

A G E N D A

Planning Committee

Date: **Friday, 30th January, 2004**

Time: **10.00 a.m.**

Place: **Council Chamber, Brockington**

Notes: Please note the **time, date** and **venue** of the meeting.

For any further information please contact:

*Pete Martens, Members Services,
Tel: 01432 260248*

e-mail: pmartens@herefordshire.gov.uk

**County of Herefordshire
District Council**

AGENDA

for the Meeting of the Planning Committee

To: Councillor T.W. Hunt (Chairman)
Councillor J.B. Williams (Vice-Chairman)

Councillors B.F. Ashton, M.R. Cunningham, P.J. Dauncey, Mrs. C.J. Davis,
D.J. Fleet, J.G.S. Guthrie, J.W. Hope, B. Hunt, Mrs. J.A. Hyde,
Brig. P. Jones CBE, Mrs. R.F. Lincoln, R.M. Manning, R.I. Matthews,
Mrs. J.E. Pemberton, R. Preece, Mrs. S.J. Robertson, D.C. Taylor and
W.J. Walling

	Pages
1. APOLOGIES FOR ABSENCE To receive apologies for absence.	
2. MINUTES To approve and sign the Minutes of the meeting held on 28th November, 2003.	1 - 8
3. NAMED SUBSTITUTES (IF ANY) To receive details any details of Members nominated to attend the meeting in place of a Member of the Committee.	
4. DECLARATIONS OF INTEREST To receive any declarations of interest by Members in respect of items on the Agenda.	
5. CHAIRMAN'S ANNOUNCEMENTS To receive any announcements from the Chairman.	
6. NORTHERN AREA PLANNING SUB-COMMITTEE To receive the attached report of the Northern Area Planning Sub-Committee.	9 - 10
7. CENTRAL AREA PLANNING SUB-COMMITTEE To receive the attached report of the Central Area Planning Sub-Committee.	11 - 12
8. SOUTHERN AREA PLANNING SUB-COMMITTEE To receive the attached report of the Southern Area Planning Sub-Committee.	13 - 14

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|-----|--|---------|
| 9. | <p>DCCE2003/3285/G - MODIFICATION OF PLANNING OBLIGATIONS UNDER S.106A DATED 17/01/92 AND 28/08/96. OBLIGATIONS :- TO NOT CAUSE OR PERMIT ANY PERSON OTHER THAN AN ELDERLY PERSON OR CHRONICALLY SICK OR DISABLED PERSON TO RESIDE WITHIN ANY PART OF PROPERTY OR ANY EXTENSION THERETO AT LAND TO SOUTH-WEST SIDE OF LUGWARDINE COURT ORCHARD AT LUGWARDINE COURT, LUGWARDINE, HEREFORDSHIRE, HR1 4AE</p> <p>To consider a report regarding the proposed modification of a Planning Obligation.</p> <p>Ward: Hagley</p> | 15 - 20 |
| 10. | <p>DESIGNATION OF TREE PRESERVATION ORDERS - ASSESSING AMENITY VALUE</p> <p>To consider the piloting of an evaluation process for determining the amenity value of trees and amend procedures to enable TPOs to be made urgently where necessary.</p> <p>Wards: County-wide</p> | 21 - 26 |
| 11. | <p>DRAFT PLANNING POLICY STATEMENT (PPS) 22 : RENEWABLE ENERGY</p> <p>To consider the proposals contained in PPS22 on Renewable Energy and recommend a response to the Office of the Deputy Prime Minister (ODPM) to the Cabinet Member (Environment).</p> <p>Wards: County-wide</p> | 27 - 30 |
| 12. | <p>DRAFT PLANNING POLICY STATEMENT (PPS) 11 : REGIONAL PLANNING AND PPS12 LOCAL DEVELOPMENT FRAMEWORKS</p> <p>To inform the Committee of the proposals contained in PPS11 on Regional Planning and PPS12 on Local Development Frameworks.</p> <p>Wards: County-wide</p> | 31 - 34 |
| 13. | <p>PARISH PLANS FOR MIDDLETON ON THE HILL AND LEYSTERS, PEMBRIDGE AND THE BORDER GROUP</p> <p>To consider the Middleton on the Hill and Leysters, Pembridge and the Border Group Parish Plans for adoption as interim Supplementary Planning Guidance to the emerging Herefordshire Unitary Development Plan.
<i>(copies of the documents are enclosed separately for Members of the Committee and in the Members Lounge at Brockington)</i></p> <p>Wards: Mortimer, Pembridge and Lyonshall with Titley, Upton</p> | 35 - 38 |
| 14. | <p>CRADLEY AND STORRIDGE VILLAGE DESIGN STATEMENT</p> <p>To consider the accompanying Village Design Statement (VDS) for adoption as Supplementary Planning Guidance to the Malvern Hills District Local Plan.
<i>(a copy of the document is enclosed separately for Members of the Committee and in the Members Lounge at Brockington)</i></p> <p>Wards: Hope End</p> | 39 - 40 |

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- Inspect minutes of the Council and all Committees and Sub-Committees and written statements of decisions taken by the Cabinet or individual Cabinet Members for up to six years following a meeting.
- Inspect background papers used in the preparation of public reports for a period of up to four years from the date of the meeting. A list of the background papers to a report is given at the end of each report. A background paper is a document on which the officer has relied in writing the report and which otherwise is not available to the public.
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COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

BROCKINGTON, 35 HAFOD ROAD, HEREFORD.

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COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

MINUTES of the meeting of the Planning Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on 28 November 2003 at 10.00 am

Present: Councillor T.W. Hunt (Chairman)
Councillor J.B. Williams (Vice-Chairman)

Councillors Mrs PA Andrews, Mrs CJ Davis, GW Davis, PJ Dauncey, DJ Fleet, JGS Guthrie, JW Hope, B Hunt, Mrs JA Hyde, Brig P Jones CBE, Mrs RF Lincoln, RM Manning, RI Matthews, Mrs JE Pemberton, R Preece, Mrs SJ Robertson, DC Taylor, WJ Walling

In attendance: Councillors PJ Edwards, PE Harling, DW Rule and M Wilson.

26. APOLOGIES FOR ABSENCE

Apologies were received from Councillors BF Ashton and MR Cunningham.

27. NAMED SUBSTITUTES

The following substitutions were made:

Substitute	Member
Councillor Mrs PA Andrews	Councillor BF Ashton
Councillor GW Davis	Councillor MR Cunningham

28. DECLARATIONS OF INTEREST

There were no declarations of interest made.

29. MINUTES

RESOLVED: That the Minutes of the meeting held on 3 October 2003 be approved as a correct record and signed by the Chairman.

30. CHAIRMAN'S ANNOUNCEMENTS

The Chairman outlined the work carried out by the Unitary Development Plan Working Group regarding the comments that had been received in respect of the Draft Deposit Plan. He advised that a Members' seminar would be held on 4 February 2004 and that the programme was for Cabinet to consider alterations to the draft deposit on 19 February followed by full Council on 5 March 2004.

The Planning training sessions for Members had proved to be very successful with only a small number of Members having been unable to attend them.

Recruitment of Planning Officers was proving to be difficult. One of two permanent vacancies had been filled and two of the three posts created by the Planning Development Grant comprised one former member of staff and one graduate. Attempts were also being made to recruit a Unitary Development Plan Officer.

The possibility of including location plans with reports in agendas for the Planning Committee and the Area Planning Sub-Committees was being investigated by the officers.

The high number of personal searches regarding the planning element had created difficulties for the Land Charges section. The Planning Services Division would take over the responsibility for providing this information.

The Chairman was sorry to learn of the recent ill health suffered by the Chief Planning Services Officer and the Committee agreed that a letter should be sent to her on its behalf to wish her a speedy recovery.

31. NORTHERN AREA PLANNING SUB-COMMITTEE

RESOLVED: That the Report of the Northern Area Planning Sub-Committee meetings held on 15 October and 20 November 2003 be received and noted.

32. CENTRAL AREA PLANNING SUB-COMMITTEE

RESOLVED: That the Report of the Central Area Planning Sub-Committee meetings held on 1 and 29 October 2003 be received and noted.

33. SOUTHERN AREA PLANNING SUB COMMITTEE

RESOLVED: That the Report of the Southern Area Planning Sub-Committee meetings held on 8 October and 5 November 2003 be received and noted.

34. PLANNING APPLICATION – DCNC2003/2849/F – EXTENSION TO FORM SHOWER ROOM FOR DISABLED PERSON AND LINK PORCH AT 27 BRIDGE STREET, LEOMINSTER, HEREFORDSHIRE, HR6 8DU

The Chief Development Control Officer presented the report of the Head of Planning Services in respect of an application for planning permission and an application for listed building consent. The application had to be submitted to the Committee because it was from a Member of the Council.

RESOLVED: That

NC032849/F

Planning permission be granted subject to the following conditions:

- 1 - A01 (Time limit for commencement (full permission))**

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

- 2 - B02 (Matching external materials (extension))**

Reason: To ensure the external materials harmonise with the existing building.

NC2003/2850/L

Listed Building Consent be granted subject to the following conditions:

- 1 - C01 (Time limit for commencement (Listed Building Consent))**

Reason: Required to be imposed by Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2 – B02 (Matching external materials (extension))

Reason: To ensure the external materials harmonise with the existing building.

35. PLANNING APPLICATION DCSE2003/2876/F – RETENTION OF GARAGE / STORE RUDHALL MANOR, PHOCLE GREEN, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7TL

The Chief Development Control Officer presented the report of the Head of Planning Services in respect of an application for planning permission. The application had to be submitted to the Committee because it was from a Member of the Council.

RESOLVED: That planning permission be granted subject to the following conditions:

1 G04 (Landscaping scheme (general))

Reason: In order to protect the setting of the listed building.

2 G05 (Implementation of landscaping scheme (general))

Reason: In order to protect the setting of the listed building.

3 Within 3 months of the date of this permission the access drive demarcated in red on the plan attached to the application shall be re-surfaced in accordance with a scheme which has been submitted to and approved in writing by the local planning authority.

Reason: In order to protect the setting of the listed building.

36. REFERRED PLANNING APPLICATION SW2003/1227/O – SITE FOR ONE DWELLING, LOWER TOMLINS FIELD, ST WEONARDS, HEREFORD, HR2 8QE

The Chief Development Control Officer presented the report of the Head of Planning Services regarding a planning application which had been referred to the Planning Committee. He advised that the Southern Area Planning Sub-Committee was mindful to approve the application, contrary to officer recommendations and planning policies, on the basis of the exceptional circumstances involved and the unique service provided by the applicant. He said that notwithstanding this view, the application conflicted with key Development Plan policies. There was no provision in the Council's planning policies for such a dwelling other than for an agricultural worker. The land was not owned by the applicant and there was an existing dwelling on the site owned by the applicant's mother.

In accordance with the criteria for public speaking, Mr SD Methven, the applicant, spoke in favour of the application.

Councillor GW Davis, the Local Ward Member, said that the Sub-Committee had voted 10-1 in favour of the application because it revolved around a crucial service provided by the applicant for the local agricultural community. He said that the applicant provided an essential out of hours service for the repair of agricultural

equipment which was almost unique in the area. Dwellings near to his workshop were out of his price range and the Sub-Committee had taken the view that the dwelling was essential for the continuance of the service he provided. Councillor Mrs CJ Davis supported the applicant and said that the proposed dwelling would be in a hollow and would not be visually intrusive to the open countryside. Councillor JB Williams drew attention to the fact that the applicant was a specialist engineer able to deal with serious break downs of equipment out of hours and that a large number of farmers were almost totally dependent on the service he provided. Councillor Mrs JA Hyde said that the service was particularly vital for the smaller independent farmers within the area.

The Committee discussed the merits of the application and on balance felt that an exception could be made to the Council's planning policies because of the unique circumstances surrounding the application. The officers were asked to investigate whether appropriate conditions could be applied that would tie the new dwelling to the business.

RESOLVED: That planning permission be granted in respect of Planning Application SW2003/1227/O (site for one dwelling, Lower Tomlins Field, St Weonards, Hereford) subject to any appropriate conditions considered necessary by the officers named in the scheme of delegation to officers.

37. REFERRED PLANNING APPLICATION DCNW2003/2418/F – PROPOSED TWO BUILDINGS OF NEGATIVE ENVIRONMENTAL IMPACT FOR FAMILY/EDUCATIONAL GROUPS - LAND ADJOINING LEMORE, EARDISLEY, HEREFORD, HEREFORDSHIRE, HR3 6LR

The Committee considered the report of the Head of Planning Services. The Chief Development Control Officer explained that the application had been referred to the Committee by the Head of Planning Services following a decision by the Northern Area Planning Sub-Committee that it was mindful to approve it contrary to Council policies and officer recommendations. Since then further discussions had been held with the applicant who had provided additional information and given undertakings that satisfied the Council's policies. The application could therefore be recommended for approval.

In accordance with the criteria for public speaking Mr J Glyn-Jones the agent acting on behalf of the applicant spoke in favour of the application.

Having considered all the evidence put forward in favour of the application, the Committee was satisfied that it could be approved.

RESOLVED: That planning permission be granted subject to the following conditions:

1 - A01 (Time limit for commencement (full permission))

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990

2 - A07 (development in accordance with approved plans) (Drawing Nos. 3, 4, 5, 6 and JGJ 001 received on 31 July 2003)

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development.

- 3 - The building known as the bunk house on the approved plans shall be used for holiday accommodation only and for no other purpose including any other purpose within Class C of the Schedule of the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason: The local planning authority are not prepared to allow the introduction of an additional unit of residential accommodation in this rural location.

- 4 - The occupation of the building known as the main house on the approved plans shall be limited to a person solely or mainly employed in the business occupying the plot edged red on the attached plan or shall otherwise be used for holiday accommodation only.

Reason: It would be contrary to the Development Plan policies to grant planning permission in this location without the need to provide on site accommodation and in recognition of the flexibility required by the applicant in terms of the seasonal use of the building.

38. REFERRED PLANNING APPLICATION – DCNE2003/2387/F – DETACHED DWELLING ON LAND ADJACENT TO 47 THE GREEN, ASHPERTON, HEREFORDSHIRE, HR8 2RY.

The Chief Development Control Officer presented the report of the Head of Planning Services in respect of a planning application that had been referred to the Committee by the Head of Planning Services following a decision by the Northern Area Planning Sub-Committee that it was mindful to approve the application contrary to Council policies and officer recommendations. The Sub-Committee had taken the view that the site for the proposed dwelling formed part of the settlement and that it was acceptable in policy terms. In addition, the Sub-Committee had supported the proposal on the grounds of meeting a local housing need for a key worker. He advised that the site was outside the settlement boundary which was aimed at preventing the spread of development into the open countryside. The application conflicted with several policy issues in that it was back land development, it would spoil the character of the area, there were highway safety issues, and it would have a long access road. It was also described as a dwelling for a key worker but it was very large and was not of a scale to meet local need.

In accordance with the criteria for public speaking, Mrs P Barnes the applicant spoke in favour of the application.

The Local Ward Member, Councillor R Manning, spoke in favour of the application. He said that the site was well screened by a tall hedge, it would form a natural extension of the settlement boundary and that the dwelling would not detract from the locality. The family had been living and working in the area for many years and were committed to community life in the village and Mr Barnes provided a key service to the locality through his plumbing business. Councillor RI Matthews supported the application, feeling that the proposed development rounded off the village and would not detract from it. Councillor DJ Fleet had concerns about such a development in the open countryside and felt that although the applicant provided an important service, he could not be described as a key worker. Councillor Mrs RF Lincoln had concerns that the proposed dwelling would be very large, situated in back land and with a danger that it could over look adjoining smaller dwellings. The Chief

Development Control Officer had concerns that the application could lead to other applications around the village if it was approved and pointed out that the former Malvern Hills District Council had fixed the settlement boundary in January 1998.

Having considered all the merits in respect of the application, the Committee decided that it should be refused in accordance with the Council's Planning Policies.

RESOLVED: That planning permission be refused for the following reasons:

1. **The site is located outside of the settlement boundary as defined in the Malvern Hills District Local Plan and is accordingly contrary to Housing Policy 4 and Policy H20 of the Hereford and Worcester County Structure Plan.**
2. **The development of this site would detract from the character of the village at this point which is linear in form and therefore contrary to Policy CTC 9 of the Hereford and Worcester County Structure Plan.**

39. PLANNING POLICY STATEMENT 7 (PPS7) – SUSTAINABLE DEVELOPMENT IN RURAL AREAS

A report was presented by the Principal Local Planning Officer about a consultation paper from the Office of the Deputy Prime Minister (ODPM) regarding Planning Policy Statement 7 (PPS 7) – Sustainable Development in Rural Areas. He said that the draft set out the Government's policy objectives regarding rural areas and the way in which these objectives could be achieved. The policies were firmly based on sustainable development and the need to protect the undeveloped countryside for the benefit of all. He further advised that the majority of the policies were closely based on those in PPG7 - The Countryside, Environmental Quality and Economic and Social Development, published in 1997 and provided an update of these. There were new proposals about the replacement of buildings in the countryside and about equine related activities. The policies on community services, tourism and leisure were expanded. The Government proposed to issue accompanying guidance on agriculture and forestry permitted development rights when the final version of PPS7 was published. This would reflect changes that may need to be made as a result of the Governments review of the Town and Country Planning (General Permitted Development) Order 1995. There were proposals to remove the policy exception of PPG7 which allowed large high quality housing to be built in the open countryside and criteria for new occupational dwellings together with policy setting out the implementation and removal of occupancy conditions for such dwellings.

The Government's proposals and officer comments were discussed on the following aspects:

- Sustainable rural communities, rural businesses and services
- The countryside
- Agriculture, farm diversification, equine related activities and forestry; and
- Tourism and leisure.

The relationship between the proposals and those contained within the Herefordshire Unitary Development Plan were also taken into consideration.

RESOLVED: That it be recommended to the Cabinet Member (Environment) that the comments set out in the report of the Chief Forward Planning Officer be submitted to the Office of the Deputy Prime Minister (ODPM) as the views of the Herefordshire Council on the draft consultation paper.

40. DEVELOPMENT BRIEF – LAND OPPOSITE SUTTON ST. NICHOLAS PRIMARY SCHOOL

The Principal Local Planning Officer presented the report of the Chief Forward Planning Officer setting out the proposals to adopt the development brief as supplementary planning guidance to inform future planning applications. The development brief was extremely important, being the first one to emerge from the Herefordshire Unitary Development Plan. It had been prepared in conjunction with the Council's Property and Education services, discussed with the landowner, school governors and the parish council and the views of the local community. He explained the aims of the brief and the development requirements that would be involved for the site. Members of the Committee and the Cabinet Members in attendance expressed their support for the proposed Brief.

RESOLVED: That the development brief be approved and adopted as supplementary planning guidance to be used as the basis of a more detailed master plan to inform and guide future planning applications on this site.

41. DRAFT REGIONAL PLANNING GUIDANCE FOR THE WEST MIDLANDS

The Chief Forward Planning Officer presented his report about a suggested response to the Office of the Deputy Prime Minister's proposed changes to the Draft Regional Planning Guidance. He outlined the background to work on the preparation of the update which had commenced in early 2000 with a timetable of some 30 months. He advised that the present consultation period was in response to the Secretary of State's proposed changes to the plan which had a closing date for comments of 12 December 2003. Following the announcement of the consultation period, the Leader of the Council, the Cabinet Member for Transportation and Councillor B Hunt and officers had attended a regional presentation on the ODPM proposed changes. He took the view that many of the proposed changes to the RPG were to be welcomed in principle as an attempt had been made to give the document more clarity and brevity. The Committee gave detailed consideration to the proposals set out in the consultation document and the comments on the relevant chapters that had been prepared by the officers.

RESOLVED: That the following comments on the proposed changes to the RPG be recommend to the Cabinet Member (Environment).

- (a) Rural renaissance Chapter 5 - Concern is expressed in respect of apparent diminution of the importance of this aspect in the RPG.
- (b) Amend Table 3 Housing on previously developed land in the Column "2001-2011 Target % on previously developed land" on the Herefordshire line should read 63% not 44% as stated.
- (c) In policy PA16, the encouragement to development plans to include positive policies for farm diversification should be strengthened to include the possible use of non-agricultural developments in the wording.

- (d) **Quality of the Environment Chapter 8 - Amend the table in policy M2 to refer to the Revised National and Regional Guidelines for Aggregates Provision 2001- 2016 issued on 10th June 2003 and the agreed sub regional apportionment. (The current RPG refers to figures contained in MPG 6 1994)**
- (e) **In Policy M3 the requirement to "develop better systems to improve the way in which alternative sources of materials are used in construction projects", although necessary are quite beyond meaningful influence by planning authorities. Recommend the deletion of these words from the policy**
- (f) **Minerals Output Targets and Indicators - Amend M1 by adding the word "only" after "To" in the first sentence.**
- (g) **Remove the reference to 0% sterilisation in the third target wording as being impossible to implement.**
- (h) **Transport and Accessibility Chapter 9**
- (i) **RPG para 9.69 be re drafted. Proposed wording:**
- "The A49 in Hereford is subject to increasing congestion. This has a number of implications for sub-regional land use development and regeneration. To address this issue a Local Multi Modal Study has been carried out. The study identifies a package of measures to release travel capacity needed to accommodate development and regeneration and to allow Hereford to fulfil its identified role as a sub-regional centre. This role includes supporting long term balanced sustainable growth. Where appropriate, elements of the recommended package are included as priorities for investment in policy T12."*
- (ii) **An additional line in table policy T12: "Hereford outer distributor road as recommended by the Hereford Local Multi Modal Study"**
- (This should appear following reference to "A500 City Road & Stoke Road junctions"); or,**
- (iii) **Addition of an entry at the end of table policy T12: "Implementation of recommendations from the Hereford Local Multi Modal Study".**
- (iv) **Amend Fig 6 on p. 141 to show A417 Hope under Dinmore to Gloucester as 'primary route' providing alternative to travelling through Hereford on A49 in times of flood.**

The meeting ended at 11.30 am

CHAIRMAN

REPORT OF THE NORTHERN AREA PLANNING SUB-COMMITTEE

Meeting Held on 17th December, 2003

Membership:

Councillors: Councillor J.W. Hope (Chairman)
Councillor J. Stone (Vice-Chairman)
Councillors B.F. Ashton, Mrs. L.O. Barnett, W.L.S. Bowen, R.B.A. Burke,
P.J. Dauncey, Mrs. J.P. French, J.H.R. Goodwin, K.G. Grumbley, P.E. Harling,
B. Hunt, T.W. Hunt T.M. James, Brig. P. Jones C.B.E., R.M. Manning, R. Mills,
R.J. Phillips, D.W. Rule M.B.E., R. V. Stockton, J.P. Thomas and J.B. Williams
(Ex Officio).

PLANNING APPLICATIONS

1. The Sub-Committee has met on 1 occasion and has dealt with the planning applications referred to it as follows:-
 - (a) applications approved = 18;
 - (b) applications refused = 0;
 - (c) deferred applications = 4; and
 - (d) site inspections = 4.

2. The Sub Committee took the view that there were sufficient grounds to approve 2 applications contrary to officer recommendations and Council policies and these have been dealt with in the following way under the Council's referral procedure:-

the Chief Development Control Officer decided that there were no crucial planning policies at stake in both instances, and they were approved without referral to the Head of Planning Services.

PLANNING APPEALS

3. The Sub-Committee received information reports about 3 Appeals that have been received and 4 which have been determined. Of the latter, 1 has been allowed and 3 have been dismissed.

ENFORCEMENT

4. The Sub-Committee has received reports about enforcement matters within its area.

**J.W. HOPE
CHAIRMAN
NORTHERN AREA PLANNING SUB-COMMITTEE**

- **BACKGROUND PAPERS – Agenda for meetings held on 17th December, 2003**

REPORT OF THE CENTRAL AREA PLANNING SUB-COMMITTEE

Meetings Held on 3rd December, 2003 and 14th January, 2004

Membership:

Councillors: Councillor D.J. Fleet (Chairman)
Councillor R. Preece (Vice-Chairman)
Councillors Mrs. P.A. Andrews, Mrs. W.U. Attfield, Mrs. E.M. Bew,
A.C.R. Chappell, Mrs. S.P.A. Daniels, P.J. Edwards, J.G.S. Guthrie, T.W. Hunt
(ex-officio), G.V. Hyde, Mrs. M.D. Lloyd-Hayes, R.I. Matthews, J.C. Mayson,
J.W. Newman, Mrs. J.E. Pemberton, Ms G.A. Powell, Mrs. S.J. Robertson,
W.J.S. Thomas, Ms A.M. Toon, W.J. Walling, D.B. Wilcox, A.L. Williams,
J.B. Williams (ex-officio) and R.M. Wilson.

PLANNING APPLICATIONS

1. The Sub-Committee has met on 2 occasions and has dealt with the planning applications referred to it as follows:-
 - (a) applications approved 14;
 - (b) applications minded to approve 2;
 - (c) applications referred to Planning Committee 1
 - (d) applications refused 0;
 - (e) deferred applications 3; and
 - (f) site inspections 2.

PLANNING APPEALS

2. The Sub-Committee received information reports about 4 Appeals that have been received and 5 which have been determined. Of the latter, 1 had been allowed, 3 had been dismissed and 1 had been withdrawn.

ENFORCEMENT

3. The Sub-Committee has received reports about enforcement matters within its area.

**D.J. FLEET
CHAIRMAN
CENTRAL AREA PLANNING SUB-COMMITTEE**

- **BACKGROUND PAPERS – Agenda for meetings held on 3rd December and 14th January, 2003**

REPORT OF THE SOUTHERN AREA PLANNING SUB-COMMITTEE

Meetings Held on 10th December, 2003 and 21st January, 2004

Membership:

Councillors: Councillor Mrs. R.F. Lincoln (Chairman)
Councillor P.G. Turpin (Vice-Chairman)
Councillors H. Bramer M.R. Cunningham, N.J.J. Davies, Mrs C.J. Davis, G.W. Davis, J.W. Edwards , Mrs. A.E. Gray, T.W. Hunt (Ex-Officio) Mrs. J.A. Hyde, G. Lucas, D.C. Taylor, J.B. Williams

PLANNING APPLICATIONS

2. The Sub-Committee has met on two occasions and has dealt with the planning applications referred to it as follows:-
 - (a) applications approved 20;
 - (b) consent to fell trees covered by TPO 1;
 - (c) refusal to allow work on trees covered by TPO 1;
 - (d) applications refused 0;
 - (e) deferred applications 1; and
 - (f) site inspections; 0

PLANNING APPEALS

3. The Sub-Committee received information reports about 8 Appeals that have been received and 7 which have been determined. Of the latter, 5 have been dismissed, 1 has been allowed and 1 has been withdrawn.

ENFORCEMENT

4. The Sub-Committee has received reports about enforcement matters within its area.

**MRS R.F. LINCOLN
CHAIRMAN
SOUTHERN AREA PLANNING SUB-COMMITTEE**

- **BACKGROUND PAPERS – Agenda for meetings held on 10th December, 2003 and 21st January 2004,**

DCCE2003/3285/G - MODIFICATION OF PLANNING OBLIGATIONS UNDER S.106A DATED 17/01/92 AND 28/08/96. OBLIGATIONS:- TO NOT CAUSE OR PERMIT ANY PERSON OTHER THAN AN ELDERLY PERSON OR CHRONICALLY SICK OR DISABLED PERSON TO RESIDE WITHIN ANY PART OF PROPERTY OR ANY EXTENSION THERETO AT LAND TO SOUTH-WEST SIDE OF LUGWARDINE COURT ORCHARD AT LUGWARDINE COURT, LUGWARDINE, HEREFORDSHIRE, HR1 4AE

For: Trustees of Lugwardine Education Centre per Flint & Cook, 4 King Street, Hereford, HR4 9BW

Date Received: 30th October 2003 Ward: Hagley Grid Ref: 54732, 40907

Expiry Date: 25th December 2003

Local Member: Councillor R.M. Wilson

This application was presented to the Central Area Planning Sub-Committee on 14th January 2004 as an item for information only. A previous identical application was approved by the Central Area Planning Sub-Committee on 11th June 2003 (together with an associated planning application). However, after the decision was made, a flaw was found in the application process (namely the applicant's failure to serve notice on all parties against which the obligations are enforceable) which has the affect of invalidating the decision. The current application amounts to a resubmission of the earlier application. It is presented to the Planning Committee to enable unencumbered consideration of the proposal.

1. Site Description and Proposal

- 1.1 The application site comprises a 0.2 ha paddock situated on raised land to the south-east of the A438 at Lugwardine. To its north-east is Lugwardine Court Orchard - a development of 15 sheltered houses. To the east and south-east is Lugwardine Court - a private educational facility associated, at least in part, with St. Mary's School (and in the ownership of the applicant). To the south is a small courtyard of traditional agricultural buildings (also in the ownership of the applicant) and a walled garden (in separate ownership). On the opposite side of the A438 (to the west) are further residential properties. Ground level falls away generally from Lugwardine Court Orchard towards the walled garden and barns, and also steeply at the edge of the site with the A438.
- 1.2 The application seeks permission to modify two Section 106 Agreements made in 1992 and 1996 which apply to the site and Lugwardine Court Orchard. These agreements require elderly persons (55 years +) or chronically sick or disabled persons to reside within Lugwardine Court Orchard or any extension thereto only. The proposal is to modify this clause in the agreements so that it does not apply to the application site.

- 1.3 A similar application together with an outline planning application for three units was considered by the Sub-Committee on 11th June 2003 and approved. This current application has been made in view of procedural failing in the earlier application which has the effect of invalidating the decision. The resolution to approve planning permission for the three units is not affected by this although at this stage the decision notice has not been issued.

2. Policies

2.1 South Herefordshire District Local Plan:

Policy GD1	-	General Development Criteria
Policy C2	-	Settlement Boundaries
Policy C20	-	Protection of Historic Heritage
Policy C29	-	Setting of a Listed Building
Policy SH6	-	Housing Development in Larger Villages
Policy SH8	-	New Housing Development Criteria in Larger Villages
Policy T3	-	Highway Safety Requirements

2.2 Hereford and Worcester County Structure Plan:

Policy H18	-	Housing in Rural Areas outside the Green Belt
Policy H16A	-	Housing in Rural Areas

2.3 Herefordshire Unitary Development Plan (Deposit Draft):

Policy DR2	-	Land Use and Activity
Policy H14	-	Main Villages: Settlement Boundaries
Policy S2	-	Development Requirements
Policy DR5	-	Planning Obligations

3. Planning History

- 3.1 SH891493PO Sheltered housing development. Refused 20th September, 1989.
- 3.2 SH901106PO Sheltered housing development. Refused 24th October, 1990; appeal allowed 9th July, 1991.
- 3.3 SH920267PM Sheltered housing development. Approved 22nd April, 1993.
- 3.4 SH960270PF Erection of 8 single storey dwellings (second phase of development of 15 dwellings originally approved). Approved 10th October, 1996.
- 3.5 CE2002/0323/F Change of use from residential home to educational, with ancillary residential accommodation, office and kitchen facilities, together with meeting rooms and offices for community use. Approved 29th May, 2002.
- 3.6 CE2002/3749/O Erection of 3 no. detached dwellings with garages. Approved subject to S106 Agreement being modified 11th June, 2003.
- 3.7 CE2003/0991/G Removal of two Section 106 Agreements (not to cause or permit any other than an elderly person or chronically sick or disabled person to reside within any part of the property or any extension thereto). Approved 11th June, 2003 but invalid.

4. Consultation Summary

Internal Council Advice

- 4.1 Head of Engineering and Transportation: no objection.

5. Representations

- 5.1 Lugwardine Parish Council: continue to vigorously oppose this application as it will adversely affect the residents of Lugwardine Court Orchard. Any development on this site should be subject to the existing S106 Agreements.

- 5.2 Eleven objection letters have been received from Nos. 3, 4, 8, 9, 10, 11, 12, 14, 15 and 16 Lugwardine Court Orchard, and Lower Lodge, Lugwardine summarised as follows:

- granting approval would enable landlord to infringe terms of leases of existing Lugwardine Court Orchard properties;
- Lugwardine Court Orchard originally allowed exceptionally as sheltered housing in view of proximity to nursing home and limited traffic generation - removal now would go against South Herefordshire District Council's original reasoning for agreements;
- changed circumstances not sufficient reason to allow removal;
- new development should respect character of Lugwardine Court Orchard and ensure rights of existing tenants to peaceful enjoyment of their environment;
- general residential development would lead to noise and disturbance to residents of Lugwardine Court Orchard;
- precedent for further residential development;
- shortage of sheltered housing in County would be met by residential development of site in accordance with terms of Section 106 Agreement.

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

6. Officers Appraisal

- 6.1 The main issue in this case having regard to Section 106A is whether or not the Obligations as they relate to the application site continue to serve a useful purpose. In assessing this there are a number of material changes in circumstances since the Obligations were entered into which are relevant relating to the planning history, the Development Plan designation and the use of surrounding land.

- 6.2 Regarding the planning history, prior to adoption of the South Herefordshire District Local Plan the site and the adjacent land now forming Lugwardine Court Orchard were located in the countryside. In 1991 an appeal was allowed to erect a 'sheltered housing development' on the site and adjacent land. In reaching his decision the Inspector considered it questionable as to whether the site lay outside the boundary of the village having regard to the functional link between the nearby school and Lugwardine Court buildings to the rest of the village.

- 6.3 At the time of the appeal decision the then Council began proceedings towards a high court challenge of the Inspector's decision in view of the lack of control imposed over the occupation of the 'sheltered housing development'. However, before these proceedings were heard the then applicant entered into a Section 106 Agreement with the Council to limit occupancy of any development on the land to elderly or chronically

sick or disabled persons and their spouses/companions only. The then applicant also owned the adjacent Lugwardine Court which at that time was in use as a nursing home. As a consequence of this Obligation the Council withdrew the high court challenge, excepting the development under these terms as an exception to the usual presumption against new residential development in the countryside.

- 6.4 Subsequently, detailed planning permission was given in 1992 to erect seven sheltered units on the land to the north of the current application site (now Lugwardine Court Orchard), with a further eight approved in 1996 (and subject to the second Section 106 Agreement). The application site itself has not been the subject of a detailed application and consequently has remained undeveloped notwithstanding its outline planning permission for sheltered housing.
- 6.5 With the adoption of the South Herefordshire District Local Plan in 1999 and as a consequence of the earlier appeal decision, the boundary of Lugwardine Village was revised to include Lugwardine Court Orchard and the current application site. The application site, therefore, now lies inside the village boundary and not within the countryside.
- 6.6 In June of last year the Central Area Planning Sub-Committee resolved to approve applications to modify the Section 106 Agreements as they apply to the application site to remove the restriction on occupancy to elderly or chronically sick or disabled persons and erect three dwellings. The Sub-Committee made its decision having regard to the changed circumstances since the site was originally given permission – in particular, the changes to the village boundary to include the application site (thus allowing new residential development to take place as a matter of principle rather than as an exception) and the change of use of Lugwardine Court to an educational/community facility – and the acceptability of the proposal for the three dwellings on its planning merits (that is, low density housing appropriately distanced from Lugwardine Court Orchard to ensure no adverse impact on residential amenity). Notwithstanding the positive resolutions, the approvals have not been issued in view of the procedural failing in the Section 106A application which would have the effect of invalidating this particular decision.
- 6.7 The purpose of this current application is to, therefore, correct the procedural failing in the earlier application. As there have been no changes in circumstances since the earlier resolution of the Sub-Committee, the application is considered to be acceptable for the reasons given before and set out again in this report. A modification is, therefore, recommended on the basis that the Obligations as they relate to the application site no longer serve a useful purpose.

RECOMMENDATION

- 1. That the Obligations be modified so that the restriction on occupancy of the land does not apply to the application site; and**
- 2. That the Sub-Committee resolution to grant planning approval subject to conditions for three detached dwellings under reference CE2003/3749/O be confirmed.**

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

DESIGNATION OF TREE PRESERVATION ORDERS - ASSESSING AMENITY VALUE

Report By: Chief Conservation Officer

Wards Affected

County Wide

Purpose

1. To agree to the piloting of an evaluation process for determining the amenity value of trees and amend procedures to enable TPOs to be made urgently where necessary.

Financial Implications

2. Minimal printing costs and the direction of existing staff time towards the pilot exercise, both within existing budgets.

Background

3. Local Planning Amenities may make Tree Preservation Orders (TPOs) if it appears to them to be "expedient in the interests of amenity". The Act covering this power does not define "amenity" nor the circumstances in which the interests of amenity are served by the use of TPOs.
4. The Secretary of State's view is that TPOs should be used to protect selected trees and woodland where a reasonable degree of public benefit would accrue and if their removal would have a significant impact on the local environment and its enjoyment by the public. Government guidance identifies three key criteria to take into account:-
 - visibility – extent to which they can be seen by the general public. They should normally be visible from a public place such as a road or footpath.
 - individual impact – being visible to the public will not itself be sufficient to warrant a TPO, it must be important in terms of size and form either now or anticipated in the future e.g. rarity/scarcity value, screen an eyesore or important within a conservation area.
 - wider impact – significance within wider surroundings, taking into account suitability to setting and in relation to other trees in the vicinity. Trees can have a collective value as a group. Importance to wildlife may be taken into account but on its own would not be sufficient to warrant a TPO.
5. Another factor is the risk that any tree might be cut down or pruned in an adverse way. If there is no risk it may not be expedient to use a TPO. The Secretary of State also advises that it would be inappropriate to make a TPO on a tree that was dead, dying or dangerous. An exception might however be a 'veteran' tree where an assessment of its useful life expectancy, location and importance might be undertaken.

6. Recently, your officers have received criticism from some members of the public upon how they have approached the issue of determining whether to place TPOs on trees. Notwithstanding the resource issues, and although your officers consider they approach each case in a consistent and professional manner, it has caused them to review the transparency of the process. This is particularly so because the task is delegated to officers subject to consultation with the Chairman of the relevant Area Planning Committee and local member.
7. The Council should be able to explain to landowners (and others) why any trees have been protected by a TPO. Local Planning Authorities are advised to develop ways of assessing the "amenity value" of trees in a structured and consistent way, taking into account the criteria set out in paragraphs 4 above.
8. Consequently, your officers are proposing to you that an evaluation rating approach be used (Appendix 1). This is based upon principles suggested by an eminent arboriculturalist Dr Helliwell (1988) and a format already in use elsewhere by a number of local planning authorities. It is proposed to trial this approach over the next 12 months and report back upon its utility and appropriateness.
9. The approach indicates 9 criteria with scores being attributed according to importance in relation to each. It is suggested that a total score of 15 points must be achieved in the rating for a tree or group of trees to be considered for inclusion within a TPO.
10. The approach would not be appropriate for assessing Woodland TPOs. There is also concern that it might not be suitable for Area Orders: Government believes in any event that such orders should be used sparingly and generally in emergencies following which individual or group orders should replace them. The pilot exercise might look in particular at the relevance of the approach to Area Orders.
11. An additional issue is the Council's ability to impose TPOs in an emergency where works are about to commence or are even underway. Delays in contacting members in advance can inhibit the ability to act with the necessary speed.
12. The procedure for imposing a TPO on trees is generally a two-stage one. A provisional Order lasting 6 months is imposed which must be confirmed by the relevant Area Planning Committee within that period. Objections and other representations received are presented to Committee when the matter is reported upon.
13. In emergencies, officers will continue to try to contact the Chairman of the relevant Area Committee and local member. However, should it not be possible to make contact and the matter is considered to justify urgent action, the ability to proceed without completing consultation is requested. The Chairman of the Area Committee and local member will be consulted subsequently and the matter referred to the relevant Area Committee as soon as practical after the event should either have any concerns.

RECOMMENDATION

- THAT (a) the Amenity Evaluation Rating provided in Appendix 1 be used as the basis for determining whether a tree, groups of trees or areas of trees be covered by a Tree Preservation Order;
- (b) a report upon the utility and appropriateness of this approach be prepared and submitted to Planning Committee after the completion of a 12 month pilot exercise; and
- (c) in instances where Head of Planning Services and the County Secretary and Solicitor (or their nominees within the scheme of delegation) are convinced that works to important trees of amenity value are imminent, such that the placing of a TPO on them is urgently necessary, the requirement to consult the Chairman of the Area Planning Committee and local member in advance be dispensed with and they be consulted prior to confirmation of the Order.

BACKGROUND PAPERS

HEREFORDSHIRE COUNCIL

Tree Amenity Evaluation Rating

Site visit date:

Surveyor:

Site Address:

Tree Species:

(Refer to survey plan if necessary)

1. SIZE	Score	6. SUITABILITY TO AREA	Score
0.5 = very small 2 – 5m ² 1 = small 5 – 10m ² 1.5 = small 10 – 25m ² 2 = medium 25 – 50 m ² 2.5 = medium 50 – 100m ² 3 = large 100 – 200m ² 4 = very large 200m ² +		1 = Just suitable 2 = Fairly suitable 3 = Very suitable 4 = Particularly suitable	
2. LIFE EXPECTANCY 1 = 5 – 15 years 2 = 15 – 40 years 3 = 40 – 100 years 4 = 100 years +		7. FUTURE AMENITY VALUE 1 = Potential already recognised 2 = Some potential 3 = Medium potential 4 = High potential	
3. FORM 0.5 = Trees which are of poor form and ugly 1 = Trees of not very good form 2 = Trees of average form 3 = Trees of good form 4 = Trees of especially good form		8. TREE INFLUENCE 1 = Very significant 2 = Significant 3 = Slight 4 = Insignificant	
4. PUBLIC ASSESSMENT 1 = Trees only seen with difficulty or by a very small number of people 2 = Back garden trees, or trees slightly blocked by other features 3 = Roadside trees. Trees close to busy roads. Trees close to public footpaths. 4 = Prominent trees in well frequented places such as town centres and parks.		9. ADDED FACTORS 1 = Exceptional landscape value 1 = Screening unpleasant view 1 = Important in larger composition 1 = In Conservation Area 1 = Considerable good for wildlife	
5. OTHER TREES IN THE AREA 0.5 = More than 70% of the visual area covered by trees and at least 100 in total. 1 = More than 30% of the visual area covered by trees and at least 4 trees in total. 2 = More than 10% of the visual area covered by trees and at least 4 trees in total. 3 = Less than 10% of the visual area covered by trees, but at least 1 other tree present. 4 = No other trees present in the area under consideration.		10. NOTES AND TOTAL SCORE Not / Reasonable for TPO	

NB Form to be used for each individual tree, group of trees or area of trees (not for woodlands)

Add each factor together = Rating figure (Benchmark rating for inclusion within a TPO is 15)

DRAFT PLANNING POLICY STATEMENT (PPS) 22: RENEWABLE ENERGY

Report By: Chief Forward Planning Officer

Wards Affected

Countywide

Purpose

To inform the Committee of the proposals contained in PPS22 on Renewable Energy, and recommend a response to the Office of the Deputy Prime Minister (ODPM) to the Cabinet Member (Environment).

Financial Implications

None identified.

Introduction

1. The increased development of renewable energy resources is vital to facilitating the delivery of the Government's commitments on both climate change and renewable energy. Ambitious targets for renewable energy generation and reductions in greenhouse emissions were outlined in the Energy White Paper in February 2003. The ODPM says there is now a need for a clearer focus on assisting the UK to meet national and international targets for the reduction of emissions of greenhouse gases, including the goal to cut the UK's carbon dioxide emissions by some 60% by 2050, with 'real progress' by 2020.
2. The ODPM, in close consultation with the Department for Trade and Industry (DTI), the Department of Environment, Food and Rural Affairs (DEFRA) and other relevant Government departments, has carried out a review of PPG22. On 5th November 2003 the Government issued, for consultation, a planning guidance document entitled PPS22, which sets out the Government's planning policy for renewable energy projects. It is intended that the final version of PPS22 will replace the existing PPG22 that was first issued in February 1993.
3. Responses from local authorities to draft PPS22 are required to be sent to the ODPM by 30th January 2004. Due to this timescale, an officer response has been prepared and submitted subject to Committee and Cabinet member approval.

Summary of Draft PPS22

4. The aims and content of the new policy guidance in PPS22 shows the Government's level of concern about the damage that traditional energy sources can have on the environment and the consequential problems of global warming and acid rain.
5. The new draft planning policy statement clearly sets out positive planning policies, which will facilitate renewable energy development and contribute to the

Further information on the subject of this report is available from V M Reynolds on (01432) 260146

Government's sustainable development strategy. PPS22 is designed to bring order and clarity to the planning process so that decisions can be informed by unambiguous, criteria-based policies.

6. Due to the need for clearer and more concise statements of Government policy, PPS22 does not include technical advice or good practice guidance. The intention is to publish separately a companion guide containing the technical details of what was originally in the annexes of PPG22. The guide will also include evidence of good practice from both developers and local planning authorities and should be published alongside the final version of PPS22.

Key Principles

- Regional planning bodies and local planning authorities should accommodate renewable energy developments and their plans should contain criteria based policies designed to 'promote and encourage' rather than restrict the development of renewable energy resources. There will be no place for planning policies that rule out or place constraints on the development of renewable energy technologies.
 - Regional renewable energy targets should be introduced in regional plans as minimum targets to be monitored and increased if and when they are met.
 - When assessing proposals for renewable energy, the wider environmental and economic benefits are material considerations that should be given significant weight in determining whether proposals should be granted planning permission.
 - Planning authorities should foster community involvement in renewable energy projects and seek to promote knowledge of and greater acceptance by the public of prospective renewable energy developments that are appropriately located.
 - Locational considerations have been clarified for sites in the following designated areas:
7. *International and national designations*: developers will need to demonstrate that there are overriding social, economic or environmental reasons for development, which are over and above any potential adverse effect on the integrity of such sites. Planning authorities should introduce criteria based policies, which set out the circumstances in which particular types and sizes of renewable energy developments will be acceptable in nationally designated areas.
 8. *Green Belts*: renewable energy projects will need to be carefully considered on green belt land, but will not be excluded if developers can demonstrate that the wider environmental benefits outweigh any harm by reason of appropriateness.
 9. *Buffer Zones and Local Designations*: buffer zones around existing designations should not be introduced in regional or development plans. Nor should local designations be used in themselves to refuse planning permission.
 10. *Other locational considerations*: Planning authorities should not apply a sequential approach to development, as there are a range of other considerations and constraints to renewable energy development outside of the land use planning system.

Analysis of Implications

11. The draft PPS22 encourages local planning authorities to promote and encourage renewable energy projects, not restrict them. In addition, wider social and environmental considerations are identified as material considerations to be given significant weight in determining planning applications. Development plans should not place excessive constraints on the development of renewable energy projects and Government reserves the right to intervene in such situations. This positive approach is welcomed in view of the need to tackle the problems posed by global climate change.
12. PPS22 advises that the visual impacts of wind turbine developments will vary according to the location and landscape setting. However, it states that this impact may be mitigated through appropriate siting, layout, design, landscaping or colour, depending on the size and type of development proposed. It is considered, in the specific case of wind turbines, to be unrealistic to expect more than minimal mitigation of the impacts on visual amenity through careful siting, design or landscaping due to the nature of these forms of development. Therefore, although the overall approach of considering the wider benefits as well as the potential impacts of renewable energy projects is welcomed, the difficulty of effectively mitigating the visual effects of wind turbines on the landscape should be recognised.
13. Due to the timing of the consultation draft of PPS22, it has been possible to make relevant revisions to draft UDP policy CF4 and the preceding justification paragraphs. These changes reflect the Government's more positive strategic approach to planning for renewable energy, whilst continuing to protect the countryside and were considered by the UDP Working Group in December 2003.
14. The criteria-based approach advocated for development plans (rather than identifying 'areas of search' or buffer zones around sensitive locations where development should be restricted), should avoid the situation where assumptions made in development plans about suitable locations for renewables, are quickly overtaken by innovations in renewable energy generation technology. Additional guidance on good practice in development plans and renewable energy development would be useful and it is hoped that the forthcoming technical papers to PPS22 will include this.
15. The intention of the Government to produce a Companion Guide to PPS22 is welcomed, however, it is considered that it would have been more useful to have been able to comment on both the PPS and the Companion Guide at the same time.

RECOMMENDATIONS

THAT the Cabinet Member (Environment) be recommended that the Committee broadly welcomes the proposals in Draft PPS22 and looks forward to the publication of the Companion Guide, but that the issue of the effective mitigation of visual impacts of wind turbine developments (as discussed in paragraph 12) should be raised in a consultation response to the ODPM.

DRAFT PLANNING POLICY STATEMENT NOTES: PPS11 REGIONAL PLANNING AND PPS12 LOCAL DEVELOPMENT FRAMEWORKS

Report By: Chief Forward Planning Officer

Wards Affected

Countywide

Purpose

1. To inform the Committee of the proposals contained in PPS11 on Regional Planning and PPS12 on Local Development Frameworks.

Financial Implications

2. None directly from PPS11, however, the delivery of Local Development Frameworks will impinge upon staff costs within Forward Planning.

Introduction

3. The Office of The Deputy Prime Minister (ODPM) has produced the draft version of PPS11 and PPS12. These documents are part of a series being published by the Government to consult on the detail of its planning reform agenda. It is the Government's intention that this PPS and guidance contained in the annexes should replace PPG11: *Regional Planning* and PPG12: *Development Plans*.

Summary of Draft PPS11

4. The main principles of Draft PPS11 seek to give more weight to what is currently Regional Policy Guidance (RPG) by replacing it with a statutory Regional Spatial Strategy (RSS). The key distinction between RPG and RSS is that the RPG although provided for in government guidance is not a statutory element of the plan making process. The RSS seeks to give more weight to regional planning guidance by strengthening its statutory purpose. The RSS will become an integral part of the statutory development planning process and therefore subject to Section 54A and the requirement to determine applications in accordance with the adopted development plan unless material considerations indicate otherwise. The RSS will as result become less focussed on land use issues and more focussed on implementation and integration with the actions and strategies of other agencies. It will in addition be subject to an annual monitoring report, which can identify any required remedial action. The RSS does not, however, seek to address local issues or be site specific; these issues are subject to the local development document.
5. The RSS seeks to ensure future changes are produced on an inclusive basis of partnership working and community involvement. Better integration with other strategies is also a priority, along with a focus on delivery; making it clear what is to be done, by when and by whom.

Further information on the subject of this report is available from C Brace on (01432) 383034

6. The RSS has the following main features:
- A Regional Transport Strategy (RTS) as an integral part of the RSS
 - The holding of an examination-in-public (EIP) into the draft revision of the RSS
 - More developed community involvement in the RSS process with a commitment to inclusiveness

Analysis of Implications

7. Herefordshire's problems must be covered by key points within the RSS, even though local development documents cover local and site-specific issues. A potential weakening of power of Herefordshire, as a local authority, should be avoided.
8. There is a serious concern that the voice of Herefordshire and its stakeholders, at regional level, may be overlooked due to population disparity and strength of voice against those from the major conurbations. Community involvement, although essential and welcome, scaled across the regional level, will represent issues and may result in policy and strategy of no relation to that of Herefordshire or issues of relevance to this county not being addressed.
9. Herefordshire Council, in regard to issues such as housing, will be better placed to establish targets than the regional planning body.
10. Arrangements for the Examination-In-Public to be held at different locations across the region is important to Herefordshire, where the ability to travel to main centres are more difficult. Opportunities for stakeholder involvement in the process should be sought.
11. The timetable set out leaves under 2 years for the preparation of RSS. This timeframe is very tight considering the transitional processes required, along with the need to co-ordinate across the region and undertake the community involvement detailed.
12. The RSS needs to reflect other regional strategies, such as neighbouring RSSs- whilst it is important that these mesh, the complexity of achieving this whilst balancing regional and sub region issues, especially within the outlined timeframe, is a concern.

Summary of Draft PPS12

13. Draft PPS12 focuses on 'procedural policy' on what 'should' happen in preparing local development frameworks. These can be described as a 'portfolio' of local development documents that collectively deliver the spatial planning strategy for the local authorities area.
14. A spatial approach to local development plans should be adopted to ensure most efficient land use, taking into account physical, economic, social and environmental factors. Strategies, policies and proposals should be clearly laid out with the means and timescales to which objectives will be met.

15. The development plan continues to be the starting point in the consideration for planning applications and will consist of two elements:
 - Regional Spatial Strategies, prepared by regional planning bodies
 - Development Plan documents, prepared by Unitary authorities
16. The Development Plan Documents (DPDs) include the following elements:
 - Core strategy
 - Site specific allocations of land
 - Area action plans (where needed)
 - Proposal map (with inset maps, where necessary)
17. The production of a Statement of Community Involvement (SCI) along with a timetable of production of the DPDs is required.
18. The central feature is a *core strategy* setting out a long-term vision and strategic objectives for the whole LPA area, which once adopted, have all other development plan documents conforming to it. Broad locations for strategic development needs, such as housing, employment, retail and transport development should be included, providing certainty for at least a 10-year period (from adoption).
19. Review and monitoring is a key aspect of the government's approach to the planning system. Annual monitoring to assess implementation and the extent to which policies are being achieved should be carried out. In review, actual plan progress should be measured against targets and milestones set, with an assessment on:
 - The impact of the policies on national, regional and local targets and whether targets will be met, are behind schedule or will fail to be met, and if so reasons for this
 - Whether policies need adjusting or replacing or not working as intended or not achieving sustainable development objectives and if policies need changing, suggested actions to achieve this.

Analysis of Implications

20. As Herefordshire Council has passed the first statutory deposit stage of the UDP it is expected that the Plan will continue under the current system, under transitional arrangements.
21. Delivery of the new system will not solely rest with Herefordshire Council (planning authority) through its development control powers, but certain areas of significance will depend on other agencies for delivery, including the Council acting as Highways Authority through the Local Transport Plan.
22. The development of policies and procedure over time, with the rigorous and comprehensive public consultation recently carried out during the UDP process gives a bank of knowledge that should be used and made full use of within the new system.

Further information on the subject of this report is available from C Brace on (01432) 383034

23. The Statement of Community Involvement (SCI) and creation of a timetable for the production of DPDs will have an effect of 'holding' the authority to these constraints. A potential consequence of the SCI concerns objections to the plan on the grounds that consultation arrangements were unsound.
24. The Community Strategy, along with preparation of the SCI, especially with regard to the level of community involvement and consultation will have implications on resources, both in terms of time and cost. The number of documents to be produced, and of various complexities, will require detailed information gathering that will hold up under scrutiny so to ensure viability of future policies.

RECOMMENDATION

THAT the Cabinet Member (Environment) be recommended that the points summarised in the Analysis of Implications in this report forms the response of Herefordshire Council to be submitted to The Office of the Deputy Prime Minister.

PARISH PLANS FOR MIDDLETON ON THE HILL AND LEYSTERS, PEMBRIDGE AND THE BORDER GROUP

Report By: Chief Forward Planning Officer

Wards Affected

Mortimer
Pembridge and Lyonshall with Titley
Upton

Purpose

1. To consider the Middleton on the Hill and Leysters, Pembridge and the Border Group Parish Plans for adoption as interim Supplementary Planning Guidance to the emerging Herefordshire Unitary Development Plan.

Financial Implications

None.

Background

2. The Government's White Paper 'Our Countryside, the future' (2000) proposed that all rural communities should develop 'Town, Village and Parish Plans' to identify key facilities and services, to set out the problems that need to be tackled and to demonstrate how distinctive character and features could be preserved. Parish Plans form one of the four initiatives of the Vital Village programme. They should address the needs of the entire community and everyone in the parish should have an opportunity to take part in its preparation. Local Planning Authorities are encouraged to adopt the planning (land use) components of Parish Plans as Supplementary Planning Guidance.

Support for Parish Plans

3. In response to the Parish Plans initiative a Parish Plan Steering Group has been formed consisting of representatives from Herefordshire Council (Forward Planning and Policy and Community), Herefordshire Partnership, Community First, Hereford Association of Local Councils, Hereford Voluntary Action and West Midlands Planning Aid to assist parishes and oversee their development as a whole.
4. Within the Council, a protocol is being developed to provide clear, concise guidance on how Herefordshire Council will respond to Parish Plan enquiries from local community groups. This should be used together with the Parish Plans guidance produced nationally by the Countryside Agency and local guidance produced by the Herefordshire Partnership.
5. A list of key Herefordshire Council contacts has been identified to enable Parish Plan groups to receive support in developing their plans and receive quick and consistent

Further information on the subject of this report is available from S Banks on (01432) 260126

responses to the plans upon their completion. There are 32 key contacts including Forward Planning, Conservation, Transportation, Housing and Environmental Health.

In addition to these three Parish Plans which have been completed, there are a further 31 parishes which have been awarded a grant from the Countryside Agency to produce a plan with another 12 Parish Council's having registered an interest in the scheme.

Adoption by Herefordshire Council

6. Parish Plans will not have any statutory powers. They will however be a definitive statement about local character and issues. For a Parish Plan to be adopted as SPG, it must be consistent with planning policy and prepared in wide consultation with the community and interested parties. Only elements of Plans relevant to land use and development can be adopted as Supplementary Planning Guidance.

Adoption will enable the Parish Council and local community to draw the attention of the Local Planning Authority and others to its context whenever it is pertinent to planning decisions within the village / parish. The Parish Plan will be used as a material consideration in the determination of planning applications and be of assistance at their earlier compilation and pre-application stages.

Given the publication of the Deposit Draft UDP, it is now more appropriate to consider, wherever possible, Parish Plans as SPG against the emerging UDP rather than existing local plans, where they are broadly consistent with the UDP policies and to adopt them as such. The adoption of Parish Plans as Supplementary Planning Guidance, albeit in interim form, will confirm their status in the Council's overall planning policy framework and is in line with Government and Countryside Agency guidance and UDP policy.

Border Group Parish Plan

7. This Plan refers to the parishes of Brampton Bryan, Buckton and Coxall, Adforton, Walford, Letton and Newton, Lingen and Willey. It was prepared by a steering group made up of representatives from each of the parishes with the final document being approved by the Group Parish Council in September 2003.

The Plan has been produced following a questionnaire sent to all parishioners, which gained a 30% response rate and a number of public meetings. The initial draft was distributed to all households in the parish and copies circulated to the Council's key contacts for comments. Officers of the Council's Forward Planning section have commented on several draft versions of the Plan to enable a final version which is now before Members.

The aim of the document is to identify parish needs, provide a guide to the Parish Council for future work and provide more detailed local information to aid planning decisions.

The planning issues raised within this Plan mainly concern the availability of affordable housing for local people and the possible housing opportunities that exist (pg.6). The Border Group have objected to the Deposit Draft UDP requesting the inclusion of Adforton as a smaller settlement. This is being dealt with separately through the development plan process. Within the Parish Plan this issue is identified as ongoing action. Notwithstanding this, the Parish Plan conforms with the emerging

Unitary Development Plan and contains sufficient detail to be used as a material consideration in planning decisions and issues.

Pembridge Parish Plan

8. Work on the Pembridge Parish Plan started in October 2001. Seven steering groups comprising of local people were set up to cover various topics such as housing, traffic, leisure and environment. A questionnaire was distributed to 453 households within the parish to assess residents' options of which 52% of forms were returned. Separate surveys were also undertaken for the youth and businesses within the village. A draft version of this Plan has been distributed to the Council's key contacts for comments.

The Plan describes the features and surroundings of Pembridge and expresses the residents' concerns regarding its appearance, economy and social community with the aim that future development and change will protect and enhance the special characteristics of the parish.

From the information within the Plan it can be seen that there are few planning related issues currently causing major concern within the village. This reflects the Conservation Area status and the relatively defined architectural style of the village. The main issue raised is that relating to traffic; the volume, speed and effects on the architectural heritage and rural ambience of the village. Once again, the need for affordable rented housing for young people was highlighted as one of the major housing issues. Actions and guidelines related to planning are contained on page 34 of the Plan. These conform with the emerging Unitary Development Plan.

Middleton on the Hill and Leysters Parish Plan

9. The Middleton on the Hill and Leysters Parish Plan began in May 2002 and was subject to parish consultation via the parish magazine, a questionnaire, which returned 65% completed forms and public meetings. Drafts of this Plan have been to the Council's key contacts for comments to enable a final version which is now placed before Members.

The aim of the document is to identify measures by which the community aim to improve and enhance the quality of the built environment and to provide a mechanism to inform and influence the decisions of statutory bodies about community priorities and local needs.

Similarly, the main planning issues raised within the Parish Plan were affordable housing for young people and a wish to see any new development designed with a traditional style. The planning related elements of this Plan are contained on pages 8 and 9 and these are in conformity with the emerging Herefordshire Unitary Development Plan.

RECOMMENDATION

THAT it be recommended to the Cabinet Member (Environment) that the planning elements of the Middleton on the Hill and Leysters, Pembridge and Border Group Parish Plans be adopted as interim Supplementary Planning Guidance as an expression of local distinctiveness and community participation.

BACKGROUND PAPERS

Border Group Parish Plan.

Middleton-on-the-Hill and Leyster Parish Plan.

Pembridge Parish Plan.

Further information on the subject of this report is available from S Banks on (01432) 260126

CRADLEY AND STORRIDGE VILLAGE DESIGN STATEMENT

Report By: Chief Forward Planning Officer

Wards Affected

Hope End

Purpose

1. To consider the accompanying Village Design Statement (VDS) for adoption as Supplementary Planning Guidance to the Malvern Hills District Local Plan.

Financial Implications

None identified.

Wards Affected

Hope

Background

2. Village Design Statements are a Countryside Agency initiative to encourage local people to make an assessment of local character based upon their own knowledge and perceptions of their village and its surroundings. Community participation is at the heart of the initiative. This participation is used to draw together a VDS that identifies, describes and illustrates local character valued by the community. The Countryside Agency recommends that VDS's should be adopted as Supplementary Planning Guidance (SPG) by the Local Planning Authority.

Adoption by Herefordshire Council

3. The VDS will not have any statutory powers. It will however be a definitive statement about local character and design issues with a clear message of environmental values and an expression of local distinctiveness. For a VDS to be adopted as SPG it must be consistent with planning policy and prepared in wide consultation with the community and interested parties.
4. Adoption will enable the Parish Council and local community to draw the attention of the Local Planning Authority and others to its context whenever it is pertinent to planning decisions within the village. The VDS will be used as a material consideration in the determination of planning applications and be of assistance at pre-application stages where applicants are able to demonstrate their design rationale in relation to local context.
5. The VDS steering group has prepared the VDS for adoption as Supplementary Planning Guidance to the Malvern Hills District Local Plan. The VDS has been prepared to reflect the policies of that Plan rather than the UDP Deposit Draft and

Further information on the subject of this report is available from S Dring on (01432) 260139

therefore the lifetime of the VDS will be limited. However, the steering group intend to review and update the VDS to reflect the policies of the UDP once it is adopted.

Cradley and Storridge VDS

The objectives of the VDS are to protect the distinctive character of the parish through adopting local design principles and to work in partnership with the Council with regard to future planning policy.

The statement is a result of two years investigation that included three well attended planning for real exercises for each of Cradley, Storridge and the farming community. Following a questionnaire sent out to all households over 40 local residents have partaken in various topic groups studying particular aspects of the village including local history, landscape, development pattern, highways, buildings, landmarks, spaces and views. The steering group then prepared the VDS, which has been approved by the parish council.

Through the extensive work undertaken by the parish on the VDS, the steering group have made a number of objections to the Unitary Development Plan Deposit Draft. These objections which relate to the settlement boundary and open spaces are currently being considered.

Officers of the Council's Forward Planning, Development Control and Conservation sections have commented on the draft versions of the VDS to enable a final version which is now before members. This conforms with the Malvern Hills District Local Plan and contains sufficient detail to be used as a material consideration in the determination of planning applications.

RECOMMENDATION

THAT it be recommended to the Cabinet Member (Environment) that;

the Cradley and Storridge Village Design Statement be adopted as Supplementary Planning Guidance to the Malvern Hills District Local Plan as an expression of local distinctiveness and community participation.

the Statement be treated as a material consideration when dealing with planning matters.

BACKGROUND PAPERS

Cradley and Storridge Village Design Statement