

Minutes of the meeting of Planning and Regulatory Committee held at Herefordshire Council Offices, Plough Lane, Hereford, HR4 0LE on Wednesday 6 September 2023 at 10.00 am

Present: Councillor Terry James (chairperson)
Councillor Clare Davies (vice-chairperson)

Councillors: Polly Andrews, Bruce Baker, Dave Boulter, Simeon Cole, Dave Davies, Elizabeth Foxton, C Gennard, Peter Hamblin, Dan Powell, Stef Simmons, Richard Thomas and Diana Toynbee

In attendance: Councillors Roger Phillips

Officers: Locum Solicitor, Planning & Highways, Highways Representative and Development Manager Hereford and South Team

22. APOLOGIES FOR ABSENCE

Apologies were received from Councillor John Stone.

23. NAMED SUBSTITUTES (IF ANY)

There were no named substitutes.

24. DECLARATIONS OF INTEREST

There were no declarations of interest.

25. MINUTES

RESOLVED: That the minutes of the meeting held on 16 August 2023 be approved.

26. 220646 - TURNPIKE CARAVAN SITE, PEMBRIDGE, HEREFORDSHIRE, HR6 9JZ

The Principal Planning Officer gave a presentation on the application and the updates/representation received following the publication of the agenda, as provided in the update sheet and appended to these minutes.

In accordance with the criteria for public speaking Mr Pace, spoke on behalf of Pembridge and Shobdon parish councils, Mr Stokes, spoke in objection to the application and Mr Fry, the applicant's agent, spoke in support.

In accordance with the council's constitution, the local award member spoke on the application. He explained that the primary issues regarding the application concerned the highway safety and welfare of travellers, their children and the drivers of vehicles destined to local businesses. The proposed entrance to the site was on a road serving a busy industrial area and evidence was presented of the projected vehicle movements along the road on which the entrance was sited. It was projected that there would be over 600 vehicle movements per day on the road and that movements would continue into the night on the road where there was no lighting. There was concern that there had not been an adequate highway safety assessment due to the access road being located on private land. The

applicant was urged reassess the site with a different layout and a single entrance to address concerns regarding the hazard posed to residents on the site by the busy, unlit access road. The committee was urged to reject the application as it was in conflict with the core strategy and the Pembridge Neighbourhood Development Plan (NDP).

The committee debated the application. During consideration of the application the committee raised the following principal points:

- The location for the caravan site was in a suitable position;
- There was an advisory speed limit of 20 miles per hour on the road, but as it was a private road it was not possible to enforce the limit;
- The projected increase in the number of vehicles using the road was significant;
- There was an open space in close proximity to the road. The site would require adequate fencing and the maintenance of that fencing, to prevent open access to the road from the site; and
- The proximity of the road to the site posed serious highway safety concerns and a reassessment of the location of the access was urged.

The local ward member was given the opportunity to close the debate. He explained that objections to the application did not concern the principle of the site in its current location but the highway safety of local residents and drivers.

A motion that the application be refused due to highway safety concerns relating to the entrance to the site and the access road, contrary to core strategy policies TS1 (6), TS7 (8), MT1 and SD1, was proposed by Councillor Stef Simmons and seconded by councillor Richard Thomas. The motion was put to the vote and was carried by a simple majority.

RESOLVED – That:

The application be refused due to highway safety concerns relating to the entrance to the site and the access road, contrary to core strategy policies TS1 (6), TS7 (8), MT1 and SD1.

There was an adjournment at 10:54 a.m.; the meeting reconvened 11:04 a.m.

Councillor Catherine Gennard joined the meeting at 11:04 a.m.

27. 192515 - BALANCE FARM, TITLEY, KINGTON, HEREFORDSHIRE, HR5 3RL

The Principal Planning Officer gave a presentation on the application and the updates/representations received following the publication of the agenda, as provided in the update sheet and appended to these minutes.

In accordance with the criteria for public speaking, Mr Edwards spoke on behalf of Titley Group Parish Council, Ms Whitlock, spoke in objection to the application, and Mr Tompkins, the applicant's agent, spoke in support.

In accordance with the council's constitution the local ward member spoke on the application, he explained that the application concerned the scale, layout and landscape of the proposed development. It was noted that the Titley NDP had acquired relevance following inspection by the planning inspectorate and was at a stage where it was to be presented for referendum. There was local concern regarding the design and scale of the proposed properties, in particular the proposed brickwork was not consistent with the local vernacular of stone. The height of the proposed buildings was a concern with the tallest standing at one meter higher than the existing agricultural structures on the site. Due to the design and scale of the buildings there was concern that the development

would have an adverse impact upon the local landscape. It was felt that the application was in conflict with the Titley NDP policies TG5, TG13 and TG16.

The committee debated the application. During consideration of the application the committee raised the following principal points:

- The proposed red brick design was felt to be very suburban and unsympathetic to the local area;
- A deferral of the application would allow the applicant to produce a design which was more sympathetic to the locality;
- There was concern regarding the height of the buildings. The ridge heights were felt to be too high and suburban in nature; and
- The layout of the site should be reconsidered to utilise renewable sources of energy more efficiently.

The Local Ward Member was given the opportunity to close the debate. He explained that dialogue between the applicant, the local community and the parish council was necessary to take the application forward.

A motion the application is deferred to allow for a reassessment of the scale, design and layout of the proposed scheme was proposed by councillor Polly Andrews and seconded by Councillor Stef Simmons. The motion was put to the vote and carried unanimously.

RESOLVED – That:

The application is deferred to allow for a reassessment of the scale, design and layout of the proposed scheme.

28. APPENDIX - UPDATES SHEET TO PLANNING COMMITTEE - 6 SEPTEMBER 2023
(Pages 5 - 10)

The meeting ended at 11.48 am

Chairperson

PLANNING COMMITTEE

Date: 6 September 2023

Schedule of Committee Updates/Additional Representations

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

SCHEDULE OF COMMITTEE UPDATES

220646 - Proposed Extension of Turnpike Traveller Site

Turnpike Caravan Site, Pembridge, Herefordshire, HR6 9JZ

For: Mr Jones per Mr Owen Fry, Shiretown House, 41-43 Broad Street, Hereford, Herefordshire, HR4 9AR

ADDITIONAL REPRESENTATIONS

No additional representations have been received from members of the public.

Following the publication of the Officer Report, the Applicant's Agent has provided the following comments as points of clarification in relation to the site's waste management arrangements and provision for renewable / low carbon energy:

Waste management: In some comments from the Parish Council and objectors concern was raised regarding waste management and litter. The bin collection point is located within the site for the proposed units, it will be within the tenancy agreements for residents on the new and existing sites that residents must store their bins on their own plot, and that bins must only be put in designated collection area for collection. Further to this the site will be managed in accordance with a waste management policy. By preventing bins from being stored permanently on roadsides, the risk of litter is reduced and the visual impact of the bin stores is significantly reduced.

Electric vehicle charging points – The infrastructure to allow EV charging points to be installed is included as part of the refurbishment. The infrastructure is also available on site for the provision of solar panels in future and tenants wishing to install this will have the ability to do so.

Officers have also received information from the local ward Councillor, Roger Phillips, regarding traffic movements associated with businesses using the Torvale Industrial Estate Road. In summary the information provided by Kingspan suggests that the number of HGV movements using the private road could increase to around 350 per day. The accompanying email which is understood to have been sent to all Councillors suggests that this would represent a highway safety risk. The detailed table of traffic movements is included in full at **Appendix A**.

OFFICER COMMENTS

The arrangements for waste are noted. Confirmation of the exact arrangements and ongoing implementation of these will be secured via the Site Management Plan under Condition 8.

With regards to EV charging points, the intention to provide these is noted. An additional condition is recommended to secure full details of the EV points (and any other renewable or low carbon energy infrastructure) prior to the first occupation of the development.

In relation to the data received regarding traffic levels on the Torvale Industrial Estate road, the original source for this information is not provided and no methodology is included to clarify how the reported traffic movements have recorded and modelled. As such, Officers are unable to make any informed assessment of its accuracy or relevance. Notwithstanding

this, Officers would consider that the traffic generation associated with the development proposed is minimal relative to existing movements and the scheme would not lead to a significant uplift in traffic which could not be safely accommodated within the capacity of the highway network.

CHANGE TO RECOMMENDATION

Additional condition recommended as follows:

Prior to the first occupation of the development hereby approved, details of the proposed scheme of electric vehicle (EV) charging points and any other renewable / low carbon energy generation proposed shall be submitted to the Local Planning Authority for written approval. The information shall include details of the number, type/specification and location of all electric vehicle charging points to be provided. The approved scheme of measures shall be implemented prior to the first occupation of the development and thereafter maintained in perpetuity.

Reason: To address the requirements policies in relation to climate change SS7, MT1 and SD1 of the Herefordshire Local Plan Core Strategy, policy PEM14 of the Pembridge Neighbourhood Development Plan, to assist in redressing the Climate Emergency declared by Herefordshire Council and to accord with the provisions at paragraphs 108 and 110 of the National Planning Policy Framework.

Appendix A

Private Access to Shobdon Airfield Ind Est
Analysis of Short Medium Term Traffic Flows

Business	Annual			Days per Week	Average per day	Goods Vehicle		To/From		Peak per day
	Movements	1 or 2 way	Vehicle Passes			%age	Nr	Milton Cross	Pembridge	
<u>Constant Flow</u>										
Kingspan	122,500	1	122,500	7	350	100%	350	350	0	350
Powell & Co	5,980	2	11,960	5	46	65%	30	30	16	46
MAC Industries	2,250	2	4,500	5	17	24%	4	13	4	17
Quarry	5,000	2	10,000	5	38	95%	36	36	2	38
<u>Variable</u>										
Craven Grain	2,766	2	5,532	5	21	81%	17	17	4	101
Corbett Farms	2,500	2	5,000	5	19	100%	19	19	0	102
Eckley Poultry Houses	1,500	2	3,000	5	12	75%	9	6	6	70
R Edwards & Co	375	2	750	5	3	100%	3	3	0	25
Herefordshire Biogas	8,694	2	17,388	6	56	96%	54	54	2	130
Shobdon Football Club	3,600	2	7,200	3	46	0%	-	23	23	70
			187,830		609		522	552	57	950

192515 - Application for approval of Reserved Matters following outline approval. (160581 - Proposed site for the erection of 5 no. Four bedroom dwellings).

Balance Farm, Titley, Kington, HR5 3RL

For: Ms Vaughan per Mr Matt Tompkins, 10 Grenfell Road, Hereford, Herefordshire, HR1 2QR

OFFICER COMMENTS

Members will note that the Officer recommendation of approval is dependent on the completion of a Section 106 agreement to secure the purchase of Phosphate Credits. In purchasing these credits, the Applicant will be funding the delivery of the Council's integrated wetland project which will mitigate for the effects of the proposed development and deliver net betterment to the River Lugg / River Wye SAC – thus achieving 'Nutrient Neutrality' and allowing for a positive assessment to be completed under the Conservation of Habitats and Species Regulations 2017.

Officers are however cognisant of the announcement made at a national level by the Department for Levelling Up, Housing and Communities on 29th August 2023. In essence, this announcement introduced amendments to be made to the Levelling Up and Regeneration Bill which will remove the restrictions for 'nutrient neutrality' to be demonstrated in relevant catchments. The press release for the announcement can be viewed here:

<https://www.gov.uk/government/news/100000-more-homes-to-be-built-via-reform-of-defective-eu-laws>

At the current point in time, the Bill remains in draft form, needing to complete passage through the House of Lords before final amendments and then Royal Assent. It may therefore still be subject to change as part of this process and hence the full implications of the proposed amendments upon the need to demonstrate 'nutrient neutrality' (and the procedural mechanisms that may be associated with this) are not yet clear.

As such, Members are advised that the Council is continuing with the trading of Phosphate Credits for qualifying applications in order to achieve Nutrient Neutrality until further notice. The Applicant for the current proposal has been contacted in light of the recent announcements from Government and has confirmed that they remain committed to the purchase of credits, as per the Officer Report.

Notwithstanding this, an amendment is made to the Officer recommendation in order to give some flexibility to pursue alternative approaches should the progression of the Bill provide a way forward which allows for nutrient neutrality to be achieved without the purchase of credits being necessary. The previous recommendation and proposed change are set out below:

Previous Recommendation:

That subject to the completion of a Section 106 Town & Country Planning Act (1990) obligation agreement to secure the purchase of Phosphate Credits sufficient to mitigate for the effects of the development upon the River Lugg / River Wye SAC, approval of Reserved

Matters be granted subject to the conditions below and any other further conditions considered necessary by Officers named in the Scheme of Delegation

CHANGE TO RECOMMENDATION

That subject to the completion of a Section 106 Town & Country Planning Act (1990) obligation agreement to secure the purchase of Phosphate Credits sufficient to mitigate for the effects of the development upon the River Lugg / River Wye SAC **(or subject to any other mechanism considered appropriate by Officers which allows for a positive assessment to be completed in accordance with the Conservation of Habitats and Species Regulations 2017)**, approval of Reserved Matters be granted subject to the conditions below and any other further conditions considered necessary by Officers named in the Scheme of Delegation.