

**MINUTES of the meeting of Planning Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Tuesday 30 March 2010 at 10.00 am**

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

Councillors: PA Andrews, DJ Benjamin, PGH Cutter, GFM Dawe, DW Greenow, KS Guthrie, JW Hope MBE, RC Hunt, G Lucas, RI Matthews, AT Oliver, JE Pemberton, DC Taylor, WJ Walling and PJ Watts

**In attendance:** Councillors MAF Hubbard and AM Toon

**102. APOLOGIES FOR ABSENCE**

Apologies were received from Councillors ACR Chappell, H Davies, B Hunt, AP Taylor and JD Woodward.

**103. NAMED SUBSTITUTES (IF ANY)**

Councillors PA Andrews, DJ Benjamin and AT Oliver were noted as substitute members.

**104. DECLARATIONS OF INTEREST**

5. DMCE092576F - EDGAR STREET TO COMMERCIAL ROAD, INCLUDING BARRS COURT ROAD, BLACKFRIARS STREET, CANAL ROAD, NEWTOWN ROAD, HEREFORD. Councillor GFM Dawe, Personal.

5. DMCE092576F - EDGAR STREET TO COMMERCIAL ROAD, INCLUDING BARRS COURT ROAD, BLACKFRIARS STREET, CANAL ROAD, NEWTOWN ROAD, HEREFORD. Councillor MAF Hubbard, Prejudicial.

5. DMCE092576F - EDGAR STREET TO COMMERCIAL ROAD, INCLUDING BARRS COURT ROAD, BLACKFRIARS STREET, CANAL ROAD, NEWTOWN ROAD, HEREFORD. MJ Willmont (Development Control Manager), Personal.

**105. CHAIRMAN'S ANNOUNCEMENTS**

The Chairman advised that the time allocated for public speaking had been extended to 6 minutes for each party.

**106. DMCE092576F - EDGAR STREET TO COMMERCIAL ROAD, INCLUDING BARRS COURT ROAD, BLACKFRIARS STREET, CANAL ROAD, NEWTOWN ROAD, HEREFORD**

*demolition of existing buildings and construction of new highway, cycleway, drainage, landscaping and associated works between the a49 (t) Edgar Street and a465 commercial road, Hereford, along with a new road link to unclassified road 80332 Blackfriars Street and U80335 Canal Road, a new junction with Widemarsh Street and associated highway improvement works including to the junction of the A49(t) Edgar Street and B4359 Newtown Road and the junction of A465 Aylestone Hill and C1127 Barrs Court Road, Hereford.*

The Head of Planning and Transportation introduced the application. He advised that it was vital that the application was determined with policy in mind and that the Secretary of State had not called in the application. Therefore the determination of the application fell to the Planning Committee.

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

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

- The 'It's Our City' campaign had received 10000 signatures in objection to the application in just 10 weeks.
- The road is included in the saved policies of the UDP but no further detail was given for the proposal.
- Consultation for the ESG Supplementary Planning Document was flawed and generated just 38 responses with just a third in favour.
- The report stated that one of the primary functions of the road was to redistribute traffic away from the inner ring road yet the planning officer admitted in his report that the road would not do this.
- The application before the committee was premature.
- The modelling software relied on assumptions as the plans were the urban village and retail quarter were not completed.
- The application for the road should have been put on hold pending the completion of the other key plans in order to determine what facilitates the road would be serving.
- Concerns were raised in respect of the Air Quality Management Area. Allowing the application would have a detrimental effect on the AQMA.
- Herefordshire Council set up ESG Limited, surely the Council should not be permitted to determine the application.
- Natural England comments noted in respect of the canal basin and green infrastructure.
- The mixed cycleway and pedestrian footway would bring people directly into conflict with each other, this was directly against modern principles of developing urban streets.
- How would the local businesses be looked after, was there a budget in place to fund their relocation.

In accordance with the criteria for public speaking, Mr Faulkner and Mr James spoke in objection to the application, and Dr Nicholson, the applicant, spoke in support.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillors PA Andrews and AM Toon, two of the Three Elms ward members, commented on a number of issues, including:

- The improvements on the roundabouts would be welcomed.
- The application was always going to arise strong feelings within the city.
- Residents from the Three Elms Ward were generally in support of the application.
- There had been two years of consultation.
- All aspects raised by the Three Elms Councillors had been integrated into the application.
- Was the Gully on the Newtown Road roundabout being reinstated?
- Concerns were raised regarding any possible flood risk.

- Concerns were raised regarding traffic issues off Aylestone Hill and the possible 'rat runs' through Hopton Road and Southbank Road.
- The application was welcomed by the local ward members.

In response to a question from Councillor PA Andrews regarding the access to 123 Edgar Street, the Principal Planning Officer advised that Condition 33 (as amended) ensured that access issues were resolved prior to any commencement of works.

In response to a number of points raised by the Committee, the Head of Planning and Transportation confirmed that no planning applications had been submitted in respect of the Edgar Street Grid but that detailed schemes were in preparation and that he had confidence in the total package coming forward. He requested that Members determine the application on its merits and advised that it was not unusual for an application for road infrastructure to precede other aspects of a development.

A Member of the Committee asked for clarification regarding any possible consultation with the Council and the NHS regarding alternative transport methods. He felt that closer working with two of Herefordshire's lead employers could reduce highway demand and alleviate the requirement for a new road. He also expressed concerns regarding the proposed combined pedestrian and cycle paths and the footfall data inputted into the model. In summing up he felt that the application had been submitted prematurely and called for a public enquiry.

In response to these points the Head of Planning and Transportation advised that the application had not been called in by the Secretary of State and that it therefore needed to be determined by the committee with weight given to all of the material planning considerations. He added that in his opinion there was no reason to hold a public enquiry. In respect of the earlier points raised by Members he added that the application would change traffic patterns but that all aspects of travel had been investigated, He added that granting the application would not address all of the traffic problems but that it would allow a free flow of pedestrians, cycles and motor vehicles.

The Principal Planning Officer also added that both rail and bus travel had been considered in the model and that a multi-modal traffic model had been used which incorporated pedestrian, cycle and vehicular data. He also advised that the Council did have a travel plan for its own operation. In summing up he noted that the model had been calculated on a worst case traffic scenario.

In response to a question the Principal Planning Officer confirmed that 121 Edgar Street was opposite the new proposed junction. He noted the concerns raised regarding turning right from Aylestone Hill onto Barrs Court Road and stated that a scheme had been modelled with and without the right turn and that the technical experts had advised that traffic flow was improved with the restriction in place. He did note that the model could not account for driver behavioural patterns and noted the concerns raised in respect of cars using Hopton Road. He advised that a sum of £250,000 had been allocated to deal with any issues arising from the changed patterns of traffic movements.

Members also raised concern in respect of the possibility of traffic problems on Commercial Road, Edgar Street and Southbank Road as a result of the application.

A number of Members raised concerns in respect of the affect the application would have on Rockfield DIY as the application required the use of the site it currently occupied. Members discussed the merits of redirecting the road in order to preserve Rockfield DIY. It was noted that this would require the removal of a section of Morrison's car park. Members felt that Rockfield DIY was of great importance and requested that the Council work closely with the owners of Rockfield to investigate relocation options. Members also noted that a number of other businesses would be affected by the

application and felt that these businesses needed to be supported by the Council with careful thought given to any possible relocation.

In response to a number of points raised by Members, the Principal Planning Officer advised that the road could not be deviated around Rockfield and it would need a complete redesign to do so. He added that the employment generated by all affected businesses has been considered and that Rockfield DIY would be relocated to a suitable site. In summing up he confirmed that a site had not been agreed and that discussions were ongoing.

Members were also concerned in respect of the lack of a bus lane within the proposed infrastructure. Members felt that in order to complement a 'park and ride' in Hereford it was vital for busses to have a fast route into the city. The Principal Planning Officer advised Members that a bus lane had been considered but that the route did not fall within existing bus routes as the principal bus route was via the city centre. The Head of Planning and Transportation added that the bus route was important however the new road would not form the bus route for the 'park and ride'.

During the debate Members also discussed concerns regarding the possible loss of car parking spaces at Merton Meadow. It was noted that there was a lack of long stay parking within the city centre and that the Merton Meadow car park was a valuable source of low cost, long stay parking for people working in Hereford. Members debated the application fully and raised a number of points, including; the need to look closely at green infrastructure including green transport plans and sustainable water management; funding could be better spent revitalising the city centre; the number of junctions in close proximity on the new road; the benefits of the Edgar Street Grid in respect of affordable housing within Hereford; the amendments to the canal resulting in a smaller canal section with a canal basin at one end; the importance of securing funding within Herefordshire; the support that the application had received from the City Council; and the general need to make Hereford an attractive option for shoppers throughout the County.

Councillors PA Andrews and AM Toon were given the opportunity to close the debate in accordance with the Council's Constitution. They reiterated the issues raised in their opening statements and also made a number of addition points, including:

- Hereford needed to move forward and the investment in the city was welcomed.
- Improvements were needed in the city's cycle network.

## **RESOLVED**

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

**That planning permission be granted subject to the following conditions and any additional conditions considered necessary by officers:**

- 1 A01 Time limit for commencement (full permission)**
- 2 B01 Development in accordance with the approved plans**
- 3 D02 Approval of details**
- 4 E01 Site investigation - archaeology**

- 5 **G01 Earthworks**
- 6 **G02 Retention of trees and hedgerows**
- 7 **G03 Retention of existing trees/hedgerows**
- 8 **G04 Protection of trees/hedgerows that are to be retained**
- 9 **G10 Landscaping scheme**
- 10 **G11 Landscaping scheme - implementation**
- 11 **G14 Landscape management plan**
- 12 **H18 Roads - engineering details**
- 13 **H19 Phasing**
- 14 **H21 Wheel washing**
- 15 **H27 Parking for site operatives**
- 16 **I16 Restriction of hours during construction**
- 17 **Prior to commencement of the development a Construction Environmental Management Plan shall be submitted for approval in writing of the local planning authority and shall include measures to minimise the extent of dust, odour, noise and vibration arising from the construction process as set out in the Environmental Statement. The construction shall be carried out in accordance with the approved Construction Environmental Management Plan.**

**Reason: To safeguard the residential amenity of surrounding properties and to comply with Policy DR2 of the Herefordshire Unitary Development Plan.**

- 18 **I25 Bunding facilities for oils/fuels/chemicals**
- 19 **I55 Site Waste Management**
- 20 **I20 Scheme of Surface Water Drainage**
- 21 **Prior to the commencement of development, an Ecological Construction Working Method Statement covering the mitigation detailed in Section 13.6 of the Environmental Statement shall be submitted to the local planning authority for the approval in writing to include a schedule of identified habitat and species, timings of demolition and construction works along with species and habitat enhancement during and post construction all overseen by a nominated ecological clerk of works. In addition, a full design details to include scale plan shall be submitted of the proposed otter underpass as identified on drawing no. Development shall be carried out and biodiversity enhancement implemented in accordance with the approved details and timings within the Method Statement.**

**Reason: To safeguard the biodiversity interest of the site and comply with policies NC1, NC7 and NC8 of Herefordshire Unitary Development Plan.**

- 22** Prior to commencement of development details shall be provided of the location and height of waste material to be stored on site including areas for sorting of waste on site shall be submitted for the approval in writing of the local planning authority. All waste shall be stored and disposed of in accordance with the approved details for the duration of the demolition and construction process.

**Reason:** To ensure appropriate storage and disposal of all waste and to comply with Policy W11 of the Herefordshire Unitary Development Plan.

- 23** Prior to the commencement of development approved by this planning permission, the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved in writing by the local planning authority.

**1.** A site investigation scheme, based on the desk study, ref PB January 2008, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

**2.** The site investigation results and the detailed risk assessment (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

**3.** A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

**Reason:** To protect the controlled waters at this site which are of high environmental sensitivity as the site is located on a Secondary aquifer (formerly Minor aquifer) and contamination is known/strongly suspected at the site from previous land use.

- 24** Prior to commencement of development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved in writing by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority.

**Reason:** To demonstrate that the remediation criteria relating to controlled waters have been met and (if necessary) to secure longer-term monitoring of groundwater quality. This will ensure that there are no longer remaining unacceptable risks to controlled waters following remediation of the site.

- 25** Reports on monitoring, maintenance and any contingency action carried out in accordance with a long-term monitoring and maintenance plan shall

be submitted to the local planning authority as set out in that plan. On completion of the monitoring programme a final report demonstrating that all long-term site remediation criteria have been met and documenting the decision to cease monitoring shall be submitted to and approved in writing by the local planning authority.

**Reason:** To ensure that longer term remediation criteria relating to controlled waters have been met. This will ensure that there are no remaining unacceptable risks to controlled waters following remediation of the site.

- 26 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted, and obtained written approval from the local planning authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

**Reason:** Given the size/complexity of the site it is considered possible that there may be unidentified areas of contamination at the site that could pose a risk to controlled waters if they are not remediated.

- 27 Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from the link road shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained.

**Reason:** To prevent pollution of the water environment.

- 28 Prior to the commencement of development a Construction Traffic Management Plan including a scale plan identifying the principal route of construction traffic for each phase of the development shall be submitted for the approval in writing of the local planning authority. Development shall be carried out in accordance with the agreed Traffic Management Plan.

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

- 29 Prior to the commencement of development a Parking Strategy shall be submitted for the approval in writing of the local planning authority. The strategy shall identify the following:

1) The number of long and short stay car and lorry parking spaces lost at each phase of development and the timing of loss of each parking area,

2) The provision of alternative temporary and/or permanent parking areas to mitigate the loss

3) A strategy for the redistribution of parking elsewhere within existing car parks where capacity exists throughout the year including a specific strategy for the Christmas period.

The loss of each area of parking shall be advertised in the local press in advance of its loss and details of alternative provision provided including

signage within the city. The final strategy shall be implemented as approved in accordance with timings within the strategy.

Reason: In the interests of highway and pedestrian safety to ensure adequate long and short stay parking is maintained to serve the needs of the city and to comply with Policy DR3 of the Herefordshire Unitary Development Plan.

- 30 Prior to commencement of development details to include scale plans of the proposed mitigation measures to be implemented in order to safeguard and enable the continued operation of businesses directly affected by the development (which are not to be demolished). The agreed specification and details shall be completed in accordance with the agreed programme of works and phasing of the development.

Reason: To ensure existing businesses that are not proposed to be demolished can continue to operate/trade and to comply with Policy E5 of the Herefordshire Unitary Development Plan.

- 31 Prior to commencement of development details shall be submitted for the approval in writing of the local planning authority of the means of preventing the new section of Canal Road from being a through route for vehicular traffic save for emergency vehicles. The agreed measures shall be implemented prior to the first use of the new section of Canal Road hereby permitted.

Reason: To restrict the vehicular traffic from travelling southwards along Canal Road in the interests of highway and pedestrian safety and to comply with Policy DR2 of the Herefordshire Unitary Development Plan.

- 32 Prior to commencement of development a strategy to facilitate off site works to mitigate any secondary impacts of the road once fully operational shall be submitted for the approval in writing of the local planning authority. The agreed strategy shall be implemented as approved in accordance with the agreed programme forming part of the strategy.

Reason: To enable the whole impact of the road to be assessed and monitored following completion and the implementation of any necessary mitigating works in accordance with an agreed timescale and to comply with Policy DR2 of the Herefordshire Unitary Development Plan.

- 33 No development shall take place unless and until a detached scheme of Highway Works for the proposed junction between the A49 trunk road and the ESG Link Road, broadly in accordance with drawing number HDC91362A/3 dated 18 August 2009 has been submitted to and approved in writing by the local planning authority. The scheme shall detail the traffic signalised junction between the A49 and the ESG Link Road. The scheme approved shall be implemented and completed in full according to the approved detailed scheme.

Reason: In order to ensure the safe and efficient flow of the A49 through Hereford and to comply with Policy DR2 of the Herefordshire Unitary Development Plan.

#### **INFORMATIVES:**

- 1 N19 Avoidance of doubt - Approved Plans



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

*(Councillors RI Matthews, AT Oliver and WJ Walling asked for it to be recorded that they abstained from voting in respect of this item)*

**107. DATE OF NEXT MEETING**

It was noted that the next meeting of the Planning Committee would take place on Wednesday 14 April 2010.

**APPENDIX 1 - SCHEDULE OF COMMITTEE UPDATES**

The meeting ended at 11.50 am

**CHAIRMAN**



## **SCHEDULE OF COMMITTEE UPDATES**

**DMCE/092576/F - EDGAR STREET TO COMMERCIAL ROAD, INCLUDING BARRS COURT RD, BLACKFRIARS ST, CANAL ROAD, NEWTOWN ROAD, HEREFORD**

**FOR: ESG Herefordshire Ltd PER Dr David Nicholson ESG Herefordshire Ltd, 3 Blackfriars Street, Hereford, Herefordshire, HR4 9HS**

### **ADDITIONAL REPRESENTATIONS**

Letter from Herefordshire and Worcestershire Chamber of Commerce:-

The area Council of the Chamber have voted to support the application as it is critical to opening up land for development on ESG and improving access and flow to and from the station. If permission is approved, there must be a support package aided by government agencies and improved communication to help with the relocation of business near to the city centre in order to retain its vitality.

A copy of letter between Cllr Wilcox and a local resident raising concerns about traffic flows, speeds and general impact, timings of traffic lights and creation of rat runs in the Southbank road/Aylestone Hill areas.

Comments from Councils Land Drainage Engineer:

The road involves little change of impermeable area and attenuation storage is proposed where changes occur. The proposal also includes spillage containment and pollution interceptors on all outfalls due to the proximity of the site to River Wye and Widemarsh Brook. All flood risk scenarios have been considered with flood risk being significantly reduced with the implementation of Yazor Brook Flood Alleviation Scheme and longer term on site measures. Overall we raise no objection to the application subject to a robust emergency procedure plan being in place to manage flood risk.

Amended landscaping plans have been received which identify additional tree planting within areas of the highway that contain central reservations. This has been introduced to re-enforce the desired boulevard appearance of the road.

Planning Policy Guidance Note 15 – Planning and the Historic Environment and Planning Policy Guidance Note 16 – Archaeology and Planning have been replaced with a new Planning Policy Statement entitled Planning for the Historic Environment which came into effect on 23<sup>rd</sup> March 2010. The guidance contained within the new Planning Policy Statement as it applies to this application is not significantly or materially different to the previous Planning Policy Guidance notes referred to in the report.

### **OFFICER COMMENTS**

The additional comments and representations received do not raise any new material planning issues that aren't already covered in the report and the attached conditions.

### **CHANGE TO RECOMMENDATION**

Typo in condition 33, replace the word 'detached' in the first line with the word 'detailed'.

Discussion are ongoing with the owner of 121 Edgar Street. Following a recent meeting, options for maintaining a safe access were discussed. Therefore, it is recommended that condition 33 is amended to include a requirement that the Edgar Street junction final design shall include measures to ensure that a safe vehicular access can be maintained to number 121 Edgar Street to be approved by the local planning authority in consultation with the Highways Agency.

