

# A G E N D A

## Planning Committee

Date: **Friday, 26th November, 2004**

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Time: **10.00 a.m.**

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Place: **The Council Chamber,  
Brockington, 35 Hafod Road,  
Hereford**

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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](mailto:pmartens@herefordshire.gov.uk)*

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**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
<b>1. APOLOGIES FOR ABSENCE</b>	
To receive apologies for absence.	
<b>2. NAMED SUBSTITUTES (IF ANY)</b>	
To receive details any details of Members nominated to attend the meeting in place of a Member of the Committee.	
<b>3. DECLARATIONS OF INTEREST</b>	
To receive any declarations of interest by Members in respect of items on the Agenda.	
<b>4. MINUTES</b>	1 - 8
To approve and sign the Minutes of the meeting held on 1st October, 2004.	
<b>5. CHAIRMAN'S ANNOUNCEMENTS</b>	
To receive any announcements from the Chairman.	
<b>6. NORTHERN AREA PLANNING SUB-COMMITTEE</b>	9 - 10
To receive the attached report of the Northern Area Planning Sub-Committee meeting held on 6th October and 3rd November.	
<b>7. CENTRAL AREA PLANNING SUB-COMMITTEE</b>	11 - 12
To receive the attached report of the Central Area Planning Sub-Committee meeting held on 27th September, 20th October and 17th November, 2004.	
<b>8. SOUTHERN AREA PLANNING SUB-COMMITTEE</b>	13 - 14
To receive the attached report of the Southern Area Planning Sub-Committee meeting held on 29th September and 27th October 2004.	

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|-----|--|---------|
| 9.  | <p><b>DCCE2004/2455/F - DEMOLITION AND REBUILDING OF A STONE BARN TO INCORPORATE A TWO BEDROOM BUNGALOW FOR THE USE OF A DISABLED PERSON AT CWM CRAIG FARM, LITTLE DEWCHURCH, HEREFORD, HR2 6PS</b></p> <p>To consider a planning application which has been referred to the Committee by the Head of Planning Services because the Central Area Planning Sub-Committee is minded to approve it, contrary to the Council's Planning Policies and officer recommendations.</p> <p><b>Ward: Hollington</b></p> | 15 - 24 |
| 10. | <p><b>DCSE2004/2892/F - PROPOSED CONSERVATORY AT 54 PURLAND, ROSS-ON-WYE, HEREFORDSHIRE HR9 5QA FOR MR C GRAY, 54 PURLAND, ROSS ON WYE</b></p> <p>To consider a planning application submitted on behalf of a Member of the Council.</p> <p><b>Ward: Ross-on-Wye East</b></p>  | 25 - 28 |
| 11. | <p><b>DEVELOPMENT BRIEF FOR FROME VALLEY HAULAGE DEPOT, BISHOPS FROME</b></p> <p>To consider the Draft Development Brief for the Frome Valley Haulage Depot, Bishops Frome and approve it for public consultation purposes with a view to it forming interim supplementary planning guidance to the Unitary Development Plan. (A copy of the draft is enclosed separately for Members of the Planning Committee)</p> <p><b>Ward: Frome</b></p>   | 29 - 30 |
| 12. | <p><b>UPDATED SUPPLEMENTARY PLANNING GUIDANCE ON THE PROVISION OF AFFORDABLE HOUSING</b></p> <p>To inform members of the consultation process undertaken on the updated Supplementary Planning Guidance.</p> <p><b>Wards: County-wide</b></p>  | 31 - 80 |
| 13. | <p><b>HEREFORDSHIRE HOUSING LAND STUDY 2004 AND EMPLOYMENT LAND STUDY 2004</b></p> <p>To present to members the results of the Herefordshire Housing Land and Herefordshire Employment Land Studies 2004. (a copy of the documentation is enclosed separately for Members of the Planning Committee)</p> <p><b>Wards: County-wide</b></p>  | 81 - 84 |

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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 Planning Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Friday, 1st October, 2004 at 10.00 a.m.**

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

**Councillors:** B.F. Ashton, H. Bramer, P.J. Dauncey, D.J. Fleet, J.H.R. Goodwin, J.G.S. Guthrie, J.W. Hope, B. Hunt, Mrs. R.F. Lincoln, R.M. Manning, R.I. Matthews, R. Preece, Mrs. S.J. Robertson, D.C. Taylor and W.J. Walling

**In attendance:** Councillors P.J. Edwards and R.M. Wilson

**21. APOLOGIES FOR ABSENCE**

Apologies were received from Councillors Mrs CJ Davis, Mrs JA Hyde, Brig P Jones and Mrs JE Pemberton

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

Substitute	Member
Councillor H Bramer	Councillor Mrs JA Hyde
Councillor JHR Goodwin	Councillor Brig P Jones

**23. DECLARATIONS OF INTEREST**

There were no declarations of interest made:

**24. MINUTES**

**RESOLVED:** That the Minutes of the meeting held on 16th July, 2004 be approved as a correct record and signed by the Chairman.

**25. CHAIRMAN'S ANNOUNCEMENTS**

**West Midlands Regional Assembly**

The Council has been invited along with the other strategic planning authorities in the region to join in a service level agreement with the West Midlands Regional Assembly. The proposed agreement covers a wide range of activities to do with regional planning providing technical advice, sub-regional planning, conformity issues and monitoring. Much of the agreement covers the sort of work undertaken for a number of years, but there is a new element. This is to do with ensuring that local authority plans and significant planning applications are assessed against and are in conformity with the Regional Spatial Strategy. This "conformity" work is new and the RA proposes an allocation of £2000 to the Council for this work. A report is made to Cabinet in October on this matter.

**Planning Services**

There had been an encouraging response to the job adverts within the department. 6 of the 8 vacancies had been filled by external appointments and 2 internally. Following on from the recent reorganisation of Planning Services, the Southern, Central and Northern teams would each have a good blend of existing and new staff. The new structure would be circulated with the latest issue of the Planning Chairman's Group Newsletter.

Even though Planning Services had gone through a period of reorganisation and staff shortages the department had still achieved a high level of performance in processing planning applications. This was a tribute to the hard work and commitment of the staff involved.

Major Development Applications 58% 13 weeks (National target 60%)  
 Minor Development Applications 62% in 8 weeks (National target 65%)  
 Other Development Applications 71% in 8 weeks (National target 80%)

**Public Speaking**

In August 2004, 89 questionnaires were sent out to all of the public speakers who had registered to speak during January – June 2004 and 66% had been completed and returned to the Committee Services section. Generally the scheme had been well accepted and some of the requests made by participants could be met. Details of the questionnaire would be circulated with the Planning Chairman's Newsletter.

**Wind Energy Conference**

A number of Members would be attending the Wind Energy Conference on 14 October.

**Visit to Walford Parish Council**

The Chairman gave details of a meeting he had recently attended at Walford Parish Council where he had given a synopsis of the Planning process.

**Pam Campbell**

The Chairman thanked Pam Campbell for her 16-year service in Planning Services with the former Leominster District Council and Herefordshire Council and wished her well in her new job.

**26. NORTHERN AREA PLANNING SUB-COMMITTEE**

**RESOLVED:** That report of the meetings held on 14 July, 11 August and 8 September 2004 be received and noted.

**27. CENTRAL AREA PLANNING SUB-COMMITTEE**

**RESOLVED:** That report of the meetings held on 28 July, 25 August 2004 be received and noted.

**28. SOUTHERN AREA PLANNING SUB-COMMITTEE**

**RESOLVED:** That report of the meetings held on 4 August and 1 September 2004 be received and noted.

**29. DCSE2004/2399/F - APPLICATION FOR THE RETENTION OF NEWLY FORMED ACCESS, LAND AT WELSH NEWTON, ROSS-ON-WYE, HERFORDSHIRE (AGENDA ITEM 9)**

The Development Control Manager presented the report of the Head of Planning Services. He said that the application was reported to the Southern Area Planning Sub-Committee on 1st September, 2004 and that the Sub-Committee was mindful to refuse the application contrary to the officers' recommendations. The reason for refusal was that Members felt that the access was unsafe. The Head of Planning Services had examined the proposal and referred the application to the Planning Committee because he felt that the decision may not be defensible at appeal.

Having considered details of the planning application and the report of the Head of Planning Services, the Committee felt that there were insufficient grounds for the application to be refused.

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

**1. H01 (Single access - not footway )**

**Reason: In the interests of highway safety.**

**2. H03 (Visibility splays )**

**Reason: In the interests of highway safety.**

**3. H05 (Access gates )**

**Reason: In the interests of highway safety.**

**4. None of the hedgerows on the site (other than those required to be removed to provide the access and visibility splays pursuant to condition nos. 1 & 2 above) shall be removed, destroyed, felled, lopped or pruned without the prior consent in writing of the local planning authority. Details of those to be removed to form the access and visibility splays and of new planting shall be submitted to and approved in writing by the local planning authority before any works are undertaken.**

**Reason: To safeguard the amenity of the area.**

**5. G05 – Implementation of landscaping scheme (general)**

**Reason: In order to protect the visual amenities of the area.**

**Informative(s):**

**1. HN01 - Mud on highway**

**2. HN04 - Private apparatus within highway**

**3. HN05 - Works within the highway**

**4. N15 - Reason(s) for the Grant of Planning Permission**

**30. TREES AND DEVELOPMENT - SUPPLEMENTARY PLANNING GUIDANCE (AGENDA ITEM 10)**

The Conservation Manager presented the report of the Head of Planning Services suggesting the approval of draft Supplementary Planning Guidance for trees on development sites and its publication for consultation purposes. He said that the need to retain important trees should be recognised at the site planning stage and that consideration should also be given to future growth requirements, especially where young trees are involved. After planning permission for development had been granted, the protection of trees during construction works was equally important and there would be instances where detailed conditions were necessary which needed to be regularly monitored. He advised that draft guidance has been produced to give advice upon how trees should be considered within the planning process and provided the Committee with details of his proposals. He concluded by saying that the proposed guidance would help with pre-planning application discussions, the details which should be included in an application and how trees should be protected during construction work.

The Committee welcomed the proposals put forward by the Conservation Manager.

**RESOLVED: That Cabinet Member for the Environment be recommended to approve draft Supplementary Guidance for Trees and Development for consultation purposes and officers be authorised to carry out consultation upon this with relevant parties.**

**31. REVIEW OF HERITAGE PROTECTION, THE WAY FORWARD - DEPARTMENT OF CULTURE MEDIA & SPORT (AGENDA ITEM 11)**

A report was presented by the Conservation Manger about proposed changes to the system for protecting the historic environment. He said that the Planning Committee on 3rd October 2003 generally supported Government's intentions to improve the system of historic environment designations set out in the Department for Culture, Media and Sport's (DCMS) review consultation document entitled "Protecting our Historic Environment: Making the System Work Better". However, it expressed some concerns, primarily in relation to the financial and staff implications of what was proposed. He outlined the proposals put forward including short-term measures and the longer-term package of measures which required primary legislation. He also provided the Committee with an appraisal about the implications of the review. The Committee welcomed the course of action suggested by the Conservation Manager.

**RESOLVED: That the changes put forward in DCMS document "Review of Heritage Protection: The Way Forward" be noted and that a further report be brought to the Committee when the White Paper anticipated on this matter emerges in 2005.**

**32. REVIEW OF CONSERVATION AREAS WITHIN HEREFORDSHIRE (AGENDA ITEM 12)**

The Conservation Manger presented the report of the Head of Planning Services which proposed a programme for the review of Conservation Areas within the County during 2005 and 2006. He said that Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990 required local planning authorities to determine Conservation Areas and that the task should be undertaken "from time to time". The review period was not specified although there was a suggestion in Government guidance that it should be in association with the review of Local Plans or Unitary Development Plans. He provided the Committee with a suggested

programme of review which took into consideration the resources of the Planning Services Department.

The Committee welcomed the proposals set out in the report of the Conservation Manager and supported his proposals for the review of Conservation Areas and related matters.

**RESOLVED: That Cabinet Member for the Environment be advised that:**

- (a) the Conservation Area appraisal statement for Colwall be reviewed and subsequently used as a template for appraisals of other areas;**
- (b) a programme for undertaking conservation area reviews and appraisals for 2005 and 2006 should comprise:  
2005 - Almeley, Dilwyn, Ross and Kington  
2006 - Bosbury, Much Marcle, Leominster Town Centre and Central Hereford; and**
- (c) the programme beyond this be set in the light of the experience gained over the first two years.**

**33. REPAIR OF HISTORIC BUILDINGS WITHIN HEREFORDSHIRE (AGENDA ITEM 13)**

The report of the Head of Planning Services was presented by the Conservation Manager. He said that the budget for the Council's Historic Building Grants Scheme was agreed at the beginning of each financial year. The Cabinet Member for the Environment had agreed that the budget could be used more flexibly to tackle a number of pressing building issues. For 2003/4 members approved an initial budget for Historic Buildings Grants of £25,500.00. This sum was supplemented by a further amount of £3,619.00 which was recycled grant money that has been offered and either not claimed or clawed back following the sale of property. The Conservation Manager provided the Committee with details of the properties that had benefited from grant aid together with the nature of repairs undertaken. He said that the grants had resulted in repairs valued in excess of £170,000 to be carried out, all of which were executed by local Herefordshire craftsmen with a number of materials being sourced locally. This work was important in helping to retain the local distinctiveness of the built heritage within the County, enhancing in turn both the local economy and tourism. The budget for 2004/5 was £26,140 and again some recycling was likely such that a total of £36,140 was anticipated. Of this some £4,320 has been reserved for contribution towards a project involving buildings at St Katherine's, Ledbury and £3,500 towards Urgent Works at The Summerhouse, Homme House, Much Marcle.

The Conservation Manager provided the Committee with details of the English Heritage Buildings at risk list and said that work was due to commence soon on the Saxon wall to the rear of St Owens Court which would prevent the historic monument from being overgrown in the future. Members felt that this site was little known in the County and asked the Conservation Manager to investigate whether a signpost could be erected to indicate its location to the public.

**RESOLVED: That the report be noted and that the suggested course of action above be approved.**

**34. HEREFORDSHIRE ARCHEOLOGY STRATEGY 2004 - 2007 (AGENDA ITEM 14)**

The Conservation Manager presented the report of the Head of Planning Services on a proposed Archaeological Strategy for Herefordshire for the period 2004 – 2007 together with an accompanying Strategic Plan. He said that Planning Committee previously received a report on an Archaeological Strategy in June 2001. That

Strategy covered the period 2001-2005, and had resulted in a significant increase in archaeological activity over the past three years. It had revealed a high level of interest in advice and information; supporting educational, tourism and regeneration activity. The work of the Archaeology Team in relation to the aims set out in the Strategy had attracted a significant amount of external funding for a range of projects with matching additional indirect financial and other benefits accruing. He advised that it was now appropriate to consider rolling the strategy forward to cover the period 2004 – 2007. He outlined the way in which this could be achieved and provided the Committee with details of the proposed Strategic Plan. Councillor RI Matthews requested that when archaeological fieldwork was being undertaken that local Ward Councillors be kept informed. The Committee was in favour of the Strategy and the Strategic Plan.

**RESOLVED: That the Committee advises the Cabinet Member for the Environment to endorse Herefordshire Archaeology Strategy 2004-2007 together with the associated Strategic Plan for that period.**

**35. PLANNING AND COMPULSORY PURCHASE ACT 2004: LOCAL DEVELOPMENT SCHEME (AGENDA ITEM 15)**

A report was presented by the Forward Planning Manger about the new system of development planning which was being introduced by the Planning and Compulsory Purchase Act 2004 and to seek views on the Council's first Local Development Scheme. He said that The Planning and Compulsory Purchase Act received Royal Assent in May and was now coming into force. He also said that as well as the compulsory purchase powers reported at the last meeting, new provisions and requirements for development planning were being introduced. In the report he summarised the main features of the new system and advised that one of the requirements of the Act was the preparation and publication of a statement of how the forward planning work would be organised over a three-year period. The statements or Local Development Schemes (LDS) had to be in place within six months of commencement of the Act. An LDS for Herefordshire had been prepared and he explained the main features of the new system, the procedure involved and the implications for the County. Informal consultation had taken place with the Government Office and the Planning Inspectorate about it. He said that the scheme set out the requirements arising under the Act and he explained how they would be addressed within Herefordshire.

The Committee questioned the merits of the proposals and had some reservations that regional planning would impinge upon local planning and make the system more remote form the people who were directly affected by it. The Head of Planning Services said that the reforms had been designed by Government to provide a more flexible and inclusive set of policies aimed at greater community involvement and linking with the provision of other community services.

The Cabinet Member (Environment) congratulated the Forward Planning Manager and his team for the work that they had undertaken in providing the Local Development Scheme.

**RESOLVED: That the Committee endorse the Local Development Scheme and recommends that the Cabinet Member (Environment) considers submitting the Scheme to Cabinet for approval.**

**36. BISHOPSTONE AND DISTRICT GROUP PARISH PLAN (AGENDA ITEM 16)**

The Bishopstone and District Group Parish Plan had been prepared as Interim Supplementary Planning Guidance to the emerging Herefordshire Unitary

Development Plan.

The Committee expressed its appreciation for the hard work undertaken by the local community in helping to prepare the document.

**RESOLVED: That It be recommended to the Cabinet Member (Environment) that the planning elements of the Bishopstone and District Group Parish Plan be adopted as interim Supplementary Planning Guidance as an expression of local distinctiveness and community participation.**

**37. WEOBLEY PARISH PLAN (AGENDA ITEM 17)**

The Weobley Parish Plan had been prepared as Interim Supplementary Planning Guidance to the emerging Herefordshire Unitary Development Plan.

The Committee expressed its appreciation for the hard work undertaken by the local community in helping to prepare the document.

**RESOLVED: That It be recommended to the Cabinet Member (Environment) that the planning elements of the Weobley Parish Plan be adopted as interim Supplementary Planning Guidance as an expression of local distinctiveness and community participation.**

The meeting ended at 11.35 pm

**CHAIRMAN**





## REPORT OF THE NORTHERN AREA PLANNING SUB-COMMITTEE

Meetings Held on 6th October and 3rd November, 2004

### 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 2 occasions and has dealt with the planning applications referred to it as follows:-
  - (a) applications approved = 19;
  - (b) approved contrary to recommendation = 3
  - (c) applications refused = 1;
  - (d) applications refused contrary to recommendation= 1;
  - (e) deferred applications = 3;
  - (f) site inspections = 1; and
  - (g) public speakers = 22

### PLANNING APPEALS

2. The Sub-Committee received information reports about 10 Appeals received and 1 that had been upheld.

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

- **BACKGROUND PAPERS – Agenda for meetings held on 6th October and 10th November 2004**



## REPORT OF THE CENTRAL AREA PLANNING SUB-COMMITTEE

Meetings Held on 27th September, 20th October and 17th November, 2004

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### 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, Miss F. Short, 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 3 occasions and has dealt with the planning applications referred to it as follows:-
  - (a) applications approved as per recommendation 17;
  - (b) applications refused as per recommendation 1;
  - (c) applications minded to approve contrary to officer recommendation 1;
  - (d) site inspections 1; and
  - (e) number of public speakers 8, (supporters 5, objectors 2, parish 1)

### PLANNING APPEALS

2. The Sub-Committee received information reports about 3 appeals that had been received and 1 that had been determined; the appeal determined had been upheld subject to conditions.

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

- **BACKGROUND PAPERS – Agenda for the meetings held on 27th September, 20th October and 17th November, 2004**



## REPORT OF THE SOUTHERN AREA PLANNING SUB-COMMITTEE

Meetings Held on 29th September and 27th October, 2004

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### 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

1. The Sub-Committee has dealt with the planning applications referred to it as follows:-
  - (a) applications approved 13
  - (b) applications refused contrary to recommendation 2 (not referred to Planning Committee by the Head of Planning services)
  - (c) site inspections 2
  - (d) number of public speakers 13, (supporters 5, objectors 8, parish 0)

### PLANNING APPEALS

2. The Sub-Committee received information reports about 4 appeals that have been received and 2 which have been determined. Of the latter, both were dismissed.

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

- **BACKGROUND PAPERS – Agenda for meeting held on 29th September & 27th October, 2004,**



**DCCE2004/2455/F - DEMOLITION AND REBUILDING  
OF A STONE BARN TO INCORPORATE A TWO  
BEDROOM BUNGALOW FOR THE USE OF A  
DISABLED PERSON AT CWM CRAIG FARM, LITTLE  
DEWCHURCH, HEREFORD, HR2 6PS**

**For: Mr. & Mrs. R.C. Lee, per Anchor Staying Put,  
84 Whitecross Road, Hereford, HR4 0DH**

**Date Received: 5th July 2004**

**Ward: Hollington**

**Grid Ref: 53524, 32180**

**Expiry Date: 30th August 2004**

Local Member: Councillor W.J.S. Thomas

This application was discussed at the meeting of the Central Area Planning Sub-Committee on the 27<sup>th</sup> September, 2004. The Committee were minded to grant planning permission contrary to Officer recommendation. The application was referred to the Head of Planning Services to consider whether the application should be referred to Planning Committee since the proposal conflicted with critical open countryside policies.

The application has been referred to Members for further discussion over the potential conflict with key development plan policies. The report below remains as per the agenda on the 27<sup>th</sup> September, 2004.

## **1. Site Description and Proposal**

- 1.1 This application proposes the demolition of an existing single storey building sited to the front of Cwm Craig Farmhouse and its replacement with a two bedroomed bungalow for the use of a disabled person. The site is located in a relatively isolated location at Little Dewchurch to the north-west of a small group of dwellings.
- 1.2 The existing building is a mixture of stonework and concrete block with a monopitch roof and occupies a prominent position adjacent to the highway. The proposed replacement would create a 'L' shaped two bedroomed bungalow with natural stone walling and natural slate roof. A small courtyard area providing a ramped access to the building is shown on the submitted drawings.
- 1.3 Both Mr. & Mrs. Lee suffer from medical problems which mean their ability to move around the large farmhouse is severely restricted. The proposed bungalow is intended for their occupation allowing the main farmhouse to be occupied by their son and his family. The main farmhouse also operates a successful bed and breakfast facility which is intended to be retained.

## **2. Policies**

### **2.1 South Herefordshire District Local Plan:**

Policy GD1	-	General Development Criteria
Policy C1	-	Development within Open Countryside
Policy C8	-	Development within Area of Great Landscape Value

- Policy SH11 - Housing in the Countryside
- Policy SH17 - Agricultural Workers' Dwellings

## 2.2 Herefordshire Unitary Development Plan (Revised Deposit Draft):

- Policy H7 - Housing in the Countryside outside Settlements

### 3. Planning History

- 3.1 There is no record of any applications being directly relevant to this proposal.

### 4. Consultation Summary

#### Statutory Consultations

- 4.1 There are no statutory consultation responses on this proposal.

#### Internal Council Advice

- 4.2 Head of Transportation and Engineering - no objection.
- 4.3 Head of Environmental Health and Trading Standards - there is no record or evidence of any contaminated land on the proposed site. However due to the close proximity of active agricultural buildings in order to protect residential amenity should Members be minded to approve this application, I would recommend that conditions be attached to any consent which restricts the occupation of the building to either agricultural occupancy/holiday accommodation or an ancillary basis to Cwm Craig Farm.

### 5. Representations

- 5.1 Little Dewchurch Parish Council - the Parish Council fully support this application.
- 5.2 Letters have been received from Mr. P. Mathers, Stoggall Cottage, Little Dewchurch, Hereford and F.L. Sainsbury, Fleur-de-lis, 16 Court Close, Little Dewchurch, Hereford.

Strong concerns are raised about the need for a new dwelling in this location having regard to the existing farmhouse which is larger than some hospitals. Suggestions are given that consideration must be made to internal work to convert one of the downstairs rooms or even provide a stairlift as opposed to erecting a new dwelling at the front of the site. It would appear that this application seeks to maximise financial gain by selling Mr. Lee's existing dwelling in the village enabling him to move into his parents' property.

Whilst the application conveys the impression of a conversion of a barn and its occupation by a disabled person, and this at first invokes sympathy and understanding, however the facts are somewhat distorted. To suggest that the large farmhouse which caters for bed and breakfast to a high standard is unable to accommodate the head of the household who is sadly now in a poor state of health stretches the imagination beyond credibility. A son and daughter both occupy large houses within 200 yards of the proposed development and this could surely relieve difficulties should they manifest themselves.



The proposed dwelling is well outside the village envelope. Thirteen large dwellings were erected on the applicant's land and only three of these were occupied by local people indicating they do not meet local need but are built purely for financial gain.

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 key considerations in determining this planning application are the principle of a new two bedroomed bungalow in this location, the design, siting and layout of the proposed unit and any material considerations which will be taken into account in the decision making process.
- 6.2 With the application, the agent has set out a detailed statement outlining the operation at Cwm Craig Farm and the need for a new two bedroomed bungalow on site. The statement can be summarised as follows.

The farm income today is derived from two sources, farming of 190 acre holding and the provision of tourist accommodation in the form of bed and breakfast which has become significantly important over the past 10 years in the main farmhouse. The bed and breakfast enterprise has helped sustain income levels to help maintain two family groups dependent on the farm. Indeed in past trading years the bed and breakfast business was the only enterprise that generated a profit for the farm. The bed and breakfast operates using three bedrooms and three reception rooms in the farmhouse which Mr. & Mrs. Lee (senior) reside. Mrs. Lee is no longer able to continue running the business because of her age (72 years) and recent diagnosis of osteoporosis of the spine. Mr. A.D. Lee (son) and his wife are looking to take on the running of this business but it would not be practical to do so until such time they are living in the farmhouse. They have two sons aged 7 and 10 years of age.

Moving a second family into the farmhouse whilst Mr. & Mrs. Lee (senior) are still living there would result in two of the bed and breakfast rooms currently being used being taken out of commercial use. This would significantly reduce the overall farm income and would make Mr. A. Lee's move with his family an unviable option for the farm. To allow farm income to be maintained it will be necessary for Mr. & Mrs. Lee (senior) to move out of the farmhouse allowing the son and his family to move in.

As mentioned above Mrs. Lee is suffering from osteoporosis and is on medication to aid mobility. Mr. R. Lee is also suffering from a debilitating condition (Parkinson's disease) which has affected his mobility and independence. His son now carries out the entire farming operation of 190 acres. Mr. Lee (senior) can no longer attend late evening duties or handle emergencies over night associated with the farm. The proposed development will allow Mr. & Mrs. Lee (senior) to remain active on the farm and contribute to the business without additional stress and responsibilities. Clearly the single storey accommodation will greatly assist their quality of life and independence as their medical conditions alter. It is important for them to remain in the community in which they have lived their entire adult lives and the development would prolong their independence with the knowledge that care and assistance is immediately on hand should it be required.

The proposed development has also been designed with the future in mind and it is intended that it would be a future source of income for the farming business. A unilateral undertaking has been offered to ensure that the building will be tied to the farmhouse and never sold separately as this could in the future provide holiday rental accommodation to supplement the bed and breakfast business.

#### Officer Comments

- 6.2 This proposal requires careful consideration having regard to adopted policy contained in the South Herefordshire District Local Plan and emerging Unitary Development Plan. The proposed two bedroom bungalow will replace an existing single storey store building which is poor in both architectural quality and merit and has been substantially rebuilt using concrete blockwork. The scheme proposed does not in any way represent a conversion and must be considered as a stand-alone new build. In this respect the principle of a new dwelling in this location is contrary to both national and local planning policy which seeks to protect areas of open countryside. Whilst exceptions to new dwellings are made where there is an established agricultural need, in this case it is more the personal circumstances of the applicant which seeks to justify the proposal against any demonstrated agricultural requirement.
- 6.3 Whilst very sympathetic to the personal circumstances set out by the application, Officers consider that the development is not acceptable and that the material reasons put forward with the application do not outweigh the fundamental policy objection. In the first instance internal conversion to the substantial farmhouse would seem the most appropriate form of providing accommodation for persons with disability. Should it be demonstrated that this is not possible, consideration should then be given to the conversion of any suitable existing buildings which comply with the conversions policy of the Local Plan. In this case whilst the use of three bedrooms for bed and breakfast accommodation has provided invaluable support to the farming operation, the erection of a two bed roomed dwelling to enable the three bedrooms to remain in bed and breakfast use is considered to be a weak argument. Notwithstanding the unilateral undertaking which would prevent future sale of the proposed building, Officers do not consider the argument put forward justifies a decision which is clearly contrary to established and adopted planning policy. Furthermore, it is understood that the applicant's son and daughter both live in reasonably close proximity to the site such that care would be available to the applicants by close family members within a reasonable time.
- 6.4 Cwm Craig Farmhouse is a large detached dwelling and the reasons for no internal alterations put forward (to retain the bed and breakfast facility) do not in Officers opinion carry sufficient weight to set aside the adopted policies in this case. Whilst the proposed building has a reasonably close relationship to the farmhouse such that a future independent sale from the farmhouse may be able to be resisted, it does not justify approval in this instance.

#### **RECOMMENDATION**

**That planning permission be refused for the following reason:**

- 1. The site lies outside a recognised settlement boundary as identified by the adopted South Herefordshire District Local Plan where there is a general presumption against new dwellings unless they meet the criteria set out in Polich SH11. In this instance the proposed demolition of a single storey store building and erection of a two bed roomed detached bungalow for a disabled**

person fails to comply with the adopted policy and any material considerations do not outweigh the policy objection. Furthermore the proposed building by virtue of its prominent roadside position and proximity to the main house would create an awkward relationship that would be detrimental to the character and appearance of the area.

Decision: .....

Notes: .....

.....  
**Background Papers**

Internal departmental consultation replies.

**10 DCCE2004/2455/F - DEMOLITION AND REBUILDING OF A STONE BARN TO INCORPORATE A TWO BEDROOM BUNGALOW FOR THE USE OF A DISABLED PERSON AT CWM CRAIG FARM, LITTLE DEWCHURCH, HEREFORD, HR2 6PS**

**For: Mr. & Mrs. R.C. Lee per Anchor Staying Put,  
84 Whitecross Road, Hereford, HR4 0DH**

**Date Received: 5th July 2004**

**Ward: Hollington**

**Grid Ref: 53524, 32180**

**Expiry Date: 30th August 2004**

Local Member: Councillor W.J.S. Thomas

## **1. Site Description and Proposal**

- 1.1 This application proposes the demolition of an existing single storey building sited to the front of Cwm Craig Farmhouse and its replacement with a two bedroomed bungalow for the use of a disabled person. The site is located in a relatively isolated location at Little Dewchurch to the north-west of a small group of dwellings.
- 1.2 The existing building is a mixture of stonework and concrete block with a monopitch roof and occupies a prominent position adjacent to the highway. The proposed replacement would create a 'L' shaped two bedroomed bungalow with natural stone walling and natural slate roof. A small courtyard area providing a ramped access to the building is shown on the submitted drawings.
- 1.3 Both Mr. & Mrs. Lee suffer from medical problems which mean their ability to move around the large farmhouse is severely restricted. The proposed bungalow is intended for their occupation allowing the main farmhouse to be occupied by their son and his family. The main farmhouse also operates a successful bed and breakfast facility which is intended to be retained.

## **2. Policies**

### **2.3 South Herefordshire District Local Plan:**

Policy GD1	-	General Development Criteria
Policy C1	-	Development within Open Countryside
Policy C8	-	Development within Area of Great Landscape Value
Policy SH11	-	Housing in the Countryside
Policy SH17	-	Agricultural Workers' Dwellings

### **2.4 Herefordshire Unitary Development Plan (Revised Deposit Draft):**

Policy H7	-	Housing in the Countryside outside Settlements
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### 3. Planning History

3.1 There is no record of any applications being directly relevant to this proposal.

### 4. Consultation Summary

#### Statutory Consultations

4.1 There are no statutory consultation responses on this proposal.

#### Internal Council Advice

4.2 Head of Transportation and Engineering - no objection.

4.3 Head of Environmental Health and Trading Standards - there is no record or evidence of any contaminated land on the proposed site. However due to the close proximity of active agricultural buildings in order to protect residential amenity should Members be minded to approve this application, I would recommend that conditions be attached to any consent which restricts the occupation of the building to either agricultural occupancy/holiday accommodation or an ancillary basis to Cwm Craig Farm.

### 5. Representations

5.1 Little Dewchurch Parish Council - the Parish Council fully support this application.

5.2 Letters have been received from Mr. P. Mathers, Stoggall Cottage, Little Dewchurch, Hereford and F.L. Sainsbury, Fleur-de-lis, 16 Court Close, Little Dewchurch, Hereford.

Strong concerns are raised about the need for a new dwelling in this location having regard to the existing farmhouse which is larger than some hospitals. Suggestions are given that consideration must be made to internal work to convert one of the downstairs rooms or even provide a stairlift as opposed to erecting a new dwelling at the front of the site. It would appear that this application seeks to maximise financial gain by selling Mr. Lee's existing dwelling in the village enabling him to move into his parents' property.

Whilst the application conveys the impression of a conversion of a barn and its occupation by a disabled person, and this at first invokes sympathy and understanding, however the facts are somewhat distorted. To suggest that the large farmhouse which caters for bed and breakfast to a high standard is unable to accommodate the head of the household who is sadly now in a poor state of health stretches the imagination beyond credibility. A son and daughter both occupy large houses within 200 yards of the proposed development and this could surely relieve difficulties should they manifest themselves.

The proposed dwelling is well outside the village envelope. Thirteen large dwellings were erected on the applicant's land and only three of these were occupied by local people indicating they do not meet local need but are built purely for financial gain.

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

- 6.3 The key considerations in determining this planning application are the principle of a new two bedroomed bungalow in this location, the design, siting and layout of the proposed unit and any material considerations which will be taken into account in the decision making process.
- 6.2 With the application, the agent has set out a detailed statement outlining the operation at Cwm Craig Farm and the need for a new two bedroomed bungalow on site. The statement can be summarised as follows.

The farm income today is derived from two sources, farming of 190 acre holding and the provision of tourist accommodation in the form of bed and breakfast which has become significantly important over the past 10 years in the main farmhouse. The bed and breakfast enterprise has helped sustain income levels to help maintain two family groups dependent on the farm. Indeed in past trading years the bed and breakfast business was the only enterprise that generated a profit for the farm. The bed and breakfast operates using three bedrooms and three reception rooms in the farmhouse which Mr. & Mrs. Lee (senior) reside. Mrs. Lee is no longer able to continue running the business because of her age (72 years) and recent diagnosis of osteoporosis of the spine. Mr. A.D. Lee (son) and his wife are looking to take on the running of this business but it would not be practical to do so until such time they are living in the farmhouse. They have two sons aged 7 and 10 years of age.

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As mentioned above Mrs. Lee is suffering from osteoporosis and is on medication to aid mobility. Mr. R. Lee is also suffering from a debilitating condition (Parkinson's disease) which has affected his mobility and independence. His son now carries out the entire farming operation of 190 acres. Mr. Lee (senior) can no longer attend late evening duties or handle emergencies over night associated with the farm. The proposed development will allow Mr. & Mrs. Lee (senior) to remain active on the farm and contribute to the business without additional stress and responsibilities. Clearly the single storey accommodation will greatly assist their quality of life and independence as their medical conditions alter. It is important for them to remain in the community in which they have lived their entire adult lives and the development would prolong their independence with the knowledge that care and assistance is immediately on hand should it be required.

The proposed development has also been designed with the future in mind and it is intended that it would be a future source of income for the farming business. A unilateral undertaking has been offered to ensure that the building will be tied to the farmhouse and never sold separately as this could in the future provide holiday rental accommodation to supplement the bed and breakfast business.

### Officer Comments

- 6.4 This proposal requires careful consideration having regard to adopted policy contained in the South Herefordshire District Local Plan and emerging Unitary Development Plan.

The proposed two bedroom bungalow will replace an existing single storey store building which is poor in both architectural quality and merit and has been substantially rebuilt using concrete blockwork. The scheme proposed does not in any way represent a conversion and must be considered as a stand-alone new build. In this respect the principle of a new dwelling in this location is contrary to both national and local planning policy which seeks to protect areas of open countryside. Whilst exceptions to new dwellings are made where there is an established agricultural need, in this case it is more the personal circumstances of the applicant which seeks to justify the proposal against any demonstrated agricultural requirement.

- 6.3 Whilst very sympathetic to the personal circumstances set out by the application, Officers consider that the development is not acceptable and that the material reasons put forward with the application do not outweigh the fundamental policy objection. In the first instance internal conversion to the substantial farmhouse would seem the most appropriate form of providing accommodation for persons with disability. Should it be demonstrated that this is not possible, consideration should then be given to the conversion of any suitable existing buildings which comply with the conversions policy of the Local Plan. In this case whilst the use of three bedrooms for bed and breakfast accommodation has provided invaluable support to the farming operation, the erection of a two bedroomed dwelling to enable the three bedrooms to remain in bed and breakfast use is considered to be a weak argument. Notwithstanding the unilateral undertaking which would prevent future sale of the proposed building, Officers do not consider the argument put forward justifies a decision which is clearly contrary to established and adopted planning policy. Furthermore, it is understood that the applicant's son and daughter both live in reasonably close proximity to the site such that care would be available to the applicants by close family members within a reasonable time.
- 6.4 Cwm Craig Farmhouse is a large detached dwelling and the reasons for no internal alterations put forward (to retain the bed and breakfast facility) do not in Officers opinion carry sufficient weight to set aside the adopted policies in this case. Whilst the proposed building has a reasonably close relationship to the farmhouse such that a future independent sale from the farmhouse may be able to be resisted, it does not justify approval in this instance.

## RECOMMENDATION

**That planning permission be refused for the following reason:**

- 1. The site lies outside a recognised settlement boundary as identified by the adopted South Herefordshire District Local Plan where there is a general presumption against new dwellings unless they meet the criteria set out in Polich SH11. In this instance the proposed demolition of a single storey store building and erection of a two bedroomed detached bungalow for a disabled person fails to comply with the adopted policy and any material considerations do not outweigh the policy objection. Furthermore the proposed building by virtue of its prominent roadside position and proximity to the main house would create an awkward relationship that would be detrimental to the character and appearance of the area.**

Decision: .....

Notes: .....

.....  
**Background Papers**

Internal departmental consultation replies.



**DCSE2004/2892/F - PROPOSED CONSERVATORY AT  
54 PURLAND, ROSS-ON-WYE, HEREFORDSHIRE HR9  
5QA**

**For: Mr C Gray, 54 Purland, Ross on Wye,  
Herefordshire HR9 5QA**

**Date Received: 10th August 2004    Ward: Ross-on-Wye East    Grid Ref: 59580, 22997**

**Expiry Date: 5th October 2004**

Local Members: Councillor Mrs A E Gray and Councillor Mrs C J Davis

## **1. Site Description and Proposal**

- 1.1 This site is located within the existing residential area of Ross on Wye. This semi-detached dwelling has red brick walls and plain tiles on the roof. Three small single storey extensions have been previously added. The dwelling is situated between two other dwellings and has a long garden at the rear.
- 1.2 The proposal is to erect a small conservatory with a red brick plinth, to match the bricks on the existing dwelling, and a polycarbonate roof. The conservatory will be attached to the rear corner of the dwelling i.e. north western corner, adjacent to an existing single storey rear extension. The proposed conservatory will measure approximately 4.45 metres by 3.75 metres and will be 3.6 metres high to the ridge.

## **2. Policies**

### **2.1 Planning Policy Guidance**

PPG.1            -            General Principles

### **2.2 Hereford and Worcester County Structure Plan**

Policy CTC1    -            Development in Areas of Outstanding Natural Beauty  
Policy CTC9    -            Development Criteria

### **2.3 South Herefordshire District Local Plan**

Policy GD1     -            General Development Criteria  
Policy C5       -            Development within AONB  
Policy SH23    -            Extensions to Dwellings

### **2.4 Herefordshire Unitary Development Plan (Revised Deposit Draft)**

Policy S2       -            Development Requirements  
Policy DR1     -            Design  
Policy H18     -            Alterations and Extensions  
Policy LA1     -            Areas of Outstanding Natural Beauty

## **3. Planning History**

- 3.1 No relevant history.

## **4. Consultation Summary**

Statutory Consultations

- 4.1 No statutory or non-statutory consultations required.

Internal Council Advice

- 4.2 The Head of Engineering and Transportation has no observations.

**5. Representations**

- 5.1 The Ross Town Council has no objections.

**6. Officers Appraisal**

- 6.1 The main issues relate to the design and appearance of the proposed conservatory and its effect on the visual appearance and character of the immediate area and also its effect on the residential amenities of the adjacent dwellings. The most relevant planning policies are GD1 and SH23 of the Local Plan and CTC9 of the Structure Plan.
- 6.2 The proposed conservatory is small and is situated at the rear of the dwelling. The conservatory is considered to be acceptable in appearance and not out of keeping with the visual appearance and character of the surrounding area. The proposed conservatory will not adversely affect the residential amenities of the neighbouring dwellings, i.e. no adverse overlooking or loss of light etc. The proposed conservatory will be in keeping with the scale of the original dwelling which will remain the dominant feature of the resultant extended dwelling.
- 6.3 As such it is considered that the proposal is acceptable and in accordance with the approved planning policies for the area.

**RECOMMENDATION**

**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 A06 (Development in accordance with approved plans )**

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

**3 Before any work commences on site details of the colour intended for the external roofing material shall first be submitted to and be subject to the prior written approval of the local planning authority.**

**Reason: To ensure that the development is satisfactory in appearance.**

**Informative**

**1 N15 - Reason(s) for the Grant of Planning Permission**

Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.



## **DEVELOPMENT BRIEF FOR FROME VALLEY HAULAGE DEPOT, BISHOPS FROME**

**Report By: Forward Planning Manager**

### **Wards Affected**

Frome

### **Purpose**

To consider the draft development brief for the Frome Valley Haulage Depot, Bishops Frome and approve it for public consultation purposes with a view to it forming interim supplementary planning guidance to the Unitary Development Plan.

### **Background**

A draft development brief has been prepared to guide the future development of the Frome Valley Haulage Depot which is located in Bishops Frome and forms a housing allocation for 15 units within the emerging UDP. The brief has been prepared jointly between the Council and developers of the site. The brief will provide additional information to supplement the policies of the plan and as such will eventually be adopted as Supplementary Planning Guidance.

### **The Development Brief**

The aim of the brief is to:

- Establish the development framework in a positive and enabling manner providing a development concept early in the development plan process.
- Identify development requirements before land values are set to ensure the delivery of viable schemes
- Provide greater certainty
- Promote good design standards and address plan policy issues

The brief, which is attached for your information, includes the following information:

- Planning Policy
- Site Analysis
- Design Context

The brief also includes details of planning obligations which will be sought from the development which relate to:

- Affordable housing provision
- Provision of a formal play area

## **Consultation**

The preparation of the development brief follows an initial submission from the landowner's agent. The draft brief is a result of internal consultation to ensure that all site issues and requirements are addressed, particularly those requiring planning obligations.

## **RECOMMENDATION**

**THAT It be recommended that the draft development brief for Frome Valley Haulage Depot, Bishops Frome, be approved for consultation purposes as detailed within the report.**

### **Background paper**

Development Brief for Frome Valley Haulage Depot, Bishops Frome

## **UPDATED SUPPLEMENTARY PLANNING GUIDANCE ON THE PROVISION OF AFFORDABLE HOUSING**

**Joint Report By: the Forward Planning Manager and the Head  
of Strategic Housing Services**

### **Wards Affected**

Countywide

### **Purpose**

To inform members of the consultation process undertaken on the updated Supplementary Planning Guidance.

### **Background**

The Provision of Affordable Housing Supplementary Planning Guidance (SPG) was approved in 2001. On July 16<sup>th</sup> 2004 Planning Committee recommended that the cabinet member approve an update to the SPG for consultation purposes. Cabinet Member approval was given on 21<sup>st</sup> July 2004. The SPG relates to the policies contained within the Council's development plans and currently uses data from the Housing Need Study of 1999. It has been used to assist in delivering affordable housing throughout the County. An update of the document is required to reflect the 2001 housing needs study and changes in key data relating to the housing market and affordability.

The consultation process has now been completed and the updated SPG accompanies the report. The changes to the July version of the document are highlighted through ~~striketrough~~ and underlining.

This report recommends that following consideration by this Committee, the Cabinet Member (Environment) be requested to agree the updated SPG.

It should be noted that the ODPM have advised that with the commencement of the Planning and Compulsory Purchase Act 2004 it is not appropriate to adopt new SPG. However this work only updates an existing SPG in respect of new information and does not constitute the preparation of a new SPG.

### **Aims**

The aim of the SPG is to:

- Improve the delivery and maximise the opportunities available for the provision of affordable housing to meet the County's housing needs
- Reduce uncertainty and ensure a consistent approach and provide clear guidance for developers to follow
- Provide additional guidance on the interpretation of existing plan policies contained in the current Local Plans.

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Further information on the subject of this report is available from Claire Rawlings on (01432) 260134

## Consultation Comments

The SPG consultation period lasted from July to September 2004 with 30 organisations invited to comment. Nine organisations responded and these are summarised in Appendix 1 of this report. In addition a number of small amendments to the SPG have resulted from internal comments. The main themes resulting from the consultation and main changes proposed as a result are summarised below.

1. Supporting comments were received to the general approach adopted and the associated aims. The close integration of the development plans and the housing strategy was also supported.
2. Changes were sought in respect of details coming out of the Housing Bill and Barker Report both of which include mechanisms for developers to receive SHG directly enabling developers to build affordable housing without the use of an RSL. However, both these documents do not, as yet, constitute government policy and it is therefore recommended that these details are not included in this SPG.
3. An amendment has been recommended indicating that the guidance will be updated regularly to reflect changing circumstances.
4. Some commentators consider that the SPG is not in line with PPG12 or Circular 6/98, however, the document is consistent with national policy. The document provides an update of the previous (2001) version which has been used successfully in the negotiation of affordable housing.
5. There is some concern that the definition of affordable housing does not correspond with the adopted local plans. The SPG attempts to bring consistency across the five adopted development plans which are operational in the County and the definition in the SPG tries to achieve this. The definition used is regionally recognised and it does not, in itself, constitute policy.
6. Developers have criticised the Council's Housing Needs Study as not being a robust assessment. Due to the nature of need studies it is always possible to find flaws in assessments, however, it is considered that the Council's study provides the best available information and continues to provide an appropriate basis for the assessment of affordable housing requirements in the County.
7. The SPG has been amended to make it clear that the Council has a statutory duty to provide information to developers on housing need through out the County. However, in the case of exception sites the developer will be required to produce evidence of need to support applications.
8. There has been some concern about the use of Scheme Development Standards being applied and resulting in affordable housing appearing different to market housing within any scheme. However, the SPG only encourages this and does specify that as a minimum the standards of the market housing should be met.



9. In respect of pepper potting developers are concerned that the Council has no related planning policy and that it is not a land use issue. However, in response the SPG, in referring to the issue, is encouraging well integrated, balanced communities.
10. It is suggested that the SPG is changed to specify that it will be the Councils responsibility to monitor the execution of planning obligations and to return unspent monies where appropriate to the developer including interest any accumulated interest.
11. Some commentators indicate that the Council should not prescribe RSL partners. However the list provides helpful information on RSL's who are active in the area and have experience of managing stock in rural areas. Appendix 1 has been amended to make the preferred nature of the list clear.
12. Appendix 5 has been amended to make it clear that the brief is trying to provide helpful information to potential developers and constitutes a starting point for negotiation.

## **RECOMMENDATION**

**IT be recommended to the Cabinet Member (Environment) that the updated document, including the suggested amendments be adopted and published as an updated version of the existing Supplementary Planning Guidance**

### **Background papers**

Provision of Affordable Housing SPG 2001  
Housing Needs Studies 1999 and 2001

Appendix 1: SPG Consultation comments

ORGANISATION	COMMENT SUMMARY	RESPONSE
Countryside Agency	Welcomes the guidance on this issue and supports the direction and content of the SPG. Specifically welcomes the recognition that local housing needs should be the key determinant in the location of future affordable housing and the aim to keep this affordable housing in perpetuity.	Noted.
<b>Introduction</b>		
Taylor Woodrow	Seeks inclusion of words from PPG12 that an SPG must relate to existing policy and that it cannot make or amend policy and this should be made clear throughout the SPG.	The first sentence of the SPG refers to PPG 12 and is clear that the SPG has been prepared in the context of the five adopted development plans and that it will be reviewed once the UDP has been adopted. <b>Recommend no change.</b>
Taylor Woodrow	Aspects of this SPG have not been produced in accordance with Government Guidance as it fails many aspects of C6/98 and C1/97. Therefore remove from statement.	It is considered that the document is consistent with the advice in Circular 6/98. <b>Recommend no change.</b>
Taylor Woodrow RPS	The Council have failed to mention that affordable housing can now be delivered through a developer and private funders which is fully supported by the Barker Report and also the new Housing Bill which will enable developers to receive SHG. This is also supported in C6/98 para 33ac.	The Barker Report and the Housing Bill do not, as yet, constitute government policy. A future review of the SPG will need to address this issue. However, the SPG does provide examples of the bodies involved in the provision of affordable housing and this list makes reference to developers and lending institutions. <b>Recommend no change</b>
Taylor Woodrow	The SPG should be in line with adopted policy. Therefore it should be said that this review of the SPG is premature as the revised UDP has not been formally adopted.	It is clear that the SPG relates to the adopted development plans and that a review of the SPG will take place when the UDP is adopted. The review is being undertaken to update the SPG in light of more recent information on housing need and affordability data and in terms of the day to day experiences of applying the SPG in practice. <b>Recommend no change</b>
<b>Aims of the SPG</b>		
Tetlow King	Support the aim to improve the delivery and maximise the opportunities available for the provision of affordable housing to meet the County's housing needs.	Support noted.

ORGANISATION	COMMENT SUMMARY	RESPONSE
Taylor Woodrow RPS	Section 1.2 should include a reference that affordable housing will be negotiated with developers in line with C6/98.	Noted and agreed <b>Recommend a change be made in respect of this comment</b>
<b>Scope and Status of the SPG</b>		
Tetlow King	Support scope and status of this guidance, however, recommend that the SPG should be reviewed regularly to reflect changing circumstances within the authority area.	Noted and agreed <b>Recommend a change be made in respect of this comment</b>
Taylor Woodrow	Section 1.3 states that the guidance will be taken into account as a material planning consideration. However, the SPG will only carry weight in front of the Planning Inspector if it abides by PPG 12. It does not so this statement should be removed.	The Council considers that this SPG is in accordance with the guidance included within PPG12 and therefore does constitute a material planning consideration. <b>Recommend no change</b>
<b>Definition of Affordable Housing</b>		
Tetlow King	There is no mention of key workers. This is relevant to the definition of affordable housing. It also needs to be made clearer in accordance with para1 of C6/98 that the provision of affordable housing is a material planning consideration and recognised as a planning gain in itself.	It is not felt appropriate to single out specific groups of workers because the guidance already specifies this under the local need criteria (2.2. bii and biv). <b>Recommend no change</b> It is proposed that the text be altered to reflect that the provision of affordable housing is a material planning consideration and recognised as a planning gain in itself. <b>Recommend a change be made in respect of this comment.</b>
Taylor Woodrow	The definition in the SPG does not correspond with the definition in the current Local Plans. Therefore the definition is not adopted policy and should be removed.	The definition contained in the brief provides a consistent County-wide approach. The definition is regionally recognised, and does not conflict with any of the development plans <b>Recommend no change</b>
Taylor Woodrow RPS	C6/98 does not require affordable housing to be available in perpetuity. This needs to be redrafted. See St Albans V Laings planning appeal. Which accepted that 20 years represented perpetuity. This point also refers to Section 6.1.1 para 8 and Section 6.1.2.2 .	In para 16 of Circ 6/98, reference is made in the phrase "either initially or in perpetuity," to the occupancy of affordable housing. In the Council's view there is a long term need to retain affordable housing for the use of future generations based on the analysis of the economic circumstances pertaining in the County. <b>Recommend no change</b>

ORGANISATION	COMMENT SUMMARY	RESPONSE
<b>Assumptions on Local Affordability</b>		
Tetlow King	It is inappropriate for this SPG to refer to average annual incomes, house prices and rents as these are constantly changing variables, these will alter in the future and result in misleading and out of date information.	The guidance allows for the updating of figures annually <b>Recommend no change.</b>
Taylor Woodrow /RPS	The assumptions used are based on averages and an assumed deposit level which is overly restrictive and imposing a rigid formula which is contrary to C1/97 para B16. This section needs to be redrafted to accommodate different circumstances and be in line with C1/97. This point also refers to Section 6.1.1 para 8.	C1/97 B16 makes reference to development plan policy. In supplementing existing policies the SPG usefully provides a range of indicative figures to give a guide to developers reflecting what an affordable price in Herefordshire would be. <b>Recommend no change</b>
George Wimpy	The affordability formula in clauses 2.3.2 and 2.3.3 will be based on last years incomes. An uplift of the anticipated rise in incomes should be incorporated. For most developments this will be a two year uplift.	The % uplift is likely to be in low single figures based on recent trends and would therefore result only in a marginal change. <b>Recommend no change.</b>
Gloucestershire Housing Association	2.3.5 - Requests inclusion of wording saying that the Council expect rents not to exceed the 'target rent'. This would produce a level playing field for the RSL's and ensure that the rents are affordable.	Noted and agreed <b>Recommend a change be made in respect of this comment</b>
George Wimpy	It is wrong to set gross earnings thresholds for shared ownership accommodation (clause 2.3.5). If qualifying purchases cannot afford to buy the shared ownership units then the housing association will be left with empty shared ownership stock. Shared ownership should be for people who can afford to pay a little more than affordable rented accommodation and aspire to own their own property.	The thresholds are suggested to ensure that households can afford to maintain their homes therefore promoting sustainability, reducing homelessness by taking a pro active approach. Based on recent trends 30% is the average spent on housing costs across this tenure. <b>Recommend no change.</b>
Marches Housing Association	Concerned at the formulaic approach to defining affordable housing particularly in relation to shared equity. The type of applicant for a shared equity property may have above average income even though this may still be insufficient for them to buy on the open market.	The thresholds are suggested to ensure that households can afford to maintain their homes therefore promoting sustainability, reducing homelessness by taking a pro active approach. Based on recent trends 30% is the average spent on housing costs. <b>Recommend no change</b>
George Wimpy	Rented and shared ownership accommodation is referred to as Subsidised Housing (clause 2.3.5). As social housing grant is not available for affordable housing procured by planning gain it is only	Noted and agreed change to text/heading could clarify this issue. <b>Recommend a change be made in respect of this comment</b>

ORGANISATION	COMMENT SUMMARY	RESPONSE
	<p>subsidised by the developer in the same way as the low cost market housing. It is therefore misleading to call rented and shared ownership accommodation 'subsidised housing' because it is not subsidised by public subsidy.</p>	<p>comment</p>
	<p><b>Legislative and Policy Background for the Provision of Affordable Housing</b></p>	
Tetlow King	<p>Full integration between the Local Plan, the housing strategy and the SPG is essential.</p>	<p>Support noted.</p>
	<p><b>Strategic Housing Services for the Provision of Affordable Housing</b></p>	
Tetlow King	<p>Welcomes the reference to Housing Need Surveys, however, the Council needs to commit itself to ongoing assessment within the framework of plan, monitor and manage.</p>	<p>The council is committed to a rolling programme of housing needs surveys which are used to update estimates of need across the county. <b>Recommend no change</b></p>
Taylor Woodrow	<p>Section 3.9 para 2 does not recognise that developers and private funders are eligible to bid for SHG and develop affordable housing. This needs to be amended.</p>	<p>This is a factual statement providing a description of the Social Housing Agreement that has been approved in Herefordshire. <b>Recommend no change.</b></p>
<p><b>Herefordshire Housing Needs Studies</b></p>		
Tetlow King	<p>Welcomes the reference to Housing Need Surveys, however, strongly recommend that a review is undertaken and the information updated to accurately reflect the current housing need requirements within Herefordshire.</p>	<p>The Council is committed to a rolling programme of housing needs surveys which are used to update estimates of need across the county. <b>Recommend no change</b></p>
Taylor Woodrow RPS	<p>The HNS undertaken in 2001 is not robust as it fails the ODPM Good Practice Guide. C6/98 para 6 requires a Council to have a robust and rigorous assessment. Herefordshire Council do not have this and should therefore not be seeking affordable housing.</p>	<p>No evidence is provided in terms of how the Housing Needs Study fails the ODPM report. The Council considers the Housing Needs Study to be the best available information and adequate to assess affordable housing needs in the County. <b>Recommend no change</b></p>
RPS	<p>Object to the rolling programme of needs studies mentioned at para 4.1 as the method to ensure housing needs data remains up to date and reflect the housing situation in Herefordshire. C6/98 advocates the use of assessments which involve the analysis of demand and supply factors and not only perceived demand as derived from surveys.</p>	<p>The housing needs survey reports do include reference to demand as evidenced by the Choice Based Lettings data. <b>Recommend no change.</b></p>

ORGANISATION	COMMENT SUMMARY	RESPONSE
<p>Marches Housing Association</p>	<p>It is important that affordable housing is sustainable. Identifying need is important however, the local authority may find itself in a position in which a planning application is made that might generate 1 or 2 affordable homes in rural parishes and a needs survey may be overkill.</p>	<p>The local authority has a statutory duty to assess housing need within its district and target resources appropriate to meet identified housing need. Resources will be targeted to high demand areas and where development is sustainable. The Council will produce a development programme to guide housing providers. Local housing needs assessments are required to justify development on rural exception sites even for very small developments. <b>Recommend no change.</b></p>
<p>Countryside Agency</p>	<p>The explanation of the identification of housing need does not include a breakdown of the methodology used for the Housing Needs Study. The Agency recommends that Housing Needs Assessments should be based on 100% coverage of smaller rural settlements, rather than an indicative approach. It would improve the clarity of the Housing Needs Assessment undertaken if the methodology of the approach used, could be explained.</p>	<p>This SPG is already a long document and inclusion of the housing need information as identified would lead to it becoming even longer. All the information is clearly laid out within the Housing Need Assessments. The Council considers the Housing Needs Study to be the best available information and adequate to assess affordable housing needs in the County. <b>Recommend no change</b></p>
<p><b>Opportunities for the Provision of Affordable Housing</b></p>		
<p>Tetlow King</p>	<p>Para 5.1 More support should be given to RSL's developing affordable housing themselves, rather than assuming that all such housing will be delivered through developer contributions. There is no mention of the reuse of existing buildings for affordable housing.</p>	<p>The reuse of existing dwellings will be considered as part of the overall development proposal and will be taken into account when seeking affordable housing. 5.1 para 3 also acknowledges the role that RSLs have to develop affordable housing other than through planning gain. <b>Recommend no change.</b></p>
<p>Tetlow King</p>	<p>Para 5.2 It is considered that whilst the negotiation of affordable housing should not be only be directed to identified settlements, but negotiated on all appropriate settlements. There is insufficient reference to the information developers will be expected to provide to demonstrate the abnormal site costs for particular proposals and the Councils procedures for analysing such information.</p>	<p>The SPG is required to supplement existing Plan policy. The Local Plans direct development to identified settlements and therefore the SPG should be consistent with them. <b>Recommend no change.</b></p>
<p>Tetlow King</p>	<p>Para 5.3. Support threshold of 15 reflecting the guidance in prosed changes to PPG3. Unclear which threshold the SPG will implement, it is essential that the intended threshold is clearly stated and justified.</p>	<p>The Council will provide evidence on housing need in all cases other than on exception schemes where it will be the requirement of developers. This should be clarified in the text. <b>Recommend a change be made in respect of this</b></p>

ORGANISATION	COMMENT SUMMARY	RESPONSE
Tetlow King	5.4 35% target in UDP should be amended so that it is a baseline for negotiation and not levied as the maximum provision. Further clarification of the 35% is required and should relate to the findings of the Housing Needs Survey.	comment. 5.4 states that the Council will determine an appropriate level of affordable housing provision for the individual sites in negotiation with developers. The 35% provides indicative guidance. <b>Recommend no change.</b>
Tetlow King	5.5 SPG should set out the process in more detail, e.g. who will be responsible for proving need.	The Council will provide information on need other than in the case of exception schemes where it will be the requirement of developers. This will be clarified in the text. <b>Recommend a change be made in respect of this comment.</b>
Tetlow King	S6 Recommend that a Pro forma section 106 agreements clauses should be attached to this document and a resume of the Housing Corporation's Scheme Development Standards (SDS) should be appended to the SPG rather than relying entirely on cross references to Housing Corporation document. It should be made clear however, that these may vary from time to time and will only apply to grant funded schemes.  Consider that reduced car parking standards for affordable housing should be included in light of lower car ownership amongst the occupiers of affordable housing.	To include such detail would result in a long and complex document. The document is considered to be sufficiently detailed without providing other information.  SDS is a housing corporation requirement regardless of whether there is grant input if the properties are managed by the RSLs  In rural areas, car ownership increases rather than decreases across all tenures. <b>Recommend no change</b>
Tetlow King	S8 The formula for calculating commuted sums for off site provision should be calculated and set out in this SPG. The administration and use of such monies should also be documented.	5.4 states that the Council will determine an appropriate level of affordable housing provision for the individual sites in negotiation with developers. The 35% provides guidances that this figure will be sought and has been achieved. <b>Recommend no change.</b>
Taylor Woodrow	Section 5.1 para 2 is contrary to C6/98 para 33ac. The Case of LB Hounslow v Wimpey Homes concluded with the Inspector agreeing that where there was no SHG then the developer could deliver low cost home ownership. The brief needs to be amended accordingly.	Where no grants are available land values will need to subsidise this. <b>Recommend no change.</b>
Taylor Woodrow RPS	Section 5.2 is contrary to C6/98 para 3 which states that affordable housing should be delivered through negotiation with the developer and para 10j which does not ask for the developer to prove	The Council is taking site development costs into account when negotiating a proportion of affordable housing on a particular site. Where these costs are high then this will be

ORGANISATION	COMMENT SUMMARY	RESPONSE
RPS	<p>'unusually high costs' as identified in the SPG. The sentence needs to be removed and amended accordingly in line with C6/98.</p> <p>Objection is made with regard to the wording which only provides for negotiation in circumstances where a large number of constraints exist. It is entirely possible that one development constraint may have a large bearing on the viability of a project. It is also considered unreasonable that the Council will only consider the negotiation of the proportion of affordable housing where the development of housing would lead to significant improvements in the local environment.</p>	<p>reflected in the negotiations to ensure a scheme is delivered. Para 10 of C6/98 does refer to the economics of provision and particular costs associated with development of the site. <b>Recommend a change be made in respect of this comment.</b></p> <p>Noted and agreed <b>Recommend a change be made in respect of this comment</b></p>
<p><b>Site Thresholds and UDP Thresholds</b></p>		
Taylor Woodrow	<p>Section 5.3 needs to be redrafted where it relates to the SPG being altered in line with C6/98 and PPG3, which it states should supersede the adopted Local Plans. This is premature and contrary to PPG 12 para 3.15 – 3.18. Therefore the current threshold levels remain in force until the revised UDP is adopted. See previous perpuity comments.</p>	<p>In terms of para 38 of PPG3 and para 54 of PPG1 it is quite legitimate to use the more up to date information contained in PPG's to supersede development plans which outdate these guidance notes. <b>Recommend no change.</b></p>
<p><b>Targets</b></p>		
Taylor Woodrow RPS	<p>Section 5.4 is contrary to C6/98 para 7 and 8 which states that it is the responsibility of the Local Authority to demonstrate affordable housing need and therefore not a matter for a developer. The sentence should be removed. (Same point refers to Section 6.1.1 para 3).</p>	<p>Noted and agreed however the amendment should include reference to the fact that it will be the responsibility of developer to provide local housing need evidence to support applications on exception sites. <b>Recommend a change be made in respect of this comment</b></p>
RPS	<p>Objection is made to the second bullet point at paragraph 5.4 which includes reference to the target of affordable housing at 35% in the UDP. It is considered that such reference is misleading as it does not relate to adopted policy but emerging policy. Text needs to be amended to reflect this</p>	<p>This is a factual statement which makes clear that the figure of 35% is being progressed through the emerging UDP. In addition the Council has been successful in negotiating affordable housing schemes using this information. <b>Recommend no change.</b></p>



ORGANISATION	COMMENT SUMMARY	RESPONSE
Gloucestershire Housing Association	Item 5.5 exception sites – ensuring that the accommodation remains affordable is essential however, care needs to be taken on shared ownership schemes where the provisions of the Leasehold Enfranchisement Act give all leaseholders the right to acquire the freehold. The advice states that it is not possible to opt out of this statutory right by including additional clauses within the lease. To ensure the affordable housing is available in the future consideration needs to be given to how this can be achieved on shared ownership schemes.	This applies to settlements with a population of below 3,000 population where schemes are allowed through the exception schemes where the right to buy is not permitted.  Agree that where exception housing is required to be provided in perpetuity the relevant tenure will need to be sought to ensure that planning obligations are met. <b>Recommend no change.</b>
Countryside Agency	Welcomes the aims and intentions of this section on exception housing, however the aim and intentions of this policy could be further clarified.	This is already a lengthy document and it is considered that the SPG goes into sufficient detail on this matter. <b>Recommend no change.</b>
<b>The Negotiation Process</b>		
Taylor Woodrow George Wimpy RPS	Section 6.1.1 para 6 and 7 should be removed. The Council have failed to mention that affordable housing can now be delivered through a developer and private funders, which is fully supported by the Barker Report and also the Governments Housing Bill and C6/98 para 33ac. Also C6/98 para 17 states that the LA should not prescribe which partners developers work with. Please remove from appendix 1. This latter point also relates to 6.1.2.4.	The wording used does not preclude other affordable housing providers it refers to the instances of an RSL provider. The Barker Report and the Housing Bill do not yet constitute approved government policy and should not be included in this SPG. A review of the SPG will need to address this issue.  The Council are providing a list of preferred partners not prescribing which the developer much use. Those listed have experience of managing stock in market and rural areas and can to respond to management difficulties given their close proximity to the county. 6.1.2.4 simply asks which developer has been selected so ensure that the RSLs are kept informed and are made aware of the requirements of the local authority. It is suggested that Appendix 1 be changed to reflect the preferred nature of the list but no other changes be made in response to this comment. <b>Recommend a change be made in respect of this comment.</b>
Taylor Woodrow	Section 6.1.3 needs to include reference to the cascade mechanism in the s106 if the affordable housing is not delivered.	Noted and agreed <b>Recommend a change be made in respect of this comment</b>

ORGANISATION	COMMENT SUMMARY	RESPONSE
<b>Design Standards</b>		
Taylor Woodrow	Section 6.2 para 1 – reference to SDS and Lifetime Homes must be removed as it is contrary to PPG1 Para 30 and PPS1 para 1.28.	Para 30 refers to Green Belt and PPS1 is not approved guidance. It is the requirement of the Housing corporation that SDS should apply whether or not grant is received. <b>Recommend no change.</b>
George Wimpy	Lifetime Home Standards are requested in clause 6.2 which is a 'one size fits all' policy that is rarely effective. It would be far better to support a number of proper wheelchair units, provided funding is provided for the required additional items above the cost of a normal house.	Lifetimes home standards are sought to support the long term sustainability of households, particularly in the rural areas. <b>Recommend no change.</b>
Bromford Housing Group Gloucestershire Housing Association	Item 6.2 - Lifetime home standards will lead to the affordable houses looking different to the market homes and tend to be larger than the homes that developers would build taking up more land. This will therefore be resisted by developers	Lifetimes home standards are sought to support the long term sustainability of households, particularly in the rural areas. <b>Recommend no change</b>
Taylor Woodrow	Section 6.2 para 2 – support that affordable housing should be no different to other dwellings in design so reference to SDS is a contradiction. This also is in conflict with the statement at para 2.3.4 on page 7. The paragraph needs to be removed.	The word encouraged is used so the standards are not stipulated and as a minimum the standards should be that of the market housing which developers agree with. <b>Recommend no change.</b>
Taylor Woodrow George Wimpy RPS	There is no support for pepper potting. The Council has no related policy in its adopted development plans. Appeal of Mid Beds DC v Wilcon Homes concluded with the Inspector accepting that so long as all the affordable was built to the same standards as the open market then the affordable should be located in one corner of the site. The paragraph needs to be removed.	This approach is to encourage balanced communities across larger developments. Pepper potting is encouraged it is not stipulated so it can be negotiated with a minimum cluster being 6 to 8 units which will probably be the maximum number on most schemes. <b>Recommend no change.</b>
Bromford Housing Group	With the pepperpotting provide developers with acceptable cluster groups for affordable housing eg 8 units	The SPG already identifies clusters of 6 – 8 houses as being a minimum. <b>Recommend no change.</b>
RPS	Object to bullet point 5 of 6.2 with regard to negotiations with RSL's which assumes that affordable housing will be provided through a RSL which may not be the case.	Both the Barker Report and the Housing Bill do not constitute approved government policy and should therefore not be included in this SPG. A future review of the SPG will need to

ORGANISATION	COMMENT SUMMARY	RESPONSE
	RSL which may not be the case.	address this issue. <b>Recommend no change</b>
	<b>Financial Arrangements</b>	
Taylor Woodrow	<p>Section 6.3.1 – The Council have failed to understand that affordable housing can now be delivered through a developer and private funders on s106 sites. This is supported by the Barker Report and the Housing Bill to enable developers to receive SHG.</p> <p>In terms of 6.3.1 para 6 developers will not need to justify to the Council the need for public subsidy in relation to the provision of SHG for affordable housing.</p> <p>Section 6.3.2 also makes no reference to developers or private funders delivering affordable housing. An assumption is made that it is an RSL.</p>	Both the Barker Report and the Housing Bill do not constitute approved government policy and should therefore not be included in this SPG. A future review of the SPG will need to address this issue. <b>Recommend no change.</b>
George Wimpy	Section 6.3.2 – shared ownership purchasers should be allowed to staircase out and purchase their property in accordance with Government policy.	The text in section 6.3.2 allows this to happen. <b>Recommend no change.</b>
Gloucestershire Housing Association	How can it be ensured that shared ownership stays available in perpetuity	The perpetuity requirement only applies to exception sites in accordance with C6/98. <b>Recommend no change.</b>
Taylor Woodrow	Section 6.33 para 3 is contrary to C6/98 as 'exceptional circumstances do not apply as C6/98 applies to all sites. This needs to be made clear. Reference to C6/98 paras 10i and 17 would have been helpful.	Noted and agreed. The text should be amended to reflect C6/98. <b>Recommend a change in response to this comment.</b>
Bromford Housing Group	The SPG clearly states on ADP funding will be available and later suggests Housing Corporation funding could be available although the planning process could be delayed. The SPG needs to be clear and stick to no ADP funding being available as the developers will play on this to get the RSL's to lobby the Council for SHG to improve the offer to them.	6.3.1 clearly states that no grant will be available. Although there does need to be contingencies should there be exceptional circumstances and therefore guidance needs to be given. <b>Recommend no change.</b>

ORGANISATION	COMMENT SUMMARY	RESPONSE
Gloucestershire Housing Association	6.3.1 public subsidy - To avoid any argument could it be said that no subsidy will be available under any circumstance?	6.3.1 clearly states that no grant will be available. Although there does need to be contingencies in exceptional circumstances and therefore guidance needs to be given. <b>Recommend no change</b>
<b>Securing Affordable Housing</b>		
Taylor Woodrow	Section 7.4 – support is given to the Council’s flexible approach on being able to negotiate occupancy level in open market units in relation to number of affordable units being built. Look at sites on an individual basis taking into account the location of the units on eth site, health and safety and build route logistics.	Noted
Taylor Woodrow RPS	Section 7.5 – the council have failed to mention that affordable housing can now be delivered through a developer and private funders. This is fully supported by the Barker Report and the Housing Bill to enable developers to receive SHG.	Both the Barker Report and the Housing Bill do not constitute approved government policy and should therefore not be included in this SPG. A future review of the SPG will need to address this issue. <b>Recommend no change.</b>
<b>Financial Contributions in Lieu of On site Provision</b>		
Taylor Woodrow RPS	Section 8.7 last paragraph – it should not be the obligation of the developer to claim back unspent monies. The s106 should include a statement that it is the Local Authority’s responsibility to inform and the developer and return unspent monies.	Noted and agreed. The text should be amended. <b>Recommend a change in response to this comment</b>
<b>Appendices</b>		
Taylor Woodrow RPS	Delete appendix 1 or state that these are the RSL’s that operate in the area and are not imposed on the developer.	Noted and agreed. The text should be amended. <b>Recommend a change in response to this comment</b>
Taylor Woodrow	It should be made clear that the issuing of Appendix 5 to a developer is a starting point and subject to negotiation.	Noted and agreed. The text should be amended. <b>Recommend a change in response to this comment</b>
George Wimpy	In appendix 2: Glossary, the definition of ‘Discounted Low Cost’ remains the same and has not been revised and updated in accordance with the revised plan.	Noted and agreed. The text should be amended to refer to “Low cost market” rather than “discounted low cost”. <b>Recommend a change in response to this comment.</b>



**HEREFORDSHIRE COUNCIL**

**SUPPLEMENTARY PLANNING GUIDANCE**

**MARCH 2001  
(UPDATED NOVEMBER 2004)**

**PROVISION OF AFFORDABLE  
HOUSING**

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# 1. INTRODUCTION

## 1.1 INTRODUCTION

- The Council is strongly committed to the delivery of affordable housing within Herefordshire and will make effective use of its planning powers to secure affordable housing to satisfy local housing requirements.
- In accordance with the requirements of Planning Policy Guidance Note 12, this Supplementary Planning Guidance (SPG) has been produced by the Council to provide additional information to assist with the implementation of affordable housing policies contained within the five adopted development plans that apply currently in Herefordshire.
- The County of Herefordshire District Council was formed in 1998, as a Unitary Authority, following Local Government Reorganisation. This led to the amalgamation of five authorities including the Herefordshire part of the former County Council of Hereford and Worcester; the District Councils of Hereford City, South Herefordshire and Leominster, and the western part of the Malvern Hills District.
- Each of these outgoing authorities had their own development plan. These plans will continue to provide the statutory planning framework and the reference point for development control up until adoption of the emerging Unitary Development Plan, which is anticipated in 2005. These Development Plans were prepared in the context of the former PPG3 of 1992 and several were adopted pre Circular 6/98.
- In producing this guidance the Council has also had regard to Central Government's advice contained in PPG3 (March 2000), Circular 6/98, the Council's Housing Investment Strategy and the Housing Needs Studies 1999 and 2001.
- A variety of bodies play a part in the provision of affordable housing. Within the Council the Planning Services and Strategic Housing Services have worked together to establish need and identify opportunities for provision. Within Herefordshire, a number of National and local Registered Social Landlords (RSLs) are involved in the provision of affordable housing, working in partnership with the Council, the Housing Corporation and the private sector, including developers and lending institutions.
- The original SPG was written in 2001. This 2004 version has been updated to include information from the 2001 Housing Needs Study and current data regarding affordability. This document will be reviewed regularly to ensure it remains relevant reflecting the housing situation in Herefordshire. The SPG will also be reviewed once the UDP has been formally adopted ensuring the SPG is consistent and relates to the policies of this replacement plan.

## 1.2 AIMS

Affordable Housing will be negotiated with a range of housing providers including developers and RSL's in line with the requirements of C6/98. The SPG aims to:

- Improve the delivery and maximise the opportunities available for the provision of affordable housing to meet the County's housing needs.
- Reduce uncertainty, ensure a consistent approach and provide clear guidance for developers to follow, on the provision of affordable housing.
- Provide additional guidance on the interpretation of policies on affordable housing contained in the current District Plans.

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### 1.3 SCOPE AND STATUS OF THIS GUIDANCE

- There are a number of different ways in which affordable dwellings can be provided. This guidance is only concerned with the provision of affordable housing specifically through the planning process, which includes dwellings provided through new development opportunities (i.e. on allocated, windfall, and exception sites).
- The updated SPG was approved for the purposes of consultation by the Planning Committee on 16<sup>th</sup> July 2004, and was then subject to a consultation exercise which resulted in a number of amendments.
- The contents of this guidance will be taken into account as a material planning consideration in determining planning applications.
- This SPG will be reviewed regularly to reflect changing circumstances within the authority area.

### 1.4 CONSULTATION

- An internal officer working group including Officers from a number of Council Departments including Planning, Strategic Housing, Research and Legal have worked together to produce this updated SPG.
- In line with the advice in PPG12, the updated SPG has been subject to a wide spread consultation prior to adoption. Circular 6/98 advises that landowners, developers, RSLs and the Housing Corporation are involved in the process of agreeing this SPG. The following organisations have been invited to comment on the updated draft SPG:
  - Herefordshire Partnership Housing Ambition Group
  - Registered Social Landlords active in Herefordshire
  - Housing Corporation
  - Government Office
  - House Builders Federation
  - Age Concern
  - Confederation of Passenger Transport
  - CPRE
  - Friends of the Earth
  - Herefordshire Health Authority
  - Herefordshire Joint Charter Group
  - Community Council
  - Countryside Agency
  - County Association of Local Councils
  - Environment Agency
  - Herefordshire Market Towns Forum
  - Shelter
  - Private Landlords Forum



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## 2. DEFINITION OF AFFORDABLE HOUSING

### 2.1 DEFINITION OF AFFORDABLE HOUSING

*For the purposes of this SPG and in line with the West Midlands Local Government Association Housing and Environment Committee's definition published in 1999 and the Herefordshire's Housing Needs Study 1999:*

*Affordable housing is housing provided for rent or sale, at a price level which can be sustained by local people in housing need, where households are unable to access existing markets*

*Affordable housing can be categorised into two types:*

- (a) Subsidised housing provided by an organisation allocating on the basis of need. While such dwellings will normally be made available for rent, they may also include subsidised home ownership, such as shared ownership, where an RSL or local authority retains a continuing interest;*
- and,*
- (b) Low-cost market housing, helping to meet the needs of first time buyers, single people, the elderly and other low income households, that cannot afford to rent or buy houses generally available on the open market.*

*It is important to emphasise the distinctions between the roles of different categories of affordable housing mentioned above, and not to treat one as a substitute for another.*

In Herefordshire, the Housing Investment Strategy 2003-2006, which was informed by the Herefordshire Housing Needs Study 1999 and 2001 states that:

- The priority need for Hereford and the Market Towns is for category (a) housing.
- In the rural areas there is a need for category (a) housing, but category (b) housing may also have a role to play in meeting local needs.

However, as a result of current market trends, an overall balance between tenures would be considered more appropriate to meet a variety of housing needs and to create more balanced communities and therefore have a flexible approach to deliver the affordable housing provision.

In addition, the key priorities for Herefordshire may change following the revision of the Housing Investment Strategy which is currently taking place.

In order to justify low cost market housing, the developer must prove to the Local Authority that such housing will meet the needs of those who cannot afford market housing prevailing in the locality. The units must be made available to local people in housing need in perpetuity in line with the occupancy criteria as used for rural exception sites. The Council will also need to be satisfied that a legal mechanism is in place to ensure an objective assessment has been undertaken justifying that the prospective purchaser is in local need.

It is also important to note that in accordance with Para 1 of C6/98 that the provision of affordable housing is a material planning consideration and recognised as a planning gain in itself.

### 2.2 LOCAL NEED CRITERIA

A local need for an affordable home exists where an individual is able to:

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- a) demonstrate that they are unable to secure a house on the open market due to a lack of available income and
  - b) meet one of the following need criteria as identified below:
    - i) existing residents needing separate accommodation in the parish (e.g. newly emergent households, people leaving tied accommodation);
    - ii) people whose work provides important services to the parish and who need to live closer to the local community;
    - iii) people who are not necessarily resident locally but have long-standing links with the local community (e.g. elderly people who need to move back to a village for support);
    - iv) people with the offer of a job in the locality, who cannot take up the offer because of lack of affordable housing

Other indicators of local need may be provided using the criteria used for admitting people to the Council's housing register.

For the purpose of this SPG, local will be regarded as the parish within which a person or persons are resident or employed, or resident within any adjoining parishes.

## 2.3 LOCAL AFFORDABILITY LEVELS

For the purposes of this SPG certain assumptions have been used so that clearer guidance can be given to developers on the levels of affordability for the County. To assess affordability, both house prices and incomes have been taken into account to ensure that local households have the ability to access the properties being delivered. The figures provided will be updated on a regular basis to ensure that the data remains up to date. Developers are therefore advised to contact Strategic Housing Services for the most up to date figures.

The county generally has relatively low incomes, currently the 2<sup>nd</sup> lowest in England and the lowest in the West Midlands, and many households will find it difficult to purchase on the open market. Therefore there will be a greater reliance to provide subsidised housing through working in partnership with registered social landlords. House Prices

In this document the term 'market price' refers to the average house prices which are reported in the Quarterly Economic Report published by the Herefordshire Partnership in conjunction with the Council. This data is derived from statistics received from HM Land Registry.

Actual average prices in Herefordshire for the period July – September 2003 were £91,971 for a flat or maisonette, £120,001 for a terraced house and £134,416 for a semi-detached house. (Land Registry figures)

Whilst the report provides the overall average house prices relative to house type, to ensure that local people are able to access the housing market, it was also considered appropriate to make assumptions on incomes and the likely occupancy of the various sizes of property.

### 2.3.2 Earnings

Figures on Herefordshire earnings are given by ASHE (Annual Survey of Hours and Earnings) published by the Office for National Statistics on 28<sup>th</sup> October 2004. This survey replaces the New Earnings Survey which was published annually prior to 2004. The median gross annual earnings for a full time worker on adult rates in Herefordshire is given as £18,521. (That is, 50% of workers earn more than this figure, and 50% earn less). In assessing affordable house prices for the County, the following assumptions have been made based on research with Mortgage Lenders:

- The purchaser will obtain a 95% mortgage

- ❑ Where there is one earner in the household, the amount borrowed will be 3.5 times his/her gross earnings
- ❑ Where there are two earners in the household, the amount borrowed will be 2.5 times their joint gross earnings. A further assumption is that where there are 2 earners, the second earner works part time, earning half the full time amount (*census figures for Herefordshire show that in families with dependant children where there are 2 earners, in nearly three quarters of cases the second earner works part time*)
- ❑ However, where the dual earners are seeking 3 bed accommodation an assumption has been made that through natural progression, applicants are better able to secure a larger deposit. Therefore calculations for 3 bed have been based a 10% deposit.

Based on this information, the following occupancy assumptions will be made when considering the affordability of individual developments

- ❑ 1 bed                      Single-earner household
- ❑ 2 bed                      Dual earner household with 5% deposit.
- ❑ 3 bed                      Dual earner household with 10% deposit.

Affordability - Using the assumptions in 2.3.2 and based on the median incomes as at November 2004

- A single-earner household could afford to buy a dwelling of **£68,235**
  - A dual-earner household (**first time buyer**) could afford to buy a dwelling of **£73,110**
- A dual-earner household (**moving up to a 3 bed house**) could afford to buy a dwelling of **£77,170** (

#### 2.3.4 Low Cost Market Housing

Where it is considered appropriate to provide low cost market housing, the assumptions in 2.3.1 – 2.3.3 will apply. Therefore any discount should be sufficient to meet local housing needs. Where it is agreed between the developer and the council that the level of discount would not enable a viable scheme, alternative affordable housing options will need to be provided i.e. subsidised housing. It should be noted that no grant will be available to subsidise a scheme of this nature.

Where Low Cost Market Housing is provided, the house type should be developed to no less a standard than other market housing types being provided on the development.

#### 2.3.5 Rented or Shared Ownership Housing

Where RSL's are providing dwellings available for rent, affordable rents are seen to be rents that are within Housing Corporation Guidelines for the County. An indication of affordable rents can be obtained by contacting the preferred RSL partners or the Council. The Council's expectation is that these rents will not exceed Housing Corporation target rents.

To ensure that developments are sustainable and provide a range of housing to meet various needs, subsidised housing in the form of shared ownership will be encouraged where the housing costs do not exceed 30% of the gross earnings using the assumptions in 2.3.1 – 2.3.3 above. Should this figure of 30% be exceeded, the subsidised housing (for rent) will be requested.

The figure of 30% of gross earnings has derived from

- the practice used by other authorities:  
Borough of West Devon, Housing Strategy for 2003-2006,  
South Norfolk Council, Research paper into the Need for Key Worker Housing in the Greater Norwich Sub-Region, October 2003.
- Looking at the Family Expenditure Survey 2000-2001 from the Office for National Statistics, a typical family with 2 children with income close to the median are shown as spending between 21% and 25% of their gross income on housing costs. Above 30% is already a relatively high percentage of gross income for this type of family.

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Where developers seek the “best price” from the preferred RSL partners the Council will be seeking confirmation of the rent levels and shared ownership costs that are to be charged, and will monitor these levels to ensure they remain affordable as defined above

### 2.3.6 “Affordable Market” Housing for Rent

The council is keen to provide a range of affordable housing types and is currently undertaking research into the provision of market housing for rent that can be sustained by local people in housing need. The Strategic Housing Services section of the Council should be contacted to gain the latest information on this piece of work.

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## 2 LEGISLATIVE AND POLICY BACKGROUND FOR THE PROVISION OF AFFORDABLE HOUSING

### 3.1 HOUSING ACT 1985

The local authority has a statutory duty under part II of the Housing Act 1985 to "consider housing conditions in their district and the needs of the district with respect to the provision of further housing accommodation"

### 3.2 SECTION 54A TOWN AND COUNTRY PLANNING ACT 1990

The legislative background for the Council's affordable housing policies is based on Section 54A of the Town and Country Planning Act 1990. The Act makes affordable housing policies, contained in the County's development plans, a material planning consideration in all planning applications. The Act states:

"Where, in making any determination under the Planning Acts, regard is to be had to the development plan, the determination should be made in accordance with the plan unless material considerations indicate otherwise."

(Note: The Town and Country Planning Act 1990 will be superseded by the Commencement of the Planning and Compulsory Purchase Act 2004).

### 3.3 PPG1 – GENERAL POLICY AND PRINCIPLES (February 1997)

PPG1 was published in February 1997 and provides guidance on considering affordable housing as a material consideration. In particular paragraph 24 states that: "In preparing their development plans, local planning authorities should consider the land use requirements of various types of social provision". One of the key objectives a local planning authority should consider is the need "to provide a mixture and range of types of housing to meet the increasingly varied types of housing requirements, including the need for affordable housing"

### 3.4 PPG 3 – HOUSING (March 2000)

The policies for the provision of affordable housing in the County's current development plans were prepared to comply with the requirements of the previous Planning Policy Guidance 3 – Housing (PPG3) dated 1992. This guidance has been updated in a revised PPG3 which was published by the DETR in March 2000.

PPG 3 sets out the Government's policy for planning and housing and includes guidance on the provision of affordable housing through the planning system. More specifically, PPG3 states that if there is a demonstrable lack of affordable housing to meet local needs then authorities may seek to negotiate with developers for the inclusion of an element of affordable housing on larger schemes, on both allocated housing sites and on other sites. In doing so, local authorities should:

- Assess and plan to meet the level of local housing need in their area
- Indicate their intentions to meet this need in local plan policies
- Give clear guidance on their definition of affordable housing
- Outline the arrangements to ensure that such housing is reserved in perpetuity for those in housing need

A revised PPG3 is expected imminently which, among other things, is expected to reduce the thresholds contained in Circular 6/98.

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### 3.5 CIRCULAR 6/98: PLANNING AND AFFORDABLE HOUSING (April 1998)

This Circular supplements PPG3 by amplifying the Government's approach to planning and affordable housing. Although this Circular was produced after the adoption of many of the policies and proposals in the current development plans, the plans accord with its contents. This SPG takes full account of the Circular in offering guidance on the implementation of the policies and thresholds. The Circular as well as the revision to PPG3 will assist in updating those development plans which were adopted pre 6/98.

### 3.6 CIRCULAR 1/97 – PLANNING OBLIGATIONS (January 1997)

This Circular sets out Government policy for the use of planning obligations. Amongst other things, this circular specifies that planning obligations might appropriately be used "to secure the inclusion of an element of affordable housing in a larger residential or mixed use development".

### 3.7 REGIONAL PLANNING GUIDANCE FOR THE WEST MIDLANDS (RPG 11, June 2004)

RPG 11 indicates that housing should be provided for those whose access to and choice of accommodation is restricted for reasons of affordability. Local authority housing and planning departments should plan for mixed and balanced communities in accordance with PPG3. It emphasises the importance of local authorities planning for affordable housing needs to be met where they arise.

### 3.8 DEVELOPMENT PLAN STATUS IN HEREFORDSHIRE

Since local government reorganisation in 1998, the development plans for each of the outgoing authorities will continue to provide land use guidance for their part of the County until such time as the Unitary Development Plan (UDP) is adopted.

The current development plans for the County are all adopted and include:

1. **Hereford City Local Plan (adopted 1996)**
2. **Leominster District Local Plan (adopted 1998)**
3. **Malvern Hills District Local Plan (adopted 1998)**
4. **South Herefordshire District Local Plan (adopted 1999)**

These development plans contain affordable housing policies relating to allocated sites, windfall sites and exception sites. These policies can be found at Appendix 3. They encourage the development of mixed and balanced communities in order to meet identified local housing needs and avoid areas of social exclusion. In addition, the Hereford and Worcester Structure Plan (approved 1993) has strategic policies relating to the delivery of affordable housing.

The UDP is currently at revised deposit stage and contains specific policies relating to the provision of affordable housing most notably Policies H2, H5, H6, H9, and H10. As the UDP progresses towards adoption increasing weight is being attached to its policies when considering planning applications.

The opportunities for the development of affordable housing are identified at section 5 of this SPG.

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### 3.9 STRATEGIC HOUSING SERVICES POLICIES FOR THE PROVISION OF AFFORDABLE HOUSING

- **Housing Investment Strategy 2003 - 2006**

This document is revised annually and is available from Strategic Housing Services. In conjunction with the Housing Needs Studies it identifies priorities and directs scarce resources to the areas of greatest need.

- **Social Housing Agreement - September 1998**

This document is an agreement between the Council, the Housing Corporation and RSLs with stock in Herefordshire. It sets out the expectations of each partner, particularly with regards to the development of new affordable housing in the County. This document is currently being revised; a copy of the existing document is available from the Strategic Housing Services.

- **Herefordshire Housing Needs Studies 1999 and 2001**

In line with the Housing Act 1985, Circular 6/98 and PPG 3, the Council is committed to assessing local housing requirements within Herefordshire.

A comprehensive housing needs study for the whole of Herefordshire was produced in 1999 and updated in 2001. These studies identified significant need throughout Herefordshire for affordable housing.

Further studies continue to be undertaken to update and build on the findings of the 1999 and 2001 studies. A list of completed surveys can be found in appendix 8.

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## 4. EVIDENCE OF THE NEED FOR AFFORDABLE HOUSING

### 4.1 HEREFORDSHIRE HOUSING NEEDS STUDIES

- In line with the requirements of PPG 3, policies for the provision of affordable housing must be based on evidence of need.
- In 1999, a comprehensive assessment of housing need was undertaken by the Council (Herefordshire Housing Needs Study 1999). This study provides evidence of the amount and distribution of affordable and market housing required in the County by local people up until 2004. A further housing needs study was published in 2001 which adds to and updates the 1999 study.
- The estimated net housing need generated by Herefordshire residents over the period 1999 – 2004 was 1,400 dwellings.
- 769 of the 1,400 were needed as affordable dwellings. Projecting these figures forward into the Unitary Development Plan period there is an identified emergent need for 2,300 affordable dwellings within the County up until 2011
- A rolling programme of parish level and market town housing needs surveys is in progress to ensure housing needs data remains up to date and accurately reflecting the housing situation within the County.
- This SPG should be read in conjunction with the Housing Needs Studies to gain a full understanding of housing needs in Herefordshire to aid delivery.

### 4.2 HOME POINT HEREFORDSHIRE

Home Point Herefordshire is a choice based lettings agency set up to advertise and seek expressions of interest from registered applicants for the majority of all vacancies for affordable housing in the county.

The Home Point register has continued to increase; from 3,800 in June 2003 and reaching 6,100 a year later. The “Register Review” which removes clients who, for one reason or another, are no longer actively looking for a property, is now due (June 2004). The experience has been that the register reduces following the Register Review, but then increases again, with many of the same clients re-registering. Looking at the period from the end of June 2003 to the end of March 2004, 600 clients were housed but 4 times as many new clients joined the register. The table below shows that by far the majority of clients who are housed are categorised as “Gold” (highest category of need which includes homeless), and very few are in the lowest need category (“Bronze”), although a third of new additions to the register are in the Bronze category.

#### June 2003 to March 2004 - % of clients in the different categories of need

	<b>Gold</b>	<b>Silver</b>	<b>Bronze</b>
Breakdown of clients added to the register	23%	44%	33%
Breakdown of clients housed	81%	16%	3%

Looking at the current addresses of those on the register in June 2004, and analysing the post codes, 685 (11%) have current addresses outside Herefordshire – thus migration into the county is putting further pressure on the affordable accommodation that is available.

### 4.3



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## 5. OPPORTUNITIES FOR THE PROVISION OF AFFORDABLE HOUSING

### 5.1 OPPORTUNITIES

- The Housing Needs Studies detailed previously, have identified significant levels of housing need in the County. Affordable housing will be provided in accordance with
  - a. Current Development Plan policies used to secure affordable housing on sites proposed in the Development Plan,
  - b. other appropriate sites which meet the thresholds identified in section 5.3 of this SPG,
  - c. where other opportunities arise, for example through the exceptions policy.
- Landowners and/or developers should be aware that, affordable housing schemes brought forward through the identified Plan policies will not be supported by Grant funding. For more information see Paragraph 6.3. Land that is likely to be the subject of such affordable housing planning obligations should be valued accordingly as the land upon which the affordable housing is to be sited, will effectively reduce the overall value.
- It is acknowledged that the planning system will not be able to meet all the identified local housing need through new development. The Local Authority, via its housing enabling role, will therefore continue to work with RSLs to target scarce housing capital resources (Social Housing Grant and Affordable Housing Grant) to develop affordable dwellings on sites other than those negotiated with developers through the planning system and seek other/new mechanisms to do so.
- The information below provides guidance on which sites affordable housing will be required as part of an overall development scheme.

### 5.2 SITE SUITABILITY

- In order to meet the County's affordable housing need the Council will negotiate with developers to include affordable housing on suitable allocated sites and on windfall sites which meet the thresholds as identified in paragraph 10 of Circular 6/98 (or any successor document) and where identified within the current adopted development plans. The current development plans identify settlements where the provision of affordable housing would be appropriate. In relation to sites, some may be more suitably located for affordable housing than others. Not all sites may be suitable for affordable housing. A site in an area with little or no affordable rented housing, with close proximity to services and public transport, may be eminently suitable for a good proportion of affordable housing. Some sites, particularly those involving the development of previously developed land, will probably have some constraints on development. Normally these will be taken into account in the land purchase price. However, where the developer can prove that a particular development constraint(s) exist, such as contamination, access problems and unusually high site preparation costs, and where the development of housing would lead to significant improvements in the local environment, the Council will take these elements into account in negotiating the proportion of affordable housing to be delivered.
- The proportion of affordable housing will be based on the net developable site area and total number of units. The definition of net developable site area is taken from PPG3 and includes access roads within the site, private garden space, car parking areas, incidental open space and landscaping and children's play areas. The definition excludes major distributor roads, primary schools, open spaces serving a wider area and significant landscape buffer strips.

### 5.3 SITE THRESHOLDS (CIRC. 6/98)

#### **Development Plan Thresholds**

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The Leominster, South Herefordshire and Malvern Local Plans have the following thresholds identified:

### **Leominster District Local Plan – Policy A49**

*‘Housing sites for 25 or more dwellings or over 1 ha in size within Leominster and more than 15 dwellings or over 0.5 ha elsewhere will be evaluated to determine their suitability in terms of accommodating an element of the affordable housing need for the settlement concerned and its surrounding area. This policy will be applied to both identified housing sites and windfall proposals.’*

### **South Herefordshire Local Plan – Justification to Policy SH 12**

*‘In line with Circular 6/98, Policy SH12 will be applied to housing developments in or adjacent to Hereford City and Ross on Wye of 25 or more dwellings or residential sites of 1 hectare or more, irrespective of the number of dwellings. In settlements with a population of 3,000 or fewer, in accordance with the Circular the Council has adopted a threshold whereby the policy will be applied to housing developments of 10 dwellings or more.’*

### **Malvern Hills Local Plan – Housing Policy 12**

Through Housing Policy 12 the Council seeks to reach agreement with developers of major housing schemes to include provision of a proportion of affordable housing. Major housing schemes refers to sites of 40 dwellings or 1.5 ha’s in Malvern, Bromyard and Ledbury, and 25 dwellings or 1 ha in Upton and the rest of the district.

It should be noted that the Malvern Hills Local Plan was adopted prior to the publication of Circular 6/98 and contains higher thresholds for the areas of Malvern, Bromyard and Ledbury than those provided in the Circular. This SPG considers that the details of Circular 6/98 and those of PPG3 supersedes and takes precedent over planning policies contained in the current development plan.

### **Hereford Local Plan**

The Hereford Local Plan pre dates Circular 6/98 and does not contain any threshold details. The thresholds contained within Circular 6/98 will therefore apply. These state:

*‘ In assessing the suitability of sites to be identified in the plan and any sites that may come forward not allocated in the plan, the following criteria should be taken into account:*

*It will be appropriate to seek any affordable housing on some sites. In practice the policy should only be applied to suitable sites namely;*

*Housing developments of 25 dwellings or residential sites of 1 hectare or more, irrespective of the number of dwellings’.*

In addition, the Circular allows appropriate thresholds to be applied to rural areas with a population of 3,000 or fewer. However these thresholds have to be adopted through the development plan process.

### **UDP Thresholds**

Revised thresholds will be progressed through the emerging UDP. The Revised Deposit Draft Plan includes Policy H9.

### **H9 Affordable housing**

**The provision of affordable housing will be sought through negotiations with developers of both allocated and windfall housing sites. Such housing should, wherever possible, be provided as a**

**mix of affordable housing types, having regard to needs, and contribute to a mixed and balanced scheme overall in terms of dwelling size, type and affordability.**

**Indicative targets for affordable housing have been set for specific sites identified in policies H2 and H5. Affordable housing will also be required on suitable windfall sites above the following size thresholds:**

- 1. in Hereford and the market towns (excluding Kington) and settlements above 3,000 population, sites for 15 or more dwellings or more than 0.5 hectare in extent; or**
- 2. elsewhere in the County in settlements identified in policy H4 (including Kington) of less than 3,000 population, proposals for housing development on sites of 6 or more dwellings or more than 0.2 hectares in extent.**

**In considering the suitability of sites above these thresholds to provide affordable housing, regard will be given to:**

- 1. the proximity of local services and facilities and access to public transport;**
- 2. whether there will be particular costs associated with development of the site; and**
- 3. whether the provision of affordable housing would prejudice the realisation of other planning objectives that need to be given priority in development of the site.**

**In all cases where affordable housing is to be provided, arrangements must be made to ensure that the benefits of affordable housing will be enjoyed in perpetuity by initial occupiers and subsequent occupants.**

#### 5.4 TARGETS

- When an application for housing development is submitted on a site that meets policy, the Council will determine an appropriate level of affordable housing provision for each individual site in negotiation with developers. The Council will also refer to the results of its own needs studies, the scale of development planned for the site, site conditions, other development requirements and likely development costs. The developer will be required to submit an up to date survey to support their application for an exception scheme. In all other cases information will be used from the Council's Housing Needs Study to justify and support an application. The current development plans do not specify targets. The SPG Provision of affordable Housing March 2001, includes a target of 36%. The emerging UDP has included an overall target of 35% based on the results of the Housing Needs Studies. The Council has successfully negotiated schemes using this target. This SPG incorporates the emerging UDP target of 35%
- In line with Circular 6/98, this SPG does not preclude developers from providing affordable housing on sites that are below the thresholds set above and this SPG encourages developers to consider such provision where they and /or the council think it feasible and appropriate.

#### 5.5 EXCEPTION SITES

- In rural areas, where only limited housing development is permitted, development plan policies make provision for small affordable housing schemes to be developed on land either within or adjoining the village where housing would not normally be permitted as an exception to normal planning policy. More information on this can be found at Annex B of PPG3.
- The Council recognises that these small schemes help to maintain the viability of rural communities. Such development will, however, be subject to strict control as set out in the plan policies. Permission will only be granted where there is:

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- i) clear evidence of need, local to the parish provided by the developer/RSL, and
  - ii) a secure legal arrangement in place to ensure that the benefit of the affordable housing will be enjoyed by successive as well as initial occupiers of the properties.
- Schemes involving the development of general housing as well as affordable housing for local needs i.e. a mixed housing scheme will not be permitted on sites outside settlement/development boundaries.

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## 6. NEGOTIATING FOR AFFORDABLE HOUSING

### 6.1 THE NEGOTIATION PROCESS

The process for negotiating the affordable housing element of a residential development should ensure that it causes the minimum delay in preparing and processing of the planning application and to ensure that the proposals are fully integrated in the overall development.

To ensure that each party has a clear understanding of the negotiation process it is outlined in appendix 4 and is detailed as follows.

#### 6.1.1 Pre application Stage (outline or full)

Applicants should be aware that the provision of affordable housing will have an impact on the value of the land, as well as implications for housing mix and layout. It is therefore essential that an approach should be made to the local authority to establish the affordable housing policies and requirements pertaining to the development.

Planning Officers welcome early discussions on proposed developments prior to planning application stage to discuss the layout, house types, sizes, rents and sales prices together with any additional financial contributions and delivery mechanisms. Planning Officers will then be in a position to advise on the general planning policies for the proposed development

Where policy requires it, Strategic Housing Services, based on the information provided by the developer, will provide an Affordable Housing Brief, outlining the housing need, requirements and other considerations relating to the proposed developed (see appendix 5). In terms of establishing need, the Council will refer to current housing need survey information and data from the Home Point Register. However, it may be necessary for the developer to undertake an up to date housing needs surveys to confirm the need for affordable housing and provide information on mix of dwelling types and sizes.

When planning applications forming part of an allocated site come forward, the applicant will be required to either

- Specify the proportion of affordable housing relative to their application ; or exceptionally
- Specify the financial contribution to enable a proportion of affordable housing to be built off site (please refer to chapter 8)

Where applicants do not seek the advice of the relevant officers at this early stage, it is likely to result in significant delay in progressing the application, whilst discussions are undertaken.

Should the affordable housing element require the involvement of an RSL, a preferred list of RSL providers is located at appendix one..

The initial site layout should be considered between the applicant and the RSL to ensure that the affordable housing element is integrated and can be accommodated within the overall proposed development. (see para 6.2) With outline planning consents, it is appreciated that full details on units etc. may not be known. The local authority will, in these instances, seek to secure the percentage of affordable housing as outlined in the appropriate policy, with detailed negotiations to be contained in the S106 agreement.

If the developer chooses to provide the affordable homes without the involvement of a Registered Social Landlord, the council will require strong and detailed evidence that the dwellings will be available to those in local housing need, at an affordable cost and in perpetuity.

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### 6.1.2 Submitting a scheme as part of a Planning Application

Once the developer has agreed a level of provision with the Planning Services and Strategic Housing Services, a proposal will need to be prepared which specifies:

1. the number of affordable housing units and the arrangements for their provision
2. the way in which the developer will ensure that the housing units are available in perpetuity
3. the distribution of the affordable houses to ensure a well integrated and designed scheme is provided with a good mix of house type, size and tenure.
4. the RSL that has been selected

The scheme should include details of house type, tenure and proposed costs to the occupier.

When the planning application is eventually submitted, the consultation process with Strategic Housing Services should be to confirm details already discussed in Stages one and two and should therefore take a relatively short time to complete.

### 6.1.3. Approval of the Planning Application

Planning permission for development will be granted subject to a S106 agreement, limiting the occupation of the dwellings to persons who have satisfied the council's local housing need criteria identified at 2.2 and 7.7 of this SPG.

Alternatively, the council may ask the applicant to execute planning obligations (see Circular 06/98, para 34). Where such an obligation or condition is attached, the landlord should contact Strategic Housing Services to agree a lettings policy and nomination procedures. In most circumstances advertising the properties through Home Point will be encouraged ensuring that local housing needs are met.

## 6.2 DESIGN STANDARDS

- Where the Registered Social Landlord is involved in the development of the affordable element, the council will expect the current Scheme Development Standards (or successive documents) produced by the Housing Corporation as a minimum standard of development for the affordable housing units. In addition, it is expected that the units be developed to Lifetime Homes Standards unless there are constraints on the overall proposed development. In these instances, the applicant will need to negotiate the standards on a case by case basis. Detailed guidance on housing layout, external space standards, general design principles, parking and highway standards, security and landscaping will be provided by the Planning Services Division. Please refer to the draft Design and Development Requirements SPG (June 2004).
- Developers will be encouraged to provide low cost market housing to Scheme Development Standards. Where low cost market housing is provided, as a minimum, these should be of no lesser standard than other market housing of the same house type across the proposed development.
- The objective is to provide a balanced and mixed scheme with no noticeable difference in the quality of the residential environment between the private market housing and the affordable element. The production of a local Village Design Statement or Parish Plans may assist in identifying issues around local distinctiveness.
- In order to help ensure that the affordable housing provided remains affordable the Council may withdraw permitted development rights.

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- Whilst “pepper potting” is encouraged a minimum cluster would consist of between 6 and 8 units, which would be negotiated between the RSL, developer and Local Authority and based upon the overall scale of the development.

### 6.3 FINANCIAL ARRANGEMENTS

This section deals with the way in which affordable housing can be financed through the planning process. There are a number of ways in which affordable housing can be funded and in most cases more than one source of funding may be involved.

#### 6.3.1 Public Subsidy

**The provision of affordable housing should always be calculated on the basis that NO grant funding will be available through the Approved Development Programme (ADP) or the local authority’s own capital resources.**

- The developers contribution towards affordable housing will normally be expected to reflect the total cost of the required affordable housing minus the capital element that can be serviced through the rents. This approach is in line with Housing Corporation policy as detailed within Circular F2 42/98 which states:

*‘The basic objective of developer contributions whether or not the scheme also receives Social Housing Grant funding, is to provide additional affordable housing, either directly or by reducing SHG requirement. In some cases where a developer provides affordable housing directly on site for sale to an RSL, the price will be set at a level where no SHG is required’.*

- In order to maximise the amount of affordable housing delivered in the County the available public resources will be used to fund the development of sites which fall below the stated thresholds in section 5.3 of this SPG. The ADP however, is increasingly being targeted at regional priorities and whilst the major focus is the regeneration of urban areas, there is currently an allocation for rural schemes.
- The provision of Local Authority Social Housing Grant (LASHG) was abolished from 1<sup>st</sup> April 2003. However, due to the recent transfer of social housing stock from the local authority to a newly formed housing company in 2002, the local authority is in receipt of a capital contribution for the provision of affordable housing. With the anticipated shortfall in housing provision, the capital receipt will be allocated to provide additional affordable units to meet a range of housing needs across the county to supplement those secured through the planning system.

Justification for Public Subsidy, for exceptional circumstances only

Public subsidy will only be considered where the developer can demonstrate through detailed financial evidence that there is/ are significant constraints and the economics of the development make it otherwise impossible to provide the affordable housing element.

However, it must be recognised that the application for funding from the Housing Corporation through the ADP will depend on the availability of resources and may result in a time delay whilst the application is processed.

Failure to provide the information necessary for such an assessment, or alternatively a failure to provide the required amount and type of affordable housing at an affordable cost, could justify the refusal of planning permission, in accordance with Circular 6/98 paragraph 24 which states

*“Where a local planning authority considers, having regard to the policy in this Circular, that certain sites are suitable for an inclusion of an element of affordable housing and an applicant*

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*does not make such provision as part of the proposed development, such a failure could justify the refusal of planning permission”*

### 6.3.2 The RSL Contribution

#### Rented Properties

The amount that the RSL can contribute, from their own resources for the purchase of affordable rented properties, will be based on the sum they are able to borrow based on the rents permitted to repay the loan debt after allowing for their expenses. The amount that an RSL can pay on this basis will not usually be sufficient to cover the cost of construction.

It must also be noted that the rents RSLs are able to charge are unique to each scheme dependant on the property size, capital value based on 1999 values; and target rents set by the Housing Corporation which are currently calculated using the “rent calculator”.

#### Shared Ownership Properties

Shared ownership is the arrangement by which a purchaser acquires an equity share in the property, with an RSL acquiring or retaining the balance by borrowing and charging a suitable amount of rent. The purchaser will usually purchase a 50% share initially, but this may be as much as 75% or as little as 25%. At a subsequent date, the purchaser can acquire a further share of the equity, up to full ownership. However, where the provision has been subject to a S106 agreement or rural exception site, measures will be enforced to ensure the property remains affordable in perpetuity and is available on resale to those in need of such housing.

The amount the RSL will be able to contribute will be dependant on ensuring that the total housing cost to the prospective purchaser does not exceed 30% of gross median earnings.

### 6.3.3 The Landowner/Developer Contribution

The landowner/developer would be required to bear the cost of providing the affordable housing less any contribution from the RSL or purchaser designated as being in local housing need. This would be equivalent to the grant element usually secured from the Housing Corporation determined via the Corporation’s grant rate calculator.

The contribution by the landowner/developer would be secured through the planning process by use of a Section 106 Agreement, otherwise planning permission will not be granted.

There may be specific site circumstances where the target for affordable housing is not achievable due to the economics of provision in relation to the site circumstances (such as particular costs associated with the development) or the need to achieve other planning obligations such as contributions towards improvements to infrastructure. In these circumstances, following negotiation with the council, a judgement will be made as to what alternatives would be acceptable e.g. a financial contribution for off site provision, a reduction in the amount of affordable housing to be provided, or an alternative tenure/housing mix.

### 6.3.4 Land Subsidy

Landowners/Developers should be aware that a planning obligation to provide affordable housing effectively reduces the value of the land upon which the affordable housing is sited and land should be valued accordingly. Costs of providing affordable housing should therefore be taken into account.

It should be noted that reviews relating to contributions from the various parties will be ongoing and up to date information can be obtained from Strategic Housing Services.



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## 7. SECURING AFFORDABLE HOUSING AND CONTROLLING OCCUPANCY

- 7.1 Affordable housing provided in accordance with this guidance note will normally be secured by means of a condition or planning obligation in accordance with Section 106 of the Town and Country Planning Act 1990. When using obligations the Council will ensure that they are consistent with the general guidance in Circular 1/97. This ensures that the affordable housing will meet the identified local need and will remain available as affordable housing for local people in the future.
- 7.2 The wording and timing of these arrangements need care. Inappropriate conditions and planning obligations create uncertainty and may halt the progress of a scheme or could be the subject of attempted modification or discharge. To ensure that the planning obligation is effective, the Council will ensure that it is executed before granting planning permission.
- 7.3 However, in line with paragraph 16 of Circular 6/98, the Council will not normally impose additional occupancy controls where an RSL is to be responsible for the management of the affordable housing. However, on rural exception sites and on low cost market schemes the Council will ensure that adequate occupancy controls to reserve the housing in question for local needs in perpetuity exists and this may involve the use of conditions or planning obligations.
- 7.4 Where the affordable housing is to be provided within a larger development, which includes general market housing, the Council will require the affordable housing element to be built and made available for occupation well before all the general market housing is occupied. The legal agreement or condition will therefore include a restriction on the occupation of a proportion of the general market housing until the affordable housing is available for occupation. There will be flexibility on the proportion required dependent on the circumstances of individual sites and this will be considered on individual planning applications. In determining the proportion the Council will take into account factors such as the proposed layout, abnormally high development costs and the total number of dwellings to be provided, in its negotiations with developers.
- 7.5 The Council considers that the best way of ensuring that the affordable housing will be enjoyed by successive as well as initial occupiers of the property is by the involvement of a Registered Social Landlord. The landlord's continuing interest in the property will ensure control over subsequent changes of occupation. For this reason the involvement of an RSL will be sought by the Council in the provision of any element of affordable housing except for where the housing is low cost market or discounted low cost for sale.
- 7.6 Whilst arrangements should be legally binding and ensure that the housing is occupied as intended, the Council will also take account of the needs of the developers and Registered Social Landlords who must ensure that schemes are financially viable and who may need to operate within certain time limits. The overall aim is to ensure that arrangements will deliver the objectives of the policies set out in the development plans.
- 7.7 Where occupancy criteria are included as part of conditions or planning obligations, a cascade approach may be preferable. This will ensure that occupants will always be found for any accommodation, thus safeguarding an adequate stream of revenue for those managing the development whilst ensuring that people in local housing need take priority. Under this approach the eligibility criteria would initially be restricted to local residents, people employed locally or people with local connections as identified in section 2 of this SPG. If the housing remained unallocated for some time, the criteria would be widened to ensure that a suitable occupant was found. The Council will need to monitor conformity with occupancy criteria and take appropriate enforcement action where necessary.
- 7.8 To ensure that local housing needs are met, wherever possible, affordable housing units will be allocated through the Council's allocations policy i.e. currently through Home Point Herefordshire (choice based lettings)

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## 8. FINANCIAL CONTRIBUTIONS IN LIEU OF ON-SITE PROVISION OR OFF-SITE PROVISION OF AFFORDABLE HOUSING

- 8.1 Circular 06/98 'Planning and Affordable Housing' introduced the concept of a 'financial or other contribution' towards the provision of affordable housing on another site in the local planning authority's area. However, where this is the case, Para 21 states that "it should be provided as part of the proposed development"
- 8.2 Circular 06/98 states that **both** the local planning authority and the developer should be in agreement as to whether or not a financial contribution may be made in lieu of on-site provision.
- 8.3 In Herefordshire, the shortage of suitable alternative sites is likely to restrict alternative provision elsewhere. In light of this the Council will only, in exceptional cases, consider financial contributions and in reaching this decision will assess the likelihood of alternative arrangements actually resulting in the provision of affordable housing. The developer will need to demonstrate robust reasons, if on site provision is not possible. Where both sides agree to off-site provision of affordable housing, the developer's contribution may take the form of either a financial contribution per unit or the provision of the units on an alternative identified site. In both cases, the financial contribution will be calculated so that the units can be provided with no requirement for additional public subsidy.
- 8.4 Where the affordable housing units are to be provided by the developer on an alternative identified site, the local planning authority will require details of the scheme as part of the application for the original site in the same way as if it were provided on site. The alternative site should generally be within the vicinity of the development site.
- 8.5 The arrangements for off-site provision of affordable housing, either by way of financial contribution or actual provision of dwellings, would form the basis of a planning obligation agreement to be drawn up between the developer and the Council in respect of the planning permission on the original application site (see Circular 06/98 Para 23).
- 8.6 Calculating the number of Affordable Housing Units to be Provided off site, on an agreed alternative site.
- The number of units to be provided off site should equate to the number to be provided had the site been "suitable" on the original application. It should not be provided on an alternative site that would also require the provision of affordable housing under planning policy.
- 8.7 In exceptional circumstances, where the Council and the developer agree to a financial or other contribution to be made towards the provision of affordable housing on another site the Council will draft planning obligations so they:
- allow the developer to make the contribution towards the costs of providing affordable housing on a different site, or
  - include a covenant to the effect that a sum or sums paid by the developer to the Council for the purpose of meeting or contributing towards the costs of affordable housing on a different site, shall be repaid to the developer on or by a specified date if such sums have not been used for that purpose after 10 years .
- 8.8 Calculating the financial calculation for providing additional affordable units

The method of calculating the contribution is based on a formula recommended by the London Planning Advisory Committee (LPAC) whereby the developer's contribution equates to the amount of Social Housing Grant (SHG) which would normally be paid on each dwelling unit.

The formula takes into account the Housing Corporation's estimated total housing cost figures for houses of different types in a local authority area known as the Total Cost Indicator (TCI). (see

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appendix 6). It also takes into account the proportion of this cost, which is financed by Social Housing Grant – the Social Housing Grant rate.

Whilst the grant rate will vary depending on the house types to be provided, the current rate for general needs provision is approximately 60%. However, as the percentage varies it is advised that an approach is made to Strategic Housing Services for the most up to date figure.

In order to calculate the actual financial contribution for a particular proposal, the following information will be required from the Developer, by Strategic Housing Services

- ❑ Details of the original development proposals to calculate what the on site provision would have been
- ❑ The house types, sizes and tenures of the affordable housing to be provided to meet a local housing need in the area of the proposed development

Any financial contribution will be:

- ❑ provided through a Section 106 Agreement in accordance with para 23 of circular 6/98.
- ❑ Held by the Council for use by an RSL in lieu of or in addition to other public subsidy for the provision of additional affordable units
- ❑ Separately identifiable within the council's accounts
- ❑ Used within the period specified within the S106 agreement
- ❑ Returned to the developer (with interest calculated at the standard rate prescribed by the Council) should the Council fail to utilise the contribution within the time period for the provision of additional affordable units. In general, the time period allowed will be 10 years.

## 9. APPENDICES

### Appendix 1 :

#### Local Authority's Preferred Registered Social Landlords with an active development programme in Herefordshire

Organisation	Name	Contact Details
South Shropshire Housing Association	George Stoyan Development Manager	Tel: 01584 877888 Mobile: 0781 3611230 Fax: 01584 877567 E Mail: <a href="mailto:george.stoyan@sshropsha.co.uk">george.stoyan@sshropsha.co.uk</a>
Bromford Housing Group	Christian Knibbs Development Manager	Tel: 01242 544418 Fax: 01242 233090 E mail: <a href="mailto:Christian.knibbs@bromford.co.uk">Christian.knibbs@bromford.co.uk</a>
West Mercia Housing Group	Claire Thomas Head of New Business	Tel: 01527 556409 Fax: 01527 556401 E Mail: <a href="mailto:Claire.Thomas@wmhousing.co.uk">Claire.Thomas@wmhousing.co.uk</a>
Festival Housing Group	Gwenda Cope Head of Development	Tel: 01684 579391 Mobile: 07879 483382 Fax: 01684 579440 E Mail: <a href="mailto:gcope@festivalhousing.org">gcope@festivalhousing.org</a>
Herefordshire Housing Limited	Gordon Shirley Director of Operations	Tel: 01432 384005 Mobile: 07870271856 Fax: E Mail: <a href="mailto:gshirley@herefordshirehousing.org.uk">gshirley@herefordshirehousing.org.uk</a>
Marches Housing Association	Richard Finney Business Development Manager	Tel: 01568 619618 Fax: 01568 615611 E mail: <a href="mailto:Richard.finney@marchesha.co.uk">Richard.finney@marchesha.co.uk</a>
Gloucestershire Housing Association	Darren Isbell Regional Development Manager	Tel: 01452 529255 Fax: 01452 310520 E mail: <a href="mailto:isbelld@gloscha.co.uk">isbelld@gloscha.co.uk</a>
Wyedean Housing Association	Neil Pascoe Director	Tel: 01594 838000 E mail: <a href="mailto:neil@wyedean.fed.net.org.uk">neil@wyedean.fed.net.org.uk</a>

(Please note that in view of the continuous changes with the Housing Corporation Pilot Partnering, you are advised to contact Strategic Housing Services for up to date information.)

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## Appendix 2 : Glossary

ADP	Approved Development Programme – is the funding made available to the housing corporation to provide affordable housing to targeted areas of need.
LGA	Local Government Association
RPG 11	Regional Planning Guidance for the West Midlands
PPG	Planning Policy Guidance issued by the Government
RSL	Registered Social Landlord – usually a Housing Association but not exclusively. Registered with the Housing Corporation as a provider of social housing and able to bid for public funds
SHG	Social Housing Grant – refers to monies allocated by the Housing Corporation to enable social landlords to develop new housing schemes
LASHG	Local Authority Social Housing Grant – abolished 1 <sup>st</sup> April 2003 and refers to monies funded by government but co-ordinated by Councils to enable social landlords to develop new housing schemes

Affordable Housing Grant refers to the councils own capital resources available to provide affordable housing

Low Cost Market refers to the provision of accommodation subject to a resale covenant. The principle is that the accommodation is available at a fixed discount below the open market value to households in need. The level of discount will depend on the individual circumstances of each case and will need to be negotiated with the Council prior to any determination of a planning application. However, the level of discount will normally be up to 30% of the market price and will be subject to an absolute minimum of 20%. The discount will apply on initial and all subsequent re-sales thus ensuring that the accommodation is retained affordable.

Shared Ownership - is a government-backed scheme to help people who are unable to secure a full mortgage to purchase a home of their own. The scheme allows someone to purchase a share in their prospective home, usually 50% and then pay rent on the remaining share (in ownership of a RSL).

UDP:	Unitary Development Plan – a strategic land use development plan for Herefordshire which will guide and inform future planning development during the period 1996-2011
Exception Schemes:	Affordable housing for local needs in perpetuity built on small sites within or adjoining existing villages on land that would not normally gain planning permission for housing
Commitments:	Housing sites with planning permission or allocated in a Development Plan
Completions:	Dwellings which have obtained planning permission and have been built, i.e. completed
Windfall Site:	Land which is suitable for development within the terms of planning policies and detailed settlement criteria, but are not specifically identified and the development of which is unpredictable

Section 106 Agreement: An agreement by a local authority with a landowner / developer restricting or regulating the development or use of land either permanently or temporarily in accordance with the Town and Country Planning Act 1990.

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Existing household      A group of people who constitute a household at the time a need is recognised who may or may not lose or be joined by one or more members over the study period. The residual and additional members of the household continue to constitute the existing household eg a new baby.

Emergent household      A new household formed, needing a separate dwelling from an existing  
Need household.

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## Appendix 3 : Development Plan Policies

### 1. Hereford City Local Plan 1991 – 2001 (adopted 1996)

#### Affordable housing:

#### Policy H8

"The city council will encourage a reasonable mix and balance of house types and sizes within new residential developments. Proposals for the development of affordable dwellings suitable for people not easily able to compete in the housing market will be particularly encouraged. The city council will seek the provision of affordable housing by:

- (a) continuing to engage in collaborative schemes with housing associations, private developers and other agencies involved in housing provision;
- (b) seeking to negotiate with private developers for the inclusion of an element of affordable housing provision in suitable schemes. Arrangements should be made to ensure that affordable provision will be enjoyed by successive as well as initial occupiers of the properties concerned.

Where the provision of affordable housing leads to relatively high densities being proposed, special attention should be given to design to ensure that proposals respect their wider setting and that residential amenity is not adversely affected."

### 2. Leominster District Plan 1991 – 2001 (adopted 1998)

#### Policy A.48: Affordable housing for local needs in rural areas

"Exceptionally, within or adjoining rural settlements planning permission may be granted for low cost affordable housing on land that would not normally be released for development where a local need has been justified. Primarily, households occupying such accommodation will be restricted to those which are residents within the ward; have strong local family connections; or are employed within the relevant ward.

Where such proposals are advanced the local planning authority will need to be satisfied that:

- (1) the criteria set out in policy a.1 can be met;
- (2) the local need is shown to be genuine and quantifiable, to the local planning authority's reasonable satisfaction, and there is a reasonable expectation that this need will be long term;
- (3) it is evident that local housing market conditions could not satisfy the housing need;
- (4) arrangements are made to ensure that the benefits of low cost housing will be enjoyed in perpetuity by subsequent occupants as well as by the initial occupiers, for example, by making the housing available through a registered social landlord;
- (5) the site's location should afford reasonable access to facilities and, where possible, public transport;
- (6) proposals do not involve mixed developments consisting of open market housing to offset the lower return on low cost housing on the same site.

Should a vacancy occur which cannot be filled by a household in the relevant ward meeting the local need, the council may permit the property to be occupied by residents of an immediately adjoining ward (or such other definition as can be agreed between the parties) who would otherwise meet the terms of the local need."

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### **Policy A49: Affordable Housing on larger sites**

The local planning authority will negotiate for the inclusion of an element of affordable housing on suitable sites where a lack of affordable housing can be demonstrated.

Arrangements should be made to ensure that the benefits of low cost housing will be enjoyed in perpetuity by subsequent occupants as well as by the initial occupiers

Housing sites for 25 or more dwellings or over 1 ha in size within Leominster and more than 15 dwellings or over 0.5 ha elsewhere will be evaluated to determine their suitability in terms of accommodating an element of the affordable housing need for the settlement concerned and its surrounding area. This policy will be applied to both identified housing sites and windfall proposals.

### **3. Malvern Local Plan 1991- 2001 (adopted 1998)**

#### **Housing Policy 11**

##### **Affordable housing for local people in rural areas**

"The district council may, in exceptional circumstances, and in addition to Hereford and Worcester Structure Plan housing land requirements, permit small scale residential developments on land in or adjoining identified settlement boundaries which would not otherwise be released for development. To be given favourable consideration the district council will require to be satisfied that:

- a) there is a genuine need in the area for low cost housing of the type and tenure proposed by the applicant which cannot be met in any other way, and
- b) satisfactory arrangements will be made for ensuring, in perpetuity, that:
  - i) occupancy of the dwellings will be restricted to those persons who are in housing need and who have a previous family connection with the locality or are employed locally,
  - ii) the dwellings will be available for occupation at a tenure appropriate to and at a price which is and which will remain affordable by persons on low incomes, in conjunction with a housing association or other suitable agency, and
  - iii) the dwellings will continue to be available to subsequent occupiers on the same terms as are mentioned in (ii) in perpetuity; proposals which may potentially only benefit the initial occupier will not be acceptable, and
- c) cross-subsidy by providing some houses on the same site for sale on the open market is not involved, and
- d) it is of a scale, character and density appropriate to the character of the area,
- e) adequate site conditions and services exist or can be readily and economically provided,
- f) satisfactory vehicular and pedestrian access can be provided, and
- g) it would not have a significantly adverse affect on neighbouring properties or result in overlooking or loss of residential amenity.
- h) In defining local need the district council will take into account:
  - 1) existing residents needing separate accommodation in the area;
  - 2) people whose work provides important services and who need to live closer to the local community;
  - 3) people who are not necessarily resident locally but have long-standing links with the local community.
  - 4) people with the offer of a job in the locality, who cannot take up the offer because of the lack of affordable housing."

##### **Major housing developments and affordable housing**



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## **Housing policy 12**

### **Major housing development**

"The district council will, where site and market conditions are appropriate, seek to reach agreement with developers of major housing schemes to include the provision of a proportion of housing for sale or rent at affordable prices in perpetuity. Some properties may be made available at a low cost market value to meet a specified local need. Major housing schemes refers to those over 40 dwellings or 1.5 hectares in Malvern, Bromyard and Ledbury or over 25 dwellings or 1 hectare in Upton-upon-Severn and the remainder of the district. Criterion b) of housing policy 11 will apply where a housing association is not involved or there has been some special planning concession."

### **South Herefordshire Local Plan 1991- 2001 (adopted 1999)**

#### **Policy SH.12**

##### **Cross-subsidisation schemes**

"In future housing schemes within settlements, Ross-on-Wye, and on housing land around Hereford City, the council will negotiate with developers for a reasonable amount of affordable housing to meet local needs in order to meet an identified need."

#### **Policy SH.13**

##### **Affordable housing in/adjacent to settlements**

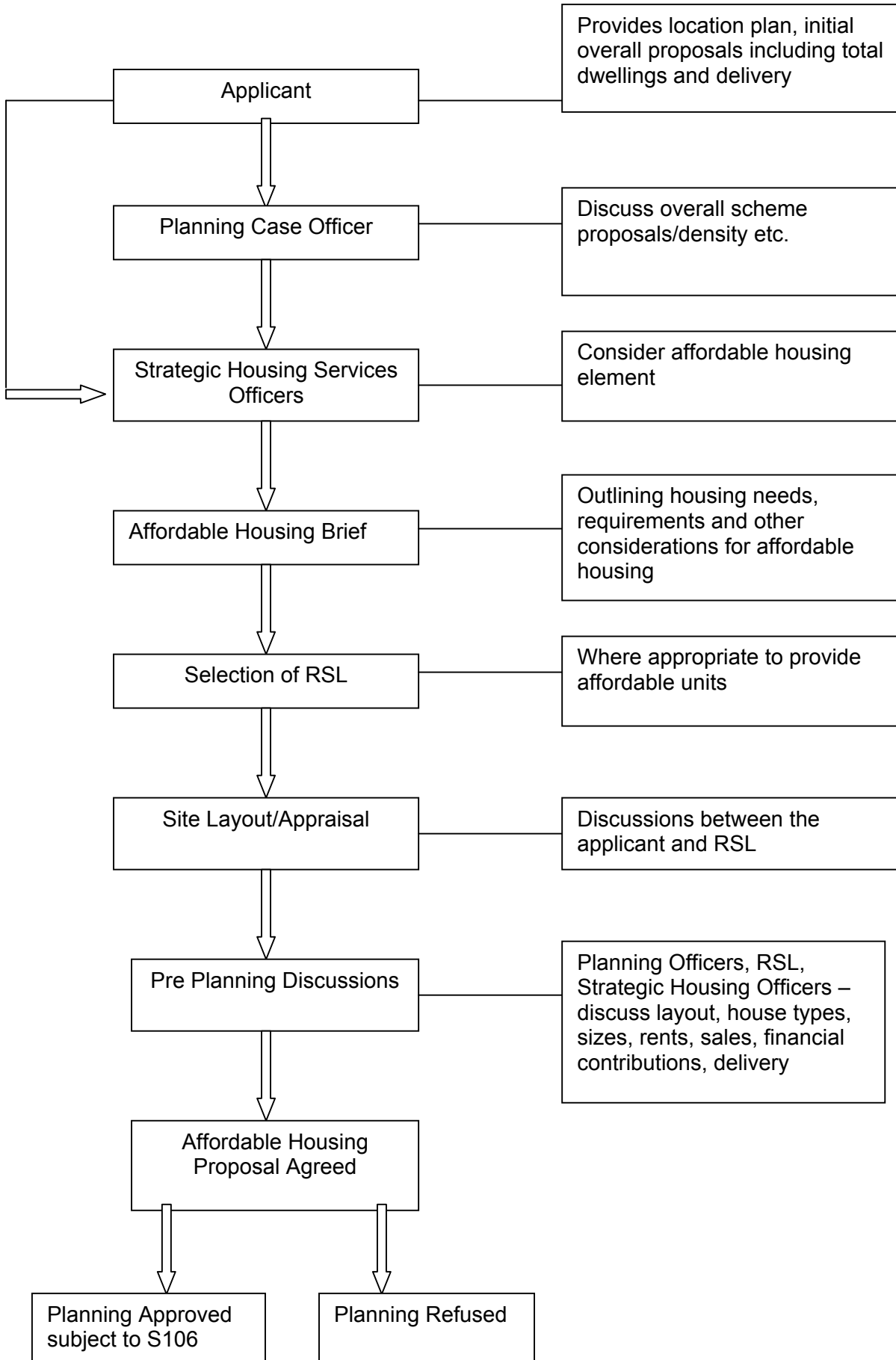
"As an exception to policy, affordable housing schemes may be permitted on suitable sites within, or adjacent to larger villages and smaller settlements, which would not normally be released for development, provided that:-

- (i) the developments satisfy a clearly demonstrated and genuine local need for affordable housing which cannot be reasonably accommodated elsewhere;
- (ii) the developments are small-scale, well designed, environmentally acceptable, capable of being served by a safe vehicular access, satisfying the criteria of policies GD.1 and C.3 where appropriate;
- (iii) adequate arrangements are made to ensure that the affordable element of the developments will be enjoyed by successive as well as by initial occupiers of the properties."

NB: Policy GD1 - General Development Criteria

Policy C3 - Criteria for exceptional development outside settlement boundaries

## APPENDIX 4 : Negotiating affordable housing





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- Affordability will be computed using Joseph Rowntree ratios of affordability of housing costs against income, and up to date Council economic survey information. There are concerns that, to make low-cost market affordable, the discounts from open market values may be too high. If so, shared ownership could be an acceptable option.

## APPENDIX 6 : TCI Base Table 2004/5

Appendix Six: TCI Base Table 2004/05 and 2005/06: Self-Contained Accommodation

Total Unit costs Unit floor area m <sup>2</sup>	Probable Occupancy (Persons)	Self-contained accommodation - £ per unit Cost Group C1
Up to 25	1	49,900
Exceeding/not exceeding		
25/30	1	55,200
30/35	1 and 2	60,600
35/40	1 and 2	65,900
40/45	2	71,200
45/50	2	76,600
50/55	2 and 3	81,900
55/60	2 and 3	87,200
60/65	3 and 4	92,500
65/70	3 and 4	97,900
70/75	3, 4 and 5	103,200
75/80	3, 4 and 5	108,500
80/85	4, 5 and 6	113,900
85/90	4, 5 and 6	119,200
90/95	5 and 6	124,500
95/100	5 and 6	129,800
100/105	6 and 7	135,200
105/110	6 and 7	140,500
110/115	6, 7 and 8	145,800
115/120	6, 7 and 8	151,200

For Herefordshire, there is a 9% uplift on these figures for 2004/5 and 2005/6

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## Appendix 7 :

### Herefordshire Council Contacts

#### 1. **Planning Services Division**

##### **Forward Planning,**

PO Box 144,  
Hereford,  
Herefordshire,  
HR1 2YH.

Mr Kevin Singleton  
Team Leader Strategic Planning

Tel:01432 260137  
Fax: 01432 260289

#### 2. **Planning Services, Development Control,**

PO Box 230,  
Hereford,.  
HR1 2ZE

Central Division: Planning Officers  
Steve Macpherson  
Dave Dugdale

Tel: 01432 261946  
Tel: 01432 261957

Northern Division: Planning Officers  
Duncan Thomas  
Kevin Bishop

Tel: 01432 383085  
Tel:01432 383093

Southern Division: Planning Officers  
Andrew Prior  
Steve Holder

Tel: 01432 261932  
Tel: 01432 260479

#### 3. **Strategic Housing Services**

Garrick House,  
Widemarsh Street,  
Hereford,  
HR4 9EU.

Mr Chris Watson,  
Senior Enabling Officer

Tel: 01432 261975  
Fax: 01432 261591

#### 4. **Legal Services,**

Brockington,  
35, Hafod Road,  
Hereford,  
HR1 1SH

Christine Wright  
Principal Lawyer

Tel: 01432 260472  
Fax: 01432 260206

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## **APPENDIX 8 : List of Completed Housing Need Studies**

### **Year April 2000 - April 2001**

Hereford City  
Bodenham  
Colwall  
Leintwardine  
Longtown  
Withington

### **April 2001 - April 2002**

Cusop  
Wellington

### **Year April 2002 - April 2003**

Orcop

### **Year April 2003 - April 2004**

Bishops Frome  
Orleton  
Ross  
Upper Sapey (North Bromyard group parish)  
Pembroke  
Leominster  
Staunton-on-Wye  
Marden

### **2004 – 2005**

Kington  
Cradley  
Bartestree/Lugwardine  
Sutton St Nicholas  
Shobdon  
Ledbury  
Bromyard and Winslow  
Cleghonger  
Lea

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## Appendix 9: References

**1. Herefordshire's Local Plans – Written Statement**

Available from: Planning Services, P.O. Box 144, Hereford. HR4 9ZP

**2. Planning Policy Guidance 3: Housing**

(DETR, March 2000)

**3. Circular 06/98: Planning and Affordable Housing**

(DETR, April 1998)

**4. Herefordshire Council Housing Strategy 2003 - 2006**

Available from: Strategic Housing Services , Garrick House, Widemarsh Street, Hereford HR4 9EU

**5. Housing Investment Strategy 2000-2003 Supplementary Information Statement July 2000**

Available from: Strategic Housing Services , Garrick House, Widemarsh Street, Hereford HR4 9EU

**6. Housing Needs Study 1999 and 2001**

Available from: Strategic Housing Services Garrick House Widemarsh Street Hereford HR4 9EU

**7. Circular 11/95: The use of Conditions in Planning Applications**

(DETR, July 1995)

**8. Circular 1/97: Obligations**

(DETR, January 1997)



## **HEREFORDSHIRE HOUSING LAND STUDY 2004 AND EMPLOYMENT LAND STUDY 2004**

**Report By: Forward Planning Manager**

### **Wards Affected**

County-wide

### **Purpose**

1. To present to members the results of the Herefordshire Housing Land and Herefordshire Employment Land Studies 2004.

### **Financial Implications**

2. None.

### **Background**

3. As part of the changes to the planning system brought about by the Planning and Compulsory Purchase Act 2004 there is a requirement for the Council to prepare an annual monitoring report to Government on progress in preparing the documents set out in the Local Development Scheme (LDS), and on how far planning policies are being achieved. The content of the Annual Monitoring Report (AMR) will be developed over time to meet the requirements of the new system and will involve consideration of the report by Cabinet via the Planning Committee.
4. An important part of the AMR will be the presentation of evidence regarding the extent to which policies within Local Development Documents are being achieved and in particular it will be necessary that the AMR will report on the number of dwellings built in Herefordshire during the period.
5. A considerable amount of monitoring is already undertaken within the Council and this is provided to the Regional Planning Body to present in its annual monitoring report. In addition a report outlining the results of the annual Housing Land Study has been presented for information purposes to the Planning Committee each year since 1999.
6. This year the Housing Land Study has again been prepared and as a precursor for future AMR's an Employment Land Study for Herefordshire has also been prepared for publication. In addition to presenting an indication of land available in the County these documents can help to assess the success of the Council's planning policies in respect of housing and the provision of employment land and will prove valuable as background information for the forthcoming Public Inquiry into objections to the Unitary Development Plan. Full copies of both documents are attached to this report.

### **Housing Land Study**

7. The study involved a survey of all planning permissions for new housing in the County. The numbers of dwellings built, under construction and not started on each permission

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Further information on the subject of this report is available from Mr. K. Singleton on 01432 260137

have been recorded. The study also examines other features of housing supply and its characteristics.

- 8. Some 661 dwellings have been built in the County during the 12 months from April 2003 to the end of March 2004. This is an increase from 622 completions recorded in last years study although it is below the average rate experienced in the past 12 years.
- 9. The number of housing commitments in the County have continued to hold up with 1817 units having planning permission or being identified in adopted local plans.
- 10. During the first eight years of the UDP period 6,758 houses have been built in the County with just over half (53%) taking place in urban areas. In terms of the proposed UDP strategy these completions have been distributed as follows:

<b>Location</b>	<b>Actual Completions 1996-2004</b>	<b>Anticipated % completions 1996-2011</b>
<b>Hereford City</b>	<b>1571 (23.2%)</b>	<b>27%</b>
<b>Market Towns Total</b>	<b>2041 (30.2%)</b>	<b>29%</b>
<b>Main Villages</b>	<b>1933 (28.6%)</b>	<b>26%</b>
<b>Smaller Settlements</b>	<b>479 (7.1%)</b>	<b>7%</b>
<b>Other rural areas</b>	<b>734 (10.9%)</b>	<b>11%</b>

**Development on previously-developed land**

- 11. Over the 8-year period the percentage of housing built on previously-developed land has averaged at 43%. This year the study shows that in terms of completions 69% of all new dwellings in the County were on previously-developed (brownfield) land. Looking to the future, 77% of all dwellings given planning permission on new sites between April 1<sup>st</sup> 2003 and March 31<sup>st</sup> 2004 were on previously-developed land.

**Conversions**

- 12. During the year some 167 dwellings resulted from the conversion of existing buildings, of these 68 involved the development of agricultural buildings, which in terms of the definition contained in PPG3 constitutes the development of greenfield land.

**Affordable Housing**

- 13. Some 94 affordable dwellings were built during the year, and at March 2003 there were a further 93 commitments. Over the 8 years since 1996 some 777 affordable houses have been built although significant numbers of these have involved the replacement of existing social housing.

**Types and mix of sizes of housing**

- 14. By far the most common form of dwelling being built is the house (78% of all permissions), although over the last three monitoring periods house numbers have decreased slightly. The proportion of flats and apartments has increased two fold to 18%. The figures show that the percentage of bungalows being built has fluctuated a little but remains at a fairly low level of less than 4% of all dwelling types built.

**Density**

15. There has been a general increase in housing densities in urban areas and the main villages. The increase in residential densities across the urban parts of Herefordshire has not occurred in wider rural areas. On average, across the County, densities are around 11 dwellings per hectare – significantly lower than the minimum of 30 dwellings per hectare set out in the guidance provided in PPG3.

## Employment Land Study

16. This annual study monitors the supply of employment land across the County, by tracking the progress of planning permissions and development plan allocations. As with the Housing Study it covers the period April 2003 to March 2004.

### Completed Development

17. The amount of land developed for employment uses over the period was 6.01 hectares spread over 22 different sites. This represents a decline on the previous year when 10.9 hectares were completed, but remains above the annual county average of 4.83 hectares per annum since 1986-7.

### Supply

18. There are some 160.21 hectares of new land for employment uses on 111 sites in Herefordshire. Of this 132.91 hectares is allocated within the adopted local plans, 22.59 hectares has planning permission and 4.71 hectares is currently under construction for employment uses.

### Future Allocations

19. The Unitary Development Plan Revised Deposit allocates a further 22.81 hectares of new employment land across the County. Allocations include a ten hectare Ross Business Park, an extension to Whitestone Business Park and new sites to replace longstanding sites in Bromyard and Kington.

### Physically Constrained Land

20. Of the 183.02 hectares supply of current and future employment land, 112.65 hectares is not constrained. The remaining 70.37 hectares are physically constrained and not currently available for development. Rotherwas Industrial Estate, Hereford accounts for 50.69 hectares of the constrained land, due to reasons of flooding, access and archaeology.

### Supply of Readily Available Land

21. Only 37.51 hectares are readily available for development purposes. Readily available includes all employment land that is not physically constrained and is available on the market. Spread over 23 sites, the most significant proportion of this available supply is located within the newly created Leominster Enterprise Park (16 hectares).

### Office Development

22. Three new major office developments were completed. These sites amount to 3694 square metres of new office space (Use class B1a). Planning consent was given to a further five new major office developments providing a further 5980 square metres of office space.

**Assessment of Need for Employment Land**

23. Projections of past take up rates indicate a possible surplus in Countywide supply of 18.02 hectares over the UDP Plan period up to 2011. However, projections indicate that existing employment land in Hereford, Ross-on-Wye, Ledbury, Kington and the wider rural area will require safeguarding as there is likely to be an insufficient supply of readily available land over the Plan period. Unitary Development Plan allocations should satisfy most of the projected shortfalls, but supply in Hereford and Ledbury is dependant upon the ability to overcome physical constraints.

**RECOMMENDATION**

- THAT (a) the results of the Herefordshire Housing Land Study 2004 and Employment Land Study 2003-2004 be noted;**
- (b) the Herefordshire Housing Land Study 2004 and Employment Land Study 2003-2004 be published as a record of the housing and employment land position in the County.**