detail is contained within the Plan and no modification is necessary.

Need for flood alleviation scheme – 358, 1113

7.24.9 Widemarsh Street lies in an identified flood risk area. The requirement for a flood alleviation scheme arose from the concern of the Environment Agency. A flood risk assessment would need to be carried out in response to any development proposal and the extent of measures needed would be determined at that stage. I consider it is important to retain the reference in the policy.

7.24.10 Proposed Change No 10 (Document J 20) proposes an addition to Paragraph 7.7.39R to make reference to a need for a flood risk assessment in accordance with Policy DR7 and PPG 25. Recommendation 7.23/4 refers. This has enabled the Environment Agency's objection to be conditionally withdrawn.

Whether the Canal Road extension should be car-free – 1113

7.24.11 Key objectives of the masterplan for the Edgar Street Grid are to enhance the pedestrian environment and to promote improvement in the quality and convenience of alternatives to the car (Paragraph 7.7.12R of the Revised Deposit). Paragraph 7.7.39R sets out the intention of preparing a development brief to give further detailed guidance on site issues. I consider that this provides the appropriate opportunity for consideration of this issue. No modification is needed to the Plan.

Restoration of the canal out to Shelwick Green – 1108

7.24.12 Policy RST9 safeguards the route of the canal in the county, including between Hereford and Shelwick Green. It is unnecessary for this to be repeated in this part of the Plan. With regard to the role of the towpath as a key link into the area, I consider that Paragraph 7.7.12R makes clear the commitment of the Plan to enhance provision for pedestrians and alternatives to the car and I do not consider that an additional reference is necessary.

Phasing – 415, 1108

7.24.13 The Council acknowledges that the Edgar Street Grid proposals are a long term regeneration programme. However, there is strong public commitment to implementing the project and land acquisition has commenced. I consider that the construction of 180 dwellings out of a total of 600 by 2011 is not an over-optimistic assumption. Whilst I see no objection to referring to the balance of dwellings to be completed after 2011, this does not warrant my intervention.

Whether the proposed link road should be “indicative only” – 1280

7.24.14 The provision of a link road is a crucial element of the proposals. It is accepted that further work is necessary on the detailed design. Nevertheless, I consider that it is appropriate for the route to be protected by safeguarding.

RECOMMENDATION

7.24/1 Do not make any modification in response to the objections.

7.25 HEREFORD UNITED FOOTBALL CLUB / MERTON MEADOW – POLICY TCR22R AND PARAGRAPHS 7.7.40R TO 7.7.46R

Objections

P357/11407	English Heritage
W198/11309	Hereford Civic Society
P357/11604	English Heritage
RP1417/10433	H J Hobbs and Sons
RP1485/10895	DFKE (Hereford) Ltd
P808/500011	Mr J C George
P358/11350	Environment Agency (Conditionally Withdrawn)

Summary of Objections / Issues

- Inadequate consideration has been given to urban design and to the integration of key city centre functions. (357)
- The club should be relocated to a cheaper site. (808)
- A flood risk assessment must be provided. (358)
- The scope of possible development should be broadened. (198, 1417, 1485)

Inspector's Reasoning and Conclusions

Urban design / improving integration - 357

7.25.1 I have considered a similar objection in relation to the livestock market redevelopment and the Eign Gate regeneration area. This is set out in Section 7.23 of my report. I conclude that the Plan contains important references to the need for high quality design and successful integration of key city centre functions but that I would expect these requirements to be translated into successful schemes through the mechanism of planning and development briefs. Adequate detail is contained within the Plan and no modification is necessary.

Relocating the club to a cheaper site - 808

7.25.2 I appreciate that there are differences of opinion about whether Hereford United Football Club should stay in the city centre or whether it should relocate to a cheaper site with the benefits of relatively high land values being realised. In this regard, it appears to me that the Council has justified its decision to keep the club generally in its present location. There are no significant land use problems in this regard and the decision has been the subject of public consultation. There is inadequate justification for modifying the Plan.

Flood risk assessment - 358

7.25.3 The need for a flood risk assessment has been discussed in Section 7.23 of my report. The matter is covered by Proposed Change No 10 and Recommendation 7.23/4 refers. The objection has been conditionally withdrawn and no further modification of the Plan is necessary.

Broadening the scope of possible developments – 198, 1417, 1485

7.25.4 The remaining objectors, in one form or another, all question the Council's strategy for this quarter of the city centre. The main issues are the viability of the proposals; also whether, bearing in mind the advice in PPS 6, retail, commercial and residential development should be allowed in this area. Other considerations include traffic and environmental effects. I consider the specific matter of a retail warehousing allocation in Section 7.28 of my report. The other matters are addressed in this section.

7.25.5 In Paragraph 7.25.2 above, I have supported the Council's decision to keep the club generally in its present location. However, I appreciate that the Council's decision means that the relatively high land values that could be achieved for other suitable land uses in this area will not be realised. In addition, there are considerable costs associated with the redevelopment of this quarter, including the rebuilding of the stadium, as well as with the wider regeneration area.

7.25.6 It is not clear to me how all these costs will be paid for and how the books will be balanced. I am aware that, in the long term, considerable economic benefits are anticipated for the city. However, there appears to be a wide gap between likely expenditure and income; also possible problems of providing funding in advance of receipts.

7.25.7 I would expect these matters to be carefully evaluated as the regeneration proposals are progressed. However, uncertainty about funding all the necessary works does not mean that high value land uses should be introduced into the mix in order to improve the likelihood of viability. If any adjustments are

to be made, the developments must be acceptable in land use terms as well as being compatible with the broader objectives of the regeneration proposals.

7.25.8 The central objective of the Council is to develop this quarter with cultural and leisure projects. In addition to strong links with the Courtyard Theatre on the west side of Edgar Street, the main components would be a replacement football stadium on a slightly different site; and a multiplex cinema. In addition, the Council is envisaging related Class A3 developments. I consider that these are legitimate expectations and should form the basic content of any scheme. This begs the question of whether additional uses should be allowed on any remaining land.

7.25.9 With regard to retail development, I do not consider that the Hereford United Football Club / Merton Meadow area is a location where Class A1 shopping should be encouraged. It is some distance from the primary shopping area; and although it will become an edge of centre location once the primary shopping area (central shopping and commercial area) has been extended, the precise relationship with that area is at present uncertain. More particularly, I anticipate that Hereford's residual retail requirement can be met within the central shopping and commercial area. There is no justification for extending into the cultural and leisure quarter.

7.25.10 With regard to residential and office development, I consider that both these uses would be appropriate in a location such as this. Office uses are already envisaged but only "north of the new road". Provided that there is sufficient land for the core cultural and leisure developments, I am of the opinion that residential and office development, together with uses in Classes A3 to A5, should be supported. They could, for example, form part of a mixed use scheme fronting Blackfriars Street. The overall mix would be compatible with the masterplan, the vitality and viability of the centre would be enhanced and some higher value uses would be introduced. I am recommending accordingly.

7.25.11 Objections have also been raised with regard to traffic and environmental matters. These are concerns that will need to be addressed and satisfied in respect of any particular scheme. However, I do not consider that they affect the principle of the package of proposals that is being put forward.

RECOMMENDATIONS

7.25/1 At the end of Paragraph 7.7.44R, add the following: "In addition, and given provision for the key cultural and leisure components, office and residential development will be supported."

7.25/2 In Policy TCR22R criterion 3, substitute "Class A3 to A5" for "Class A3".

7.25/3 Amend criterion 4 of Policy TCR22R to read: "office and residential uses".

7.25/4 Do not make any other modification in response to the objections.

7.26 CIVIC QUARTER – POLICY TCR23R AND PARAGRAPHS 7.7.47R TO 7.7.49

Objections

W198/11310 Hereford Civic Society
P358/11351 Environment Agency (Conditionally Withdrawn)

Summary of Objections / Issues

- The area should be extended along and behind the north side of Commercial Road. Provision for a new library and other community buildings should be included. (198)
- A flood risk assessment should be undertaken. A requirement for sustainable urban drainage should be included. (358)

Inspector's Reasoning and Conclusions

Extension to the north side of Commercial Road - 198

7.26.1 Much of the area to which the objector refers is already identified as town centre and some of the frontage as secondary shopping frontage. Established policies therefore provide an appropriate context for refurbishment and regeneration. A library could be accommodated if this was seen to be the best location. To my mind, the wording of the policy does not imply dependence on a scheme for new public offices going ahead. Commercial office uses would also be acceptable and could form the basis of a scheme that included community facilities such as a library.

Flood risk – 358

7.26.2 Proposed Change No 10 (Document J 20) proposes an addition to Paragraph 7.7.49R to make reference to a need for a flood risk assessment in accordance with Policy DR7 and PPG 25. This has enabled the Environment Agency's objection to be conditionally withdrawn.

RECOMMENDATION

7.26/1 Do not make any modification in response to the objections.

7.27 CAUSEWAY FARM - POLICY TCR24/TCR24R, PARAGRAPHS 7.7.33 TO 7.7.34 AND PARAGRAPHS 7.7.50R TO 7.7.51R

Objections

W198/1189 Hereford Civic Society (Conditionally Withdrawn)
W198/11311 Hereford Civic Society
P358/11352 Environment Agency (Conditionally Withdrawn)

P758/1887	Formsole Ltd
P792/10431	Asda Stores Ltd
P792/10432	Asda Stores Ltd
P809/2095	Hereford and Worcester Chamber of Commerce
P959/2769	Hereford City Partnership Ltd
P1058/3197	Eaton Bishop Parish Council (Conditionally Withdrawn)
P1071/3294	English Nature (Conditionally Withdrawn)
P1071/3301	English Nature (Conditionally Withdrawn)
P1071/500062	English Nature
P1137/3643	Eign Enterprises Ltd
P1185/3753	Tesco Stores Ltd
RP1421/10449	Hereford City Council
P1002/3016	Hereford and County Liberal Club Ltd

Summary of Objections / Issues

- The policy is in conflict with flood risk provisions. (198, 1058)
- The UDP should be modified to remove conflicting statements and to identify this housing site. (198)
- A flood risk assessment must be provided. (358)
- The allocation of this site for town centre uses should be deleted. (758)
- The reasoned justification fails to take into account the planning permission for a mixed use scheme. (792)
- The site should be allocated for a mixed use scheme including a foodstore. (792)
- The policy should make specific reference to retail use. (809)
- More clarity of the proposed development mix is required. (959)
- Any proposals should maintain / enhance the ecological value of this corridor. (1071)
- The policy is premature until a flood defence scheme has been evaluated for this area. (1071)
- Convenience and comparison goods retailing should be included in the allocated uses. (1137)
- The bowling green and allotments should be identified as protected open space. (1185, 1002)
- Residential use should be included within Policy TCR24R. (1421)

Inspector's Reasoning and Conclusions

Identifying bowling green and allotments as protected open space – 1185, 1002

7.27.1 In the Revised Deposit Draft, the objection site is designated as recreational space including bowling green and public open space (Policy RST4). The amenities have been safeguarded and no modification of the Plan is necessary.

All other objections

7.27.2 On 1 March 2005, detailed planning permission was granted for a mixed use scheme at this site. The proposal is described as "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". The residential component is 12 residential units.

7.27.3 The issuing of the planning permissions follows the signing of a Section 106 agreement that includes matters such as a flood alleviation scheme contribution, a bus service contribution, a contribution towards cyclist and pedestrian networks and the funding of ecological and landscape improvements.

7.27.4 In my opinion, the concerns the subject of the objections were considered as part of the development control process or have been overtaken by events in other ways. In particular, at the time of my site visit, development had commenced and it was envisaged that the Asda store would be open in the summer of 2006. As such, Policy TCR24R and the related text are essentially redundant.

7.27.5 The Council would wish to maintain the allocation until there has been commencement of development consistent with the policy. This has now happened and I recommend that the policy and supporting text be deleted from the Plan.

RECOMMENDATIONS

7.27/1 Delete from the Plan Paragraphs 7.7.50R, 7.7.51R and Policy TCR24R.

7.27/2 Do not make any other modification in response to the objections.

7.28 LAND FOR RETAIL WAREHOUSING – POLICIES TCR25/TCR25R, PARAGRAPHS 7.7.35 TO 7.7.38 AND PARAGRAPHS 7.7.52R TO 7.7.53R

Objections

P633/1413	SecondSite Property
P966/2785	Denco Ltd
P1169/3707	BT PLC
W198/11312	Hereford Civic Society
RP1485/10896	DFKE (Hereford) Ltd
P358/11353	Environment Agency (Conditionally Withdrawn)

Summary of Objections / Issues

- The boundary of the retail warehouse area at Holmer Road should be extended. (633)
- Land at Holmer Road should be allocated for non-food retail warehousing. (966)

- The location of the site is appropriate for a local foodstore or A3 food outlet. (1169)
- There would be an adverse effect on traffic. (198)
- What is becoming an eyesore will deteriorate further. (198)
- The Blackfriars Street site should be retained as a location for retail warehousing. (1485)
- A flood risk assessment must be provided. (358)

Inspector's Reasoning and Conclusions

Extending the boundary of the retail warehouse area at Holmer Road - 633

7.28.1 Part of the objection has been met in that, in the Revised Deposit Draft, a portion of the objection site is now included within the policy area. However, there remains an area to the south that would continue to be safeguarded employment land.

7.28.2 There is no evidence that suggests to me that Hereford's retail requirements cannot be met on a combination of sites allocated within the Plan or within the central shopping and commercial area. As such, there is no justification for additional provision in an out of centre location like Holmer Road.

Allocating land for non-food retail warehousing - 966

7.28.3 In the Revised Deposit Draft, the objection site is included within the policy area. The objection has been met and no modification of the Plan is necessary.

Foodstore or A3 food outlet - 1169

7.28.4 Paragraph 7.7.2R of the Plan indicates that there is no significant requirement for further convenience floorspace in Hereford. With this assessment in mind, I do not consider that there is justification for allocating land that could be used for additional food retailing. In addition, and notwithstanding accessibility by non-car modes, the objection site is remote from residential areas. All in all, and in an out of centre location such as this, I do not support the case for provision of a local foodstore or an A3 food outlet.

Adverse effect on traffic - 198

7.28.5 In considering the detailed development of the site, it will be important to ensure that there would be no unacceptable traffic effects. However, I have no reason to suppose that this would be a matter that would undermine the principle of retail warehousing on the allocated site. Bearing in mind that, in appropriate cases, a transport assessment would be required under the provision of the Plan, no modification is necessary.

Deteriorating eyesore - 198

7.28.6 I have no doubt that the Council would wish to secure an attractive development and one that would enhance the appearance of this part of Hereford. Such matters can be addressed at the planning application stage and do not affect the principle of allocating the site. No modification of the Plan is necessary.

Blackfriars Street as a retail warehousing location - 1485

7.28.7 On a preliminary matter, I have noted the Council's determination that there is no duly made objection to the proposed allocation of land at Holmer Road for retail warehousing. Bearing in mind the nature of the other objections, it is to be expected that the allocation will be carried forward into the adopted Plan. In any event, there is an extant planning permission for the equivalent of about 4,800 sq m net of retail warehouse floorspace in this location. Land within the policy area but without planning permission would yield additional floorspace of approximately 5,200 sq m net. The Holmer Road allocation therefore equates to about 10,000 sq m net of floorspace for retail warehousing.

7.28.8 As to the case for an allocation at Blackfriars Street, this needs to be considered in the context of Hereford's retail requirement. This is set out in Paragraph 7.7.2R and has been previously discussed in Paragraphs 7.23.11 to 7.23.13 of my report. As previously stated, I regard retail warehousing as part of the overall requirement for comparison goods floorspace. This requirement is something in the range 25 - 31,000 sq m net.

7.28.9 When considering whether there could be a demand in the Blackfriars Street area, various deductions need to be made. First, an allowance of 10,000 sq m needs to be made in respect of the allocation at Holmer Road. Secondly, the potential of land at Bewell Street and Berrington Street needs to be considered. The Council's statement puts this potential at approximately 16,000 sq m. However, this would involve the loss of the present Tesco store. If an allowance of say 3,300 sq m is made for convenience floorspace in a slightly enlarged replacement, the residual comparison goods floorspace requirement would be in the range 2,300 to 8,300 sq m net.

7.28.10 In this regard, the main candidate site for new shopping provision is the livestock market. Whether or not 2,300 to 8,300 sq m of floorspace could be provided on this site would depend, in large measure, on the amount of car parking provision. However, I note from the Council's statement that 10,080 sq m could be provided on the very much smaller Bewell Street site. As such, I think it likely that the whole of Hereford's residual comparison floorspace requirement could be met on the livestock market site and there would be no need to consider a site at Blackfriars Street.

7.28.11 I have, in any event, other reservations about the Blackfriars Street site. I appreciate that the site will become an edge of centre site upon adoption of the revised boundary for the central shopping and commercial area. However, the precise relationship of this area with the primary shopping area has yet to be determined. In these terms, a retail warehousing allocation would be premature. More particularly, the allocation proposed by the objector would prejudice the Council's legitimate plans for the cultural and leisure quarter as discussed above.

7.28.12 I have also considered the position that would obtain if that part of the Holmer Road allocation without planning permission was taken out of account. The residual requirement would then rise by 5,200 sq m to 7,500 - 13,500 sq m. Based on the likely capacity of the livestock market site, I would expect that even this higher figure could be accommodated within the central shopping and commercial area and there would be no need for an allocation at Blackfriars Street.

7.28.13 To summarise, there is an expectation that the Holmer Road allocation will be adopted and that some 10,000 sq m net of retailing warehousing floorspace could be accommodated in that area. Be that as it may, I consider that Hereford's residual retail requirement could be accommodated within the primary shopping area as proposed to be extended. There would be no need to consider an allocation at Blackfriars Street even though, in terms of the sequential approach, this location would normally be preferred over Holmer Road. The objection site is also considered unsuitable for other reasons as noted above.

Flood risk assessment - 358

7.28.14 The objector originally stated that the development proposals must provide a flood risk assessment. However, this matter has not been pursued. The objection has been conditionally withdrawn and no further modification of the Plan is necessary.

RECOMMENDATION

7.28/1 Do not make any modification in response to the objections.

7.29 LAND AT COMMERCIAL ROAD - POLICY TCR26R AND PARAGRAPHS 7.7.54R TO 7.7.55R

Objections

W198/1186	Hereford Civic Society (Conditionally Withdrawn)
W198/11313	Hereford Civic Society
P315/599	CAAC
W316/603	Wellington Parish Council (Conditionally Withdrawn)
P358/11354	Environment Agency (Conditionally Withdrawn)

Summary of Objections / Issues

- The policy area should be extended to include the area behind Commercial Road. (198)
- The site is in need of improvement and redevelopment, but it should not be developed until an interchange and adequate hospital car parking are provided. (198)
- The bus station site should be used for hospital car parking before leisure use. (315)
- Massing of leisure outlets in Commercial Road causes public order problems. (316)
- A flood risk assessment should be undertaken. A requirement for sustainable urban drainage should be included. (358)

Inspector's Reasoning and Conclusions

Extension of Area – 198

7.29.1 Much of the area referred to is already included as town centre and some of the frontage is secondary shopping frontage. Established policies therefore provide an appropriate context for refurbishment and regeneration. Policy TCR26R is a site specific proposal and I agree with the Council that it would be inappropriate to extend it in the manner sought by the objector.

Parking for the hospital – 198, 315

7.29.2 I have no clear evidence on which to base a recommendation that this site should be used for parking. In general terms particular forms of development, including hospitals, should provide for their own parking needs.

Public order – 316

7.29.3 Whilst I understand concerns about public order, the proposed mix of uses does not necessarily imply a greater concentration of drinking establishments in this area. The site is well located within the town centre and close to the railway station. National guidance requires uses that generate a high number of visits should be located near public transport nodes and I consider that this is an appropriate location for leisure uses.

Other objection – 358

7.29.4 Proposed Change No 10 (Document J 20) proposes an addition to Paragraph 7.7.55R, to make reference to a need for a flood risk assessment in accordance with Policy DR7 and PPG 25. This has enabled the Environment Agency's objection to be conditionally withdrawn.

RECOMMENDATION

7.29/1 Do not make any other modification in response to the objections.

7.30 RETAIL OUTLETS SERVING AGRICULTURAL BUSINESSES – PROPOSED NEW POLICY

Objection

P846/2235 Country Land and Business Association

Summary of Objection / Issue

- A criteria based policy should be included allowing consideration of proposals for large retail outlets for agricultural or countryside businesses in rural areas. (846)

Inspector's Reasoning and Conclusions

7.30.1 I consider that the retail hierarchy set out in the Plan appropriately reflects the advice of Planning Policy Statement 6. In accordance with the Plan's strategy, I accept that the settlements identified as service centres for their surrounding rural areas should be the foci for new development. I do not consider that there is any justification for introducing a policy for a specialist type of retail activity which would breach the principles of the strategy and national guidance on retailing.

RECOMMENDATION

7.30/1 Do not make any modification in response to the objection.