

A G E N D A

Planning Committee

Date: **Friday, 21st January, 2005**

Time: **10.00 a.m.**

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

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

For any further information please contact:

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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
1. APOLOGIES FOR ABSENCE To receive apologies for absence.	
2. NAMED SUBSTITUTES (IF ANY) To receive details any details of Members nominated to attend the meeting in place of a Member of the Committee.	
3. DECLARATIONS OF INTEREST To receive any declarations of interest by Members in respect of items on the Agenda.	
4. MINUTES To approve and sign the Minutes of the meeting held on 26th November, 2004.	1 - 6
5. CHAIRMAN'S ANNOUNCEMENTS To receive any announcements from the Chairman.	
6. NORTHERN AREA PLANNING SUB-COMMITTEE To receive the attached report of the Northern Area Planning Sub-Committee meeting held on 1st December, 2004 and 5th January, 2005.	7 - 8
7. CENTRAL AREA PLANNING SUB-COMMITTEE To receive the attached report of the Central Area Planning Sub-Committee meeting held on 15th December, 2004 and 12th January, 2005.	9 - 10
8. SOUTHERN AREA PLANNING SUB-COMMITTEE To receive the attached report of the Southern Area Planning Sub-Committee meeting held on 24th November 2004 and 22nd December 2004.	11 - 12

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|-----|---|---------|
| 9. | <p>DCSW2004/0047/O - SITE FOR SIX DWELLINGS (AFFORDABLE/MARKET HOUSING), BIO-DISC TREATMENT SYSTEM, REMOVAL OF POULTRY BUILDINGS, ORCOP POULTRY, ORCOP HILL, MUCH DEWCHURCH, HR2 8EN FOR MR. K. JONES PER MR. GRIFFIN, ADAS, THE PATCH, ELTON NEWNHAM, GLOS, GL14 1JN</p> <p>To consider a planning application which has been referred to the Committee by the Head of Planning Services because the Southern Area Planning Sub-Committee is minded to approve it, contrary to the Council's Planning Policies and officer recommendations.</p> | 13 - 24 |
| 10. | <p>ODPM CONSULTATION PAPER ON MINERALS POLICY STATEMENT 1 "PLANNING AND MINERALS" (MPS1) AND ASSOCIATED GOOD PRACTICE GUIDE</p> <p>To inform members of the consultation and to recommend comments to the Office of the Deputy Prime Minister.</p> <p>Wards: County-wide</p> | 25 - 28 |
| 11. | <p>TANYARD LANE DEVELOPMENT BRIEF</p> <p>To inform members of the consultation process undertaken on the Tanyard Lane Development Brief and to consider the proposed amendments that have been made to the Brief as a result of the consultation feedback that has been received. A copy of the Brief is enclosed separately for Members of the Planning Committee and is also available in the Members lounge.</p> <p>Ward: Ross-on-Wye East</p> | 29 - 40 |
| 12. | <p>EARDISLEY GROUP PARISH PLAN</p> <p>To consider the Eardisley Group Parish Plan for adoption as further planning guidance to supplement the emerging Herefordshire Unitary Development Plan (UDP).</p> | 41 - 44 |
| 13. | <p>UPDATE REPORT ON HEREFORDSHIRE COUNCIL BUILDING CONTROL AND THE L.A.B.C. PARTNER AUTHORITY SCHEME</p> <p>To inform members of the progress of the implementation of the scheme by Building Control.</p> | 45 - 48 |
| 14. | <p>DATE OF NEXT MEETING</p> <p>To note that the next meeting will be held on 2nd March, 2005 instead of 4th March 2005.</p> | |

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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, 26th November, 2004 at 10.00 a.m.

Present: 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, Mrs. J.E. Pemberton, Ms. G.A. Powell, D.C. Taylor, J.P. Thomas and W.J. Walling

In attendance: Councillors P.J. Edwards, P.E. Harling, W.J.S. Thomas and R.M. Wilson

38. APOLOGIES FOR ABSENCE

Apologies for absence were received from Cllrs R.I. Matthews, R. Preece and Mrs. S.J. Robertson.

39. NAMED SUBSTITUTES (IF ANY)

The following substitutions were made:

Substitute	Member
Ms G Powell	Mrs S.J. Robertson
J.P. Thomas	R. Preece

40. DECLARATIONS OF INTEREST

There were no declarations of interest made.

41. MINUTES

RESOLVED: That the Minutes of the meeting held on 25th November, 2004 be approved as a correct record and signed by the Chairman.

42. CHAIRMAN'S ANNOUNCEMENTS

The Chairman reported on the following matters:-

JULIE PRESTON - CHIEF PLANNING SERVICES OFFICER

Julie will regrettably be leaving the Council at the end of January 2005. She has been a much valued officer in the delivery of Planning Services and will be missed particularly for her advice and presentation skills when advising Members in Committee. Many Members will have know Julie in her time with the Leominster District Council before she joined Herefordshire Council and have fond memories of

their working relationship with her.

TEAM LEADER CENTRAL AREA

Following interviews last week, Bernard Eacock had been appointed as the new team leader for the Central Area. Mr Eacock had previously worked for Herefordshire Council as a senior planning officer until January 2003 when he left the Council to join the Brecon Beacons national Park planning Authority, to work as a development control team leader for major projects. He will start work for the Council early in the New Year.

UDP PUBLIC INQUIRY

The UDP Pre-Inquiry meeting involving the Inspector, Mr Clive Richardson, objectors and other interested parties was held in the Shire Hall on Wednesday 24 November 2004. The Inquiry would commence on 8 February 2005 to hear representations in connection with over 3000 objections and was expected to finish in June following which the Inspector will prepare a report containing his recommendations.

NATIONAL INCREASE IN PLANNING APPLICATIONS

Members may have seen news coverage of the problems being caused by large increases in planning applications being made to Council's across the country. In the late 1990's Local Planning Authorities were receiving around 211,000 planning applications in England and Wales each year. By 2003/04 this figure had risen to around 335,000. Herefordshire Council had experienced even larger increases recently with 3,700 applications being received in 2003/04. This figure was projected to increase to around 4,500 by the end of 2004/05. Although such increases resulted in increased levels of fee income they inevitably place significant additional pressure on staff and IT resources which do not increase at the same rate.

43. NORTHERN AREA PLANNING SUB-COMMITTEE

RESOLVED: That the report of the meetings held on 6 October and 3 November 2004 be received and noted.

44. CENTRAL AREA PLANNING SUB-COMMITTEE

RESOLVED: That the report of the meetings held on 27 September, 20 October and 17 November 2004 be received and noted.

45. SOUTHERN AREA PLANNING SUB-COMMITTEE

RESOLVED: That the report of the meetings held on 29 September and 27 October 2004 be received and noted.

46. 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 (AGENDA ITEM 9)

The Development Control Manager said that the Central Area Planning Sub-Committee was mindful to approve the application and that it had been referred to the Committee by the Head of Planning Services because approval would be contrary to the Council's planning policies. He explained that approval would be contrary to South Herefordshire's District Local Plan policies SH11 (Housing in the Countryside) and GD1 (General Development Criteria).

In accordance with the criteria of public speaking Mr Cook spoke on behalf of Little Dewchurch Parish Council and Mrs Francis spoke in support of the application.

The Development Control Manager said that the application was recommended for refusal because it constituted a new dwelling in the open countryside. He also said that although there was a case of need and that the Officers were very sympathetic towards the circumstances of the applicants, personal reasons could not outweigh the planning policies stipulated by the Government and by the Council. He felt that the applicants had not made sufficient investigation into the alternative ways in which their accommodation needs could be met.

Councillor WJS Thomas, the local Ward Member, disagreed with the appraisal by officers and felt that planning permission should be granted. He was of the opinion that weight should be given to a number of considerations including the applicant's health problems and the potential for the proposal to assist in their quality of life; the importance of farm diversification and how the bed and breakfast business ensured the viability of the farm. He also felt that the proposed bungalow would not have a significantly greater impact than that of the storage building that it would replace; and the scattered nature of the settlements in this part of the County meant that many dwellings were outside village envelopes. A number of Members spoke in support of the application and commented on the need for flexibility and awareness in considering such applications; some felt that the development plan should take local need into account in respect of small developments, particularly where there was a pressing need demonstrated by the applicants which was tied to an existing agricultural business. Those in favour felt that material considerations could play a major part in the decision and that the layout of the existing buildings did not easily lend them to conversion of the residential accommodation.

The Chairman drew attention of Members to the fact that although officers and Members were sympathetic to the personal circumstances of the applicants, the Committee needed to ensure that the proposals complied with established and adopted planning policies. In the case of the application this was not so and he strongly advised Members to vote against. The Committee discussed all aspects of the application, the circumstances facing the applicants and were reminded of the Councils planning policies and the reasons why they were in place. Having considered all the aspects involved, the Committee felt that in the case of this application an exception could be made particularly in view of its being tied to the existing farm and business.

RESOLVED: That the application be approved subject to conditions which would restrict the use of proposed accommodation to tourism or other occupation ancillary to the main farmhouse and that it should not be sold separately to the main business and any other appropriate conditions necessary by the Head of Planning Services:

47. **DCSE2004/2892/F - PROPOSED CONSERVATORY AT 54 PURLAND, ROSS-ON-WYE, HEREFORDSHIRE HR9 5QA FOR MR C GRAY, 54 PURLAND, ROSS ON WYE (AGENDA ITEM 10)**

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

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

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

2 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

48. DEVELOPMENT BRIEF FOR FROME VALLEY HAULAGE DEPOT, BISHOPS FROME (AGENDA ITEM 11)

The Forward Planning Manager presented a draft Development Brief for the Frome Valley Haulage Depot, Bishops Frome. He advised that the Brief had been prepared to guide the future development of the site which had been identified for a housing allocation of 15 units within the emerging Unitary Development Plan (UDP). The Brief had been prepared jointly between the Council and developers of the site and provided additional details to supplement the policies of the UDP. The preparation of the Brief had followed an initial submission from the landowner's agent and internal consultation to ensure that all site issues and requirements were addressed, particularly those requiring planning obligations. The Draft had been approved by Planning Committee on 16th July 2004 for consultation purposes and consultation has been conducted by the Parish Council. Consideration had been given to the issues raised by the Parish Council in preparing the final version of the Brief. The issues raised concerned open space provision, pedestrian crossing access, dwelling numbers and car parking provision. The Brief has been altered to include as a requirement, a pedestrian crossing point to access the existing footpath on the opposite side of the carriageway but it was not possible within the context of the policies of the UDP to make further changes.

The aim of the Brief was 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; and
- promote good design standards and address plan policy issues

Councillor RM Manning, the local Ward Councillor, welcomed the proposals and enquired if provision could be made for up to 30 car parking spaces within the scheme. The Forward Planning Manager said that this level of detail would be

appropriate for any future planning application and was not something that would be included within the brief. Councillor RM Manning also advised that no formal play area should be provided within the site, and that this was the view of the Parish Council. It was agreed that the brief be amended to reflect this, with commuted payments being sought in lieu of on site provision.

RESOLVED: That the Draft development brief for Frome Valley Haulage Depot, Bishops Frome, be adopted as amended as interim Supplementary Planning Guidance to the Unitary Development Plan.

49. UPDATED SUPPLEMENTARY PLANNING GUIDANCE ON THE PROVISION OF AFFORDABLE HOUSING (AGENDA ITEM 12)

The Team Leader (Strategic Planning) presented the report of the Forward Planning Manager and the Head of Strategic Housing Services about the consultation process undertaken on the updated Supplementary Planning Guidance (SPG) for the provision of affordable housing. He said that the Cabinet Member (Environment) had authorised the updating of the SPG in July following which a consultation process had been undertaken. He outlined the aims of the SPG and provided the Committee with details of the comments which had been received. He also said that some nine organisations had been consulted including developers and social landlords and from the responses minor changes had been proposed to the SPG.

RESOLVED: That 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

50. HEREFORDSHIRE HOUSING LAND STUDY 2004 AND EMPLOYMENT LAND STUDY 2004 (AGENDA ITEM 13)

A report was presented by the Team Leader (Strategic Planning) about the results of the Herefordshire Housing Land and Employment Land Studies 2004. He said that the study was based on annual surveys and that this year employment land had also been included. He advised that the Studies helped to provide part of an annual monitoring report on the effectiveness of the Councils planning policies. He also said that as part of the changes to the planning system brought about by the Planning and Compulsory Purchase Act 2004 there was a requirement for the Council to prepare an Annual Monitoring Report (AMR) to Government on progress in preparing the documents set out in the Local Development Scheme (LDS), and on how far planning policies were being achieved. The content of the AMR would be developed over time to meet the requirements of the new system and would be submitted to Cabinet via the Planning Committee at the appropriate stage. An important part of the AMR would be the presentation of evidence regarding the extent to which policies within Local Development Documents were being achieved and in particular the number of dwellings built in Herefordshire during the period.

A considerable amount of monitoring was already undertaken within the Council and this was 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 had been presented for information purposes to

the Planning Committee each year since 1999. It had revealed that of the 661 dwellings completed in the current year, 69% had been constructed on brown field sites. There had been 94 affordable dwellings constructed and since 1996 some 777 had been built. Government advice suggested a target of 30 dwellings per hectare which compared to an average of 11 per hectare in the rural area of Hereford and 27 per hectare within the urban areas. 183 hectares of employment land had been identified within the study but of this 73 hectares was constrained for a number of reasons. Members were concerned that in some cases where land had been identified for future employment use the owners were tending to wait to see if it could be designated for residential use. It was important for land identified for employment use to be retained as such to help with the future provision. The Team Leader (Strategic Planning) said that the results of the studies were used to help with the determination of planning applications and could be used as evidence to determine whether land should be developed for industrial or residential purposes.

RESOLVED: 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.**

The meeting ended at 11.20 a.m.

CHAIRMAN

PLANNING COMMITTEE

21ST JANUARY, 2005

**REPORT OF THE NORTHERN AREA PLANNING
SUB-COMMITTEE**
Meetings Held on 1st December 2004 and 5th January, 2005

Membership:

**Councillors: Councillor J.W. Hope M.B.E (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 as recommended - 24
 - (b) refused as recommended - 3
 - (c) applications refused contrary to recommendation - 3 (not referred to Planning Committee by the Head of Planning services)
 - (d) deferred - 4
 - (e) site inspections - 4
 - (f) number of public speakers - 20, (supporters 7, objectors 11, parish 2)

PLANNING APPEALS

2. The Sub-Committee received information reports about 12 Appeals received.

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

- **BACKGROUND PAPERS – Agenda for meetings held on 1st December and 5th January 2005**

REPORT OF THE CENTRAL AREA PLANNING SUB-COMMITTEE

Meetings held on 15th December, 2004 and 12th January, 2005

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 2 occasions and has dealt with the planning applications referred to it as follows:-
 - (a) applications approved as per recommendation 12;
 - (b) site inspections 2;
 - (c) applications deferred for further information 1;
 - (d) number of public speakers 2, (supporters 1, objectors 1)

PLANNING APPEALS

2. The Sub-Committee received information reports about 1 appeal that had been received,, 1 that had been withdrawn and 7 that had been determined; of the appeals determined 5 had been dismissed and 2 had been upheld.

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

- **BACKGROUND PAPERS – Agenda for the meetings held on 15th December, 2004 and 12th January, 2005**

REPORT OF THE SOUTHERN AREA PLANNING SUB-COMMITTEE

Meetings Held on 24th November and 22nd December, 2004

Membership:

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

PLANNING APPLICATIONS

1. The Sub-Committee has dealt with the planning applications referred to it as follows:-
 - (a) applications approved 14
 - (b) applications refused contrary to recommendation 2 (not referred to Planning Committee by the Head of Planning services)
 - (c) applications approved contrary to recommendation 2 (1 referred to Planning Committee by the Head of Planning services)
 - (d) site inspections 1
 - (e) number of public speakers 10, (supporters 4, objectors 4, parish 2)

PLANNING APPEALS

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

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

- **BACKGROUND PAPERS – Agenda for meeting held on 24th November & 22nd December, 2004,**

9 DCSW2004/0047/O - SITE FOR SIX DWELLINGS (AFFORDABLE/MARKET HOUSING), BIO-DISC TREATMENT SYSTEM, REMOVAL OF POULTRY BUILDINGS, ORCOP POULTRY, ORCOP HILL, MUCH DEWCHURCH, HR2 8EN

For: Mr K Jones per Mr Griffin, ADAS, The Patch, Elton Newnham, Gloucester, GL14 1JN

Date Received: 7th January 2004

Ward: Pontrilas

Grid Ref: 48120, 28138

Expiry Date: 3rd March 2004

Local Member: Councillor G. W. Davis

Introduction

This application was reported to the Southern Area Planning Sub-Committee meeting of 24th November, 2004. The Committee were minded to grant planning permission contrary to officer recommendation. In essence, Members considered that the discount of 25% on market value was acceptable. The application was referred to the Head of Planning Services to consider whether the application should be referred to Planning Committee since the likely outcome of the Members' decision would be that the cost of the affordable housing would be higher than local incomes could afford, particularly as this was an exception site. The application has been referred to Members for further consideration of the potential conflict with the key development plan policy of meeting the need for affordable housing. The report below comprises that considered by the Area Committee on 24th November, 2004 and 14th April, 2004.

13 DCSW2004/0047/O - SITE FOR SIX DWELLINGS (AFFORDABLE/MARKET HOUSING), BIO-DISC TREATMENT SYSTEM, REMOVAL OF POULTRY BUILDINGS, ORCOP POULTRY, ORCOP HILL, MUCH DEWCHURCH, HR2 8EN

For: Mr K Jones per Mr Griffin, ADAS, The Patch, Elton Newnham, Gloucester, GL14 1JN

Date Received: 7th January 2004

Ward: Pontrilas

Grid Ref: 48120, 28138

Expiry Date: 3rd March 2004

Local Member: Councillor G. W. Davis

1. Introduction

1.1 This application was reported to the meeting on 14th April, 2004 when it was resolved as follows:

- "1. The County Secretary and Solicitor be authorised to complete a planning obligation under Section 106 of the Town and Country Planning Act 1990 to ensure that the benefits of low cost affordable housing will be enjoyed in perpetuity by initial owner occupiers and contribute to meeting local housing requirements and any additional matters and terms as she considers appropriate.
2. Upon completion of the aforementioned planning obligation, that the officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions:"

1.2 A copy of the report to that meeting is attached as an Appendix.

2. Officers Appraisal

2.1 This application was reported to the meeting on 14th April, 2004 when the resolution was that subject to the making of a S.106 Agreement that outline planning permission be granted. Since the meeting work has progressed on the preparation of a Draft S.106 but the applicant is disputing the terms that have been suggested.

2.2 The purpose of the application is to seek to provide affordable housing in Orcop in the form of two and three bed semi-detached dwellings each with a 90sq. m floor area. The application was submitted on the basis that the houses would be for open market sale but at a discount in order to make them affordable. The application proposed that the discount to be offered would be 25% below open market value. This was considered in paragraph 6.3 of the April report, although it was noted that where this method had been used elsewhere in the County the discount was set at 30%.

2.3 During the debate in April reference was made to an alternative approach in securing affordable open market housing, and which has been used at Weston-under-Penyard,

- which is to determine the selling price essentially on the basis of average local incomes.
- 2.4 The resolution of the Committee as quoted above is not specific to the exact method.
- 2.5 The Draft S106 was prepared on the basis of the income method as opposed to the discounted method. The applicant is disputing that the agreement is not in accordance with the wishes of the Committee and the discounted method should be used. The applicant states that the method proposed would result in the houses not being built unless they were accompanied by additional unrestricted open market houses.
- 2.6 The Housing Needs Study for Orcop identified a requirement for 7 affordable and 11 market houses, with the affordable to include social rented homes and low cost purchase up to £90,000. It is essential that any housing provided can actually meet the identified affordable housing need so as to comply with policy, as this site is an exception to policy. The most recent survey of incomes (ASHE Oct 2004) indicates that average single earnings in the County are some £22,088 per annum. The proposed S106 would provide that the houses are sold initially at three times the average income plus 10%. This would in principle give a price that could be afforded of some £73,627. In addition various calculations can be done on joint incomes and/or where the income multiplier is slightly increased.
- 2.7 The agent suggests that the current average price of two/three bedroom houses in Orcop is some £175000. It is not known whether this value is based on a floor area of 90sq m. Based on the discount of 25% as offered in the application this would give a market price of £131250. In addition he points out that in assessing the cost of the development other abnormal costs should be taken into account. In this case it is agreed that the cost of removal of the poultry houses and the alteration of the overhead electricity line are such costs. He suggests that only at a market price in this region would the development attract a builder and that the values produced by the income earned method are too low unless the scheme was accompanied by additional units.
- 2.8 This site is not within what can be considered to be the settlement boundary of Orcop. It is an exception site with the exception being the need to provide affordable housing. There could be no exception to provide additional open market housing. Unless the houses can be afforded by those in need then the policy exception will not be achieved. To use the percentage discount method as suggested by the applicant will result in the sale price of the houses, although being well below the open market price, being considerably in excess of what would be affordable to most households. The use of the income method would result in the house being at an affordable price to those households with a single earner on average incomes but this price would in the view of the agent result in the houses not being constructed. In either case the affordable housing need would not be met.
- 2.9 In conclusion whilst there is a clear need for affordable housing in Orcop, to actually deliver the necessary housing on the basis of the current scheme would not appear to be possible. In these circumstances it is necessary to reconsider the previous decision.

RECOMMENDATION

That planning permission be refused for the following reason:

1. The proposal in the opinion of the Local Planning Authority involves new housing development outside the settlement of Orcop and therefore in the countryside. Having regard to South Herefordshire District Local Plan Policy SH13 the Local Planning Authority are not satisfied that the housing proposed and the method of its delivery will satisfy the identified affordable housing need in Orcop. The development is therefore contrary to Hereford and Worcester Structure Plan Policies H16A and H20 and South Herefordshire District Local Plan Policies C1 and SH11.

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

APPENDIX

3 DCSW2004/0047/O - SITE FOR SIX DWELLINGS (AFFORDABLE/MARKET HOUSING), BIO-DISC TREATMENT SYSTEM, REMOVAL OF POULTRY BUILDINGS, ORCOP POULTRY, ORCOP HILL, MUCH DEWCHURCH, HR2 8EN

For: Mr K Jones per Mr Griffin, ADAS, The Patch, Elton Newnham, Gloucester, GL14 1JN

Date Received: 7th January 2004 Ward: Pontrilas Grid Ref: 48120, 28138

Expiry Date: 3rd March 2004

Local Member: Councillor G. W. Davis

1. Site Description and Proposal

- 1.1 The proposal site is on the western side of Lyston Lane, a Class III road (C1235) that links Orcop Hill to the A466 road. The southern boundary of the site fronts onto the hedgerow lined C1235 road that continues westward towards Saddlebow Hill onto Bagwyllydiart. The eastern boundary of the site comprises the western boundaries of Wenmai Cottage, which is on the corner of Lyston Lane and Etna to the north of Wenmai Cottage, which the applicant resides in. A new arbitrary boundary will be created on the north-western side of the 0.37 hectares plot at an angle to the more elevated turkey sheds that are still in use. These sheds will be demolished and the site cleared in the event of planning permission being granted.
- 1.2 Access will be off the western side of Lyston Lane utilising an existing bell-mouth access that serves Etna and the poultry units that are uphill from Lyston Lane.
- 1.3 Only the means of access, which is the existing means of access, is to be determined at this stage. All other matters are reserved for future consideration.

2. Policies

2.1 Planning Policy Guidance

- | | | |
|-------|---|---|
| PPG.1 | - | General Policy & Principles |
| PPG.3 | - | Housing |
| PPG.7 | - | The Countryside – Environmental Quality and Economic and Social Development |

2.2 Hereford and Worcester County Structure Plan

- | | | |
|--------------|---|---|
| Policy H.16A | - | Housing in Rural Areas |
| Policy H.20 | - | Residential Development in Open Countryside |
| Policy H.18 | - | Residential Development in Rural Areas |
| Policy CTC.2 | - | Area of Great Landscape Value |

Policy CTC.9 - Development Criteria

2.3 South Herefordshire District Local Plan

Policy GD.1 - General Development Criteria
 Policy SH.10 - Housing in Smaller Settlements
 Policy SH.11 - Housing in the Countryside
 Policy SH.13 - Affordable Housing in/adjacent to Settlements
 Policy C.1 - Development within Open Countryside
 Policy C.2 - Criteria for Exceptional Development outside Settlement Boundaries
 Policy C.8 - Development within Area of Great Landscape Value

2.4 Unitary Development Plan

There are no policies that are considered to raise issues different from the current Development Plan policies. Although, it should be noted that Orcop will no longer be identified as a settlement in the Unitary Development Plan.

3. Planning History

- | | | | | |
|-----|---------------|---|---|----------------------|
| 3.1 | Code 11623 | 2 flock houses, boiler house and agricultural workers bungalow | - | Approved August 1961 |
| | SH930279PF | Demolish 2 existing poultry houses and buildings and replace with 2 modern poultry houses, bins | - | Approved 21.04.93 |
| | SH971420PF | Extension of time for one year only (conditions 1 – 7) excluding condition 6 agreed on SH930279PF | - | Approved 09.12.97 |
| | SS990095PF | Extension of time for 2 years only for planning permission SH971420PF | - | Approved 16.03.99 |
| | SW2001/0496/F | Extension of time for 2 years of previous planning permission SS990095PF | - | Approved 11.04.01 |
| | SW2003/2651/O | Site for 11 dwellings with bio-disc treatment system (affordable housing) | - | Withdrawn 28.11.03 |

4. Consultation Summary

Statutory Consultations

- 4.1 The Environment Agency has no objections subject to the imposition of conditions.

Internal Council Advice

- 4.2 The Head of Engineering and Transportation recommends that conditions be attached in the event of planning permission being granted.

- 4.3 The Environmental Health and Trading Standards Officer has received a number of complaints in the past relating to the existing units. The removal of the units will obviously resolve the issue once and for all.
- 4.4 The Head of Strategic Housing Services states that there is evidence of local housing need. A Housing Needs Survey has been undertaken and a local need identified. The amount of discount in order to make the properties affordable is crucial.

5. Representations

- 5.1 In a statement that accompanied the application, the following main points are made:
- 164 properties in Orcop, proposal constitutes 3.6% increase
 - Orcop Housing Needs Survey identifies need for 18 dwellings, 7 of which are affordable and 11 market housing
 - Policy SH.13 (in the South Herefordshire District Local Plan) provides the exception for providing a site, as the Council considers the site is outside the settlement
 - proposal for 6, small affordable dwellings (90m squared floor area at 25% discount of open market value of a semi-detached dwelling)
 - development would allow for removal of 2 active intensive/broiler sheds, and offer considerable environmental gains for Orcop
 - Council's Supplementary Planning Guidance on Affordable Housing states (page 2) that the Council is strongly committed to the delivery of affordable housing. The Unitary Development Plan recognises the difficulty of achieving this aim, proposal offers chance to provide below market cost housing
 - site is 2.6 ha (6.5 acres) holding owned and occupied by Mr. K. Jones, as an intensive broiler enterprise. Each building is 1,338m squared plus ancillary buildings, poultry buildings cover 3,000 m squared of the holding
 - existing bell mouth access to east serves restricted dwelling and holding. Site comprises pasture and belts of trees (leylandii and poplar)
 - approval in 1993, later renewed to expand the poultry unit by provision of extra sheds. Services to site (i.e. mains water, electricity and telephone)
 - in Area of Great Landscape Value. Orcop Hill is a loose arrangement of mainly two storey dwellings, constructed out of stone, or brick, and a few rendered properties with large gardens
 - Orcop Hill has a public house, telephone box and small Chapel. Other facilities in Orcop, are an impressive Church, and wider still, Parish Hall.
 - four bus stops serve Orcop Hill
 - the site is 0.37 ha. In addition to the applicant's own dwelling, five other dwellings adjoin or affront the application site
 - on southern and western boundaries are mature hedgerows with clumps of native trees, group of over mature poplars in south-east of site felled recently as they posed a safety risk
 - production would cease in poultry buildings and they would be demolished. Overhead services would be placed underground
 - proposed to arrange 6 dwellings in three pairs around a central access road and turning area, single garaging is proposed for each dwelling of 90m squared
 - a hedgerow would be planted on the new north-western boundary
 - a bio-disc treatment system would be used
 - Housing Needs Survey was carried out in Orcop in January 2003, higher than normal response (i.e. 67% of 379 represented in responses). Covers period of next 5 years
 - Housing Needs Survey identified greater need than the average parish for additional affordable market housing

- survey identified need for 11 new dwellings from emergent households, seven of which should be affordable and 4 market housing. The existing households showed a need for 7 new dwellings, comprising no affordable dwellings and 7 market housing. Therefore, 18 houses identified 11 market houses and 7 affordable houses
- application is for 6 discounted market houses to make them affordable
- proposal meets requirements of Policy SH.13 in South Herefordshire District Local Plan as given size and planning condition would sell at 25% below their normal market value
- no ecological nor historical interests on site. Not prominent in landscape
- adjoining properties not overlooked
- dwellings would be block rendered with some stone detailing to reflect the local vernacular
- existing access is proposed
- short length of minor road, before joining the Class I (A) road. Less heavy traffic with demise of poultry units
- Orcop Hill is served by bus route 412
- new north-western boundary hedgerow, three other sides constrained by existing physical barriers
- no sound trees are lost
- proposal will meet identified local need. Transport in rural areas is car based, however site is served by regular bus services
- nine properties are within 100 metres of poultry units, complaints have been made. ADAS appraisal of odour accompanied previous application and forms part of this proposal
- planning permission would not be granted today for units on site with current environmental awareness
- Environmental Health and Trading Standards Officer supports application, see accompanying letter.

Also attached to the statement were specifications and cost of sewage treatment plant and cost of demolition and associated matters, i.e. site clearance.

5.2 Orcop Parish Council make the following observations:

"The Council are pleased that the existing access is being utilised but feels that six dwellings under utilises the site.

The Council would prefer to see 11 dwellings in the northern section of the site, much like the u shape development at Much Dewchurch, thus leaving the south side of the site as an open green site and not enclosing existing local residents.

This they feel would be supporting the findings of the Orcop Housing Needs Study carried out in January 2003."

5.3 Much Dewchurch Parish Council "fully support this application."

5.4 Llanwarne Parish Council have no objections.

5.5 Fourteen letters of representation have been received in which the following main points are raised:

- contrary to Development Plan
- reducing number to six makes it less objectionable

- need a sensitive scheme, not ugly rendered boxes
- self-build on larger plots that are also energy efficient would assist
- £100,000 ceiling unviable given cost of sewage treatment plant and road to serve development
- lack of detail amazing
- small houses with relatively small gardens give a suburban feel
- facilities outside the area, further need for 2 cars
- if low income how can they afford 2 cars?
- potential buyers are not country orientated, happier on an urban brown field site
- need good mix of dwellings
- devaluation of our properties, by poor quality low cost housing and related social problems
- site will be rubbish strewn, and there will be broken down cars also
- moved away due to lack of affordable housing
- dwellings could be bought by landlord types exploiting low income groups
- Orcop Hill is renowned for landscape views, six counties are visible on a clear day. It is therefore a potential blot on the landscape
- no facilities, i.e. shop, post office, school nor facilities for young children
- need 30mph speed limit
- access road (Lyston Lane) takes high volumes of traffic (school run and commuting) recently impassable due to snow and ice
- agricultural field to north drains onto site, during periods of wet weather it lies on the site, therefore pollution risk given existence of sewage treatment plant
- road to Saddlebow floods, southern boundary of site lies on natural line of springs, floods properties nearby and further down hill
- springs opens up in my garden and has lifted neighbours paving stones
- even if permeable surfaces used, still problems
- run-off should be channelled north-east or east of plot not to south or west. should be on north side of plot, cannot pump water up hill
- need larger plots for drainage/run-off
- what is the west of the site to be used for? Need Section 106 if approved
- residents mostly retired elderly people, please leave our beautiful quiet village alone.

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

6. Officers Appraisal

- 6.1 There are five main issues relating to the proposal. They are the principle of developing the site, the road network, drainage issues, impact in landscape and availability of facilities.
- 6.2 Orcop is listed a smaller settlement in Policy SH.10 contained in the Local Plan, although strictly speaking the area of Orcop parish clustered around the Fountain Inn is Orcop Hill. Nevertheless, it is considered that the site is outside the reasonable physical limits of Orcop given there is only Wenmai Cottage and the applicant's property known as Etna on the north-western side of the C1235 road that borders the eastern and southern sides of the Etna, Wenmai Cottage and the field to the south-east of the existing poultry units on which it is proposed to erect six affordable market dwellings. However, there is provision in Policy SH.13 contained in the Local Plan for affordable housing on sites adjacent to or within settlements. It is considered that in locational terms the proposal site falls into this category, given the existence of

development on the southern side of the Class III (C1235) road opposite the site. This site does not constitute an incursion into open countryside.

- 6.3 The development also needs to be small scale and demonstrate that there is a clearly demonstrated and genuine local need, that cannot be accommodated elsewhere. The Herefordshire Needs Survey for Orcop carried out in 2003 identified a need for affordable housing in the settlement, this is borne out by the stance of the Orcop Parish Council who state that six dwellings should be increased to 11 dwellings. It is considered that a site for affordable housing in Orcop can be justified and that the numbers proposed are also acceptable. In addition, the number of houses would not be out of scale with the size of the settlement. A crucial element of Policy SH.13 is the requirement that the affordable element will be enjoyed by successive as well as by initial occupiers of the properties. This would need to be controlled by way of a Section 106 Agreement. It is a little more complicated in that the applicant is not a Registered Social Landlord (RSL), usually a Housing Association, nevertheless it is possible given the experience of the Council elsewhere. The houses proposed are to be discounted open market rather than for rent. The applicants are proposing this at 25% below open market value. The most recent similar agreement elsewhere in the county has been on the basis of a 30% discount.
- 6.4 The site has poultry units that have been on this elevated site for over 40 years and have been the subject of complaints to the Council's Environmental Health and Trading Standards Department. This is verified by consultation reply. Also, there are no trees on the proposal site and with the removal of the more elevated poultry units the amenity of this site in the Area of Great Landscape Value can only be enhanced. This would though be subject to the design and layout of the dwellings at the time that they are submitted.
- 6.5 The road network is considered to be capable of managing the traffic generated by the development site such that there will be an adverse impact on highway safety. The previously submitted proposal for 11 dwellings proposed taking the access onto the southern side of the site onto a narrower stretch of the C1235 road, that also had poorer visibility than the existing bell mouthed access point serving the poultry units site that is currently proposed. It is true that living in this rural location will necessitate the use of a motor vehicle, however this needs to be weighed against the continuing requirement of affordable housing across Herefordshire and particularly in the parish of Orcop.
- 6.6 The Environment Agency have not raised any objection in principle to the development of the site. The Environment Agency have focused on the potential for pollution with the demolition of the existing poultry units, boiler unit and ancillary buildings. There is considered to be sufficient land in the applicant's ownership on which to drain onto. Should there be water run-off from Orcop Hill through the site, then that will be a matter for the applicant to address at the time.
- 6.7 There will be an impact in developing the site, the development is lower in the landscape than the existing poultry units and will relate more to existing development to the south-east and south than the poultry units do at present. Further landscaping on the site will help ameliorate the development.
- 6.8 Orcop is designated as a smaller settlement in the South Herefordshire District Local Plan, not only for reasons of its population and size, but also given that it is limited in facilities. However, the requirement to provide affordable housing as set out in Government advice contained in PPG.3 – Housing, which has not been possible in or

adjacent to many of the smaller settlements identified in Policy SH.10, to a degree outweighs the requirements of providing development that is sustainable which is a requirement of Policies GD.1 and SH.10 contained in the South Herefordshire District Local Plan.

- 6.9 Subject to the applicant entering into a Section 106 Agreement, the principle of development of this site for six dwellings can be supported

RECOMMENDATION

That: 1. The County Secretary and Solicitor be authorised to complete a planning obligation under Section 106 of the Town and Country Planning Act 1990 to ensure that the benefits of low cost affordable housing will be enjoyed in perpetuity by initial owner occupiers and contribute to meeting local housing requirements and any additional matters and terms as she considers appropriate.

2. Upon completion of the aforementioned planning obligation that the officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions:

- 1. A02 (Time limit for submission of reserved matters (outline permission))**

Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

- 2. A03 (Time limit for commencement (outline permission))**

Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

- 3. A04 (Approval of reserved matters)**

Reason: To enable the local planning authority to exercise proper control over these aspects of the development.

- 4. A05 (Plans and particulars of reserved matters)**

Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

- 5. F17 (Scheme of foul drainage disposal)**

Reason: In order to ensure that satisfactory drainage arrangements are provided.

- 6. F20 (Scheme of surface water drainage)**

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

- 7. F44 (Investigation of contaminated land)**

Reason: To ensure that potential contamination of the site is satisfactorily assessed.

8. F45 (Contents of scheme to deal with contaminated land)

Reason: To ensure that potential contamination is removed or contained to the satisfaction of the local planning authority.

9. F46 (Implementation of measures to deal with contaminated land)

Reason: To ensure contamination of the site is removed or contained.

10. Before development commences on site all poultry units and ancillary buildings and structures shall be demolished and cleared from the site to the satisfaction of the local planning authority in accordance with conditions 7, 8 and 9 above.

Reason: In order to define the terms to which the application relates and in the interests of the residential amenity of future residents.

11. H03 (Visibility splays)

Reason: In the interests of highway safety.

12. H05 (Access gates)

Reason: In the interests of highway safety.

13. H06 (Vehicular access construction)

Reason: In the interests of highway safety.

Informative(s)

1. N15 - Reason(s) for the Grant of planning permission

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

10 ODPM CONSULTATION PAPER ON MINERALS POLICY STATEMENT 1 “PLANNING AND MINERALS” (MPS1) AND ASSOCIATED GOOD PRACTICE GUIDE

Report By: Head of Planning Services

Wards Affected

Countywide

Purpose

1. To inform members of the consultation and to recommend comments to the ODPM.

Financial Implications

2. None

Background

3. The ODPM has announced that it intends to review all its mineral planning and policy guidance, to see if it is needed, to seek greater clarity and to separate guidance on practical implementation from policy statements. MPS 1 will set out the Government's key policies and principles for minerals planning and will replace the existing MPG 1. The policy elements of other MPG's concerned with planning for the supply of significant minerals will be revised and published as annexes to MPS 1. Later annexes will deal with other significant minerals, such as oil and gas, brick clay and building stone. Other Mineral Policy Statements will follow. The current proposals for consultation consist of

- Draft MPS 1,
- Draft Good Practice Guidance, and
- A Partial Regulatory Impact Assessment.

A copy of all of the above has been lodged in the Members' Information Room.

Content of the Draft Minerals Policy Statement 1

4. The draft sets out the following objectives for minerals planning:
 - To conserve and safeguard mineral resources as far as possible;
 - To protect nationally and internationally designated areas of landscape and sites of nature conservation value from minerals development, other

Further information on the subject of this report is available from Mr Nick Dean on (01432) 260385

than in exceptional circumstances where it has been demonstrated that the proposed development is in the public interest;

- To secure supplies of the material needed by society and the economy from environmentally acceptable sources;
 - To ensure, so far as practicable, that outcomes for the minerals industry are consistent with the government's aims for productivity growth and strong economical performance;
 - To secure sound working practices so that the environmental impacts of extraction and the transportation of minerals are kept to a minimum, unless there are exceptional overriding reasons to the contrary;
 - To minimise production of mineral waste;
 - To promote efficient use and recycling of suitable materials, thereby minimising the net requirement for new primary extraction;
 - To protect and where possible, to enhance the overall quality of the environment once the extraction has ceased through high standards of restoration and to safeguard the long term potential of land for a wide range of after uses.
5. National Policies are set out in some detail specifying the importance of up-to-date surveys, the need to safeguard mineral resources, protect features of nature conservation, countryside or heritage importance and the environment generally, ensure that "the best balance of social, environmental, and economic costs of benefits is achieved ... balancing environmental considerations against the need to maintain an adequate supply of minerals including recycling, the efficient use of minerals and the restoration of sites."
6. A non-statutory Good Practice Guide is also proposed explaining related issues in some detail. MPS 1 is intended to be a formal statement of minerals planning policy. The Good Practice Guide is to give advice on how the policies in MPS1 might be implemented. A Partial Regulatory Impact Assessment is appended to the consultation to assess the impact of the proposals in terms of the costs, benefits and risks.

Officer's Appraisal

7. The Head of Minerals Planning in the ODPM has stated (elsewhere) that "sustainable communities is the new wrapper, but the fundamentals of modern minerals policy remain;
- meeting the national need for construction materials,
 - at least environmental cost,
 - while cutting waste, promoting reuse/recycling and
 - safeguarding the most sensitive habitat and heritage areas."

And this is a fair summary of the new policy.

8. In general, Officers consider that the proposed MPS 1 is a useful revision, updating existing policy to accord with changes in the Development Plan system. In many cases the changes proposed are fairly subtle, however the emphasis is towards the greater protection of environmental issues than hitherto and Officers consider this very welcome. For example, the existing MPG 1 states that it "is essential, in order to contribute to the improvement in the long run performance of the economy that there is an adequate and steady supply of minerals." In the past MPA's were required to produce elaborate, slightly unrealistic, tables showing the "productive capacity" of all the sites in an area to demonstrate this. The draft MPS1, by contrast, requires MPA's to "ensure that ... the best balance of social, environmental and economic costs and benefits is achieved, taking into account the principle of sustainable development and balancing environmental considerations against the need to maintain an adequate supply of minerals to meet the justified needs of the economy and society." i.e. that the balance of other considerations comes first and may be more important than the provision of aggregates, that need has to be justified and that the productive capacity of sites is less important than it has been.
9. In the same kind of way MPA's are now enjoined to ensure that major developments
"do not take place in ... AONB's ... except in exceptional circumstances (where) mineral developments should be demonstrated to be in the public interest before being allowed to proceed and to assess whether the need for minerals outweighs any impacts there may be on SSI's or European Protected Species. The presumption is now clearly stated in favour of the physical preservation of listed buildings and nationally important archaeological or historical remains, whether scheduled or not, and their settings. Officers welcome and support the changed emphasis away from ensuring supply to one of favouring the protection of environmental features and welcome the clarification provided in para. 46 of the Good Practice Guide in this respect. In addition, some clarification on how financial provisions for the reclamation of sites should be demonstrated is provided in paras 51-53 of the Good Practice Guide. Officers also welcome this but would like an even clearer statement to be made.
10. Some of the changes proposed however, although desirable in principle, are beyond the legal powers of MPA's to achieve. The proposed para.11 of the Good Practice Guide for example requires NPA's to
- Require mineral operators to adopt sound working practices ... to incorporate and maintain good environmental management practices ... and to have effective consultation and liaison with the local community before submitting planning applications...
 - MPA's are also required to state the criteria to be applied to minerals proposals in conditions ... to ensure that noise, dust and particle emissions and any blasting vibrations caused by mineral extraction are in accordance with EC standards ... and to encourage the establishment of voluntary mineral site transport plans.

Officers are most concerned that these all depend on the active goodwill of operators and are either beyond the legal powers available to MPA's or are impractical to enforce. Officers consider that significantly more advice (not

only the clarification of EC standards) but a firmer policy commitment from the ODPM to enable MPA's to argue these matters successfully at Appeal is necessary to give these proposals meaning. As proposed at present they can be little more than pious optimism.

11. The guidance includes a general policy to maintain landbanks (a stock of planning permissions for extractions of minerals) and states that further guidance will be provided to clarify this for specific minerals. Officers consider it fundamental to any form of successful mineral planning that these details should be provided as soon as possible.
12. The draft introduces a requirement for MPA's to provide guidance in their development plans on how they will ensure minerals proposals do not result in risks to human health. Officers consider that while this is desirable considerable more guidance is necessary from the ODPM to clarify what this will mean in reality and in particular who should be consulted on what matters. Research on these issues comparable to that recently produced regarding the waste industry would be of the highest value.
13. The draft encourages the efficient use of recycled minerals, which Officers consider is highly desirable but detailed specifications of what information operators could be expected to provide would be very useful (e.g. an assessment of likely recyclable materials, and the potential for recycling these and other C& D wastes on site). Finally, Officers consider that one major criticism of the draft must be the lack of clarification it gives to the concept of Spatial Planning and how this might relate to the production of minerals. This is a term which the government uses widely but which continues to remain elusive to practitioners.

RECOMMENDATION

That Members endorse the above comments and authorise Officers to inform the ODPM accordingly.¹

¹ Background Papers Consultation Paper on Minerals Policy Statement 1: Planning and Minerals and Associated Good Practice Guidance November 2004.

11 TANYARD LANE DEVELOPMENT BRIEF**Report By: Forward Planning Manager****Wards Affected**

Ross-on-Wye East

Purpose

To inform members of the consultation process undertaken on the Tanyard Lane Development Brief and to consider the proposed amendments that have been made to the brief as a result of the consultation feedback that has been received.

Background

A draft development brief has been prepared to guide the future development of the Tanyard Lane site which is located in Ross on Wye and forms a housing allocation for 150 units within the emerging Unitary Development Plan (UDP). The brief has been prepared jointly between the Council and developers for the site. The brief will provide additional information to supplement the policies of the plan.

It should be noted that this development brief in no way undermines objections already made to this UDP allocation. To the contrary, it helps to clarify and address some of the design and site layout issues that are of concern to some local people. It is anticipated that all objections relating to Tanyard Lane will be debated at the inquiry. These objections centre on the following issues: access/traffic, flooding, affordable housing, landscape, design, greenfield/brownfield issues, and capacity of the local infrastructure. The brief looks to progress and develop proposals in the plan and attempts to address detailed site issues raised to development of this site.

Planning Committee on the 16th July, approved the draft brief for consultation purposes. The consultation process which included an exhibition and two public meetings has now been completed and the amended development brief accompanies this report.

It was originally the intention to adopt this development brief as supplementary planning guidance. However, ODPM are advising that following commencement of the Planning and Compulsory Purchase Act in September, it is no longer appropriate to adopt new Supplementary Planning Guidance. Therefore it is proposed that this brief be approved by the Council as providing further supplementary information which supports the proposal contained within the UDP.

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, includes details on the following information:

- Planning Policy
- Site Analysis
- Design Context
- Development strategies and Masterplan which includes details on site layout

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

- Affordable housing provision
- Maintenance of open space
- Off site transportation measures
- Provision of formal play areas
- Contributions to education facilities
- Provision of children play areas.

Consultation

The development brief consultation period took place over a three week period starting on the 23rd August and culminated on the 15th September with a Local Area Forum Meeting. This meeting allowed members of the public to meet Planning Officers and representatives of the developers to discuss any concerns they had in relation to the brief. Prior to this meeting an exhibition was held at Swan House promoting the proposals contained within the development brief and a press release was published encouraging local people to have their say. A comment book was also made available at the exhibition for feedback.

In response to public requests a further public meeting took place on the 22nd November. This meeting provided an opportunity for developers to explain how the brief would be amended to take on board concerns raised through the consultation period. In addition Welsh Water representatives attended and were able to respond to matters relating to sewerage which continue to cause significant concern for local people.

As well as the exhibition and public meetings, Ross Town Council and Ross and Rural Parish Council were sent copies of the brief and were invited to make comments. In addition as road capacity, flooding and sewerage were key issues of local concern the Highways Agency, Environment Agency and Welsh Water were also sent a copy of the draft brief and asked to comment on the document. It was not felt necessary to consult further as the draft

brief has already undergone an internal officer consultation and the housing proposal is progressing through the UDP process.

The consultation raised 45 responses and these have been summarised and are provided at Appendix 1.

Consultation Response

When considering the comments made it is important to remember the role of a development brief. A development brief provides a stepping stone between a plan proposal and a detailed planning application providing a development concept for the design and layout of the scheme. During the consultation process this did sometimes cause confusion amongst the public who became frustrated at the lack of information in terms of how the proposal would directly impact in detail on their property.

The consultation responses have been summarised into the following 11 main areas:

- Principle of development on the site
- Impact of proposals on adjoining residential properties.
- Housing numbers, housing type, density and impact of 2/3 storey development
- Sewerage/flooding concerns
- Capacity of the local infrastructure
- Transport/ access issues
- Management issues
- Noise issues
- Pedestrian Links
- Landscaping/ maintenance issues and boundary treatments
- Design

Specific responses were received from the Highways Agency, Environment Agency and Welsh Water. None of these agencies object to the development. They do however make detailed requirements that the developer will need to comply with.

Welsh Water

Welsh Water have not objected to this proposal and have identified that developers may be required to fund any improvements to the sewerage system if the site is brought forward prior to Welsh Water undertaking the works. This is identified on page 8 and in the Unitary Development Plan. However the brief now includes further detail on this within the section of the brief which deals with site analysis.

Environment Agency

The Environment Agency has stipulated clear requirements that this development must meet and these have been included fully within the brief.

Highways Agency

The Highways Agency has not objected to the principle of the proposed development, subject to the submission of a detailed planning application supported by a transport assessment

Summary of main amendments to the brief

As a result of all responses received, the following amendments have been made to the brief:

- Additional western boundary treatment details have been included to protect residential amenity.
- The pedestrian route from the proposal into Rudhall Meadow has been deleted.
- In order to protect the residential amenity of residents living in bungalows adjoining the northern boundary of the site, the brief has been amended to include an amenity protection zone within which only single storey development could be built. The brief also includes a cross reference to the related text in the UDP.
- Again, to protect resident's amenity the hedgerows on the northern boundary will be retained and maintained. The details of the maintenance requirements being addressed through the planning application process.
- The brief clarifies wording to address people's concerns over the impact of 2/3 storey developments within the site. The wording confirms that these developments will not occur to the detriment of existing residents.
- The brief is comprehensive in how it deals with flood alleviation measures in line with the requirements of the Environment Agency. However, it needed to be strengthened in terms of Welsh Water requirements relating to sewerage. This has been undertaken to reflect the text included within the UDP.
- The brief includes a definition of what is meant by a key/focal building.
- The brief will continue to state that views along Arundel Close across to Penyard Park will be protected. However, it should be noted that this may be done through layout and not a realignment of the road.
- The brief has been strengthened to state that as part of a transport assessment developers will need to address capacity issues and undertake mitigation measures at the Overross roundabout to the satisfaction of the Highways Agency.
- The brief makes reference to the need to undertake a noise assessment as part of a detailed planning application and include any necessary mitigation measures that may be required to be undertaken.

- Concern was raised over the safety aspects of the balancing ponds. The ponds are being designed to have very shallow edges to enable easy access. The brief now includes details specifying that further management issues will need to be agreed at the planning application stage.
- The brief now makes reference to the fact that the details relating to site access arrangements and emergency vehicles access will be agreed at the planning application stage.

Appendix 1 provides more information on the amendments that have resulted to the brief.

RECOMMENDATION

THAT the changes outlined above are approved and that the Tanyard Lane Development Brief be adopted as supplementary information to the emerging Unitary Development Plan.

Background paper

Tanyard Lane Development Brief

Appendix 1

Development Brief consultation comments

Comment	Response
Concern at the impact and proximity of the high density, three storey development proposals on properties at Rudhall Meadow and Brooklands which will affect residential amenity.	The brief has been revised to improve the boundary treatment between properties in Rudhall Meadow/Brooklands and the new development to ensure that the amenity of existing residents is protected. In addition wording has been included within the development brief identifying that 2/3 storey developments will not occur to the detriment of existing residents amenity.
Concern at the proposed pedestrian access and impact on amenity of residents in Rudhall Meadow. The land in Rudhall Meadow, which will provide the pedestrian link through into the Tanyard Lane site, is in private ownership.	The proposed pedestrian access into Rudhall Meadow will be deleted.
Concern over impact of development on car parking provision in Ross on Wye.	The brief provides direct pedestrian/cycle access from the development along Tanyard Lane and into the town centre to encourage residents to use these modes of transport rather than using the car. It is not proposed to provide additional car parking in the town centre.
Concern over the impact of boundary hedging and safeguards to keep hedging at a reasonable height to maximise light into existing properties.	Significant attention has been given to boundary treatments to help ensure that the residential amenity of existing residents is protected. The brief has been amended to identify that the hedgerows on the northern boundary should be retained and maintained. The details of the maintenance requirements will be addressed through the planning application process.
Concern regarding the impact of the extra vehicles and people from this development on existing infrastructure, dentists, schools, shops etc.	Planning obligations will be negotiated as part of this development to ensure adequate facilities exist to accommodate this proposal. The development brief provides details as to the areas to be covered by planning obligations which include financial contributions to off site transportation measures, provision of open space and education improvements and the provision of affordable housing to meet local housing requirements.
Wish to see the trees retained	As many existing trees and hedges as possible are to be retained within the proposals as well as new additional planting.
Concern regarding the access from the A40 and the capacity of the Overross roundabout which is	A Transportation Assessment will be undertaken as part of this development and will accompany a planning application for the site. This is identified on

<p>already dangerous. Traffic lights are needed on the Overross roundabout. Roads currently chaotic without additional traffic.</p>	<p>page 10 of the brief. However, in principle, the Highway Agency and the highways authority have given support for an access from the A40 into the site and in addition developers will be required to undertake works to the Overross roundabout. These requirements have been included within the Unitary Development Plan. The development brief text has been expanded to cover this issue.</p>
<p>150 houses are too many, a third of that number would be better and these should be bungalows.</p>	<p>The Unitary Development Plan identifies the need to build additional houses in Ross on Wye to meet the county's housing needs up until 2011. It is considered that this 8 hectare site is more than capable of accommodating the 150 units identified through a carefully designed scheme and lies well within central government guidelines on density requirements. A mix of housing types is required to meet a range of housing needs.</p>
<p>Page 60 of the Consultation draft is not reflected on the plan as only the views along Blenmeim Close are being preserved. Development land south of Arundel Close should be re-shaped to preserve the view along Arundel Close.</p>	<p>The development brief will be revisited to ensure that existing views along Arundel Close towards Penyard Park are maintained. This will involve an assessment of levels following on from further topographical survey work. To achieve protection of views the internal road arrangements need not be realigned.</p>
<p>There is no planned access into the caravan park.</p>	<p>The development brief goes as far as it can in providing the opportunity for a future caravan access. It is not the responsibility of this development to fund an access road into a privately run caravan park.</p>
<p>Scheme doesn't fit in with other developments in the area. Ross is a town. A village setting has no place in this area.</p>	<p>The development brief includes a whole section on design context looking at the local character and distinctiveness of Ross on Wye and uses information gathered from this exercise to inform the design proposals of this development brief.</p>
<p>Was the event publicised in the Ross Gazette?</p>	<p>The whole consultation exercise as well as the exhibition and LAF meeting details were advertised in the Ross Gazette featuring in an article on the front page of the 26th August edition and was followed up by an additional article in the Hereford Journal. In addition the LAF meeting were separately advertised.</p>
<p>Understood that the first row of dwellings adjacent to Blenheim Close were to be bungalows but it</p>	<p>The development brief has been amended to include an amenity protection zone along part of the northern boundary within which only single storey development</p>

appears from plans that this is not the case. A row of bungalows would be more sympathetic to existing properties.	could be built. The brief also includes a cross reference to the related text in the UDP.
Housing is important particularly affordable housing. The proportion of affordable housing is too low, should be perhaps 100.	The Unitary Development Plan requests that 35% of the properties to be built on this site will need to meet local affordable housing requirements. It would not be financially viable to seek more than this particularly bearing in mind the other planning obligations being sought from this site in relation to off site transportation measures, provision of open space and education improvements.
Concern regarding the impact of construction vehicles on historic garden wall on Tanyard Lane. Vehicles should be prevented from using Tanyard lane for access to prevent damage to the wall.	Page 20 of the brief refers to the need to retain the boundary wall. Protection of the wall during construction works will be undertaken.
Concern regarding the noise levels from the A40. To address this issue the speed limit should be reduced and the road resurfaced.	A Noise Impact Assessment will accompany a future planning application for the site. This will address traffic noise on the A40. The brief has been amended to identify that appropriate mitigation measures will be implemented as guided by the noise assessment.
Walkway between the development and Ross Court would be welcomed.	Support noted.
Concern regarding the impact of 3 storey dwellings.	The use of three storey dwellings within estates assists in breaking up rooflines and helps provide visually attractive and interesting townscapes. However this must not be to the detriment of existing residents. The development brief has been looked at very carefully to ensure protection of residential amenity.
Affordable housing is a misnomer; concern this will mean cheap built quality and high density.	The affordable homes will be provided to ensure that they meet the local affordable housing requirements of Ross on Wye. The affordable homes will be built to a high standard of design.
Agree with pedestrian access as only access to town is via busy Ledbury Road.	Support noted.
Concerned the idea of a village square is cosmetic, as all vehicles have to go through the square.	The village square proposal provides a welcome gateway feature into the scheme.
Concern drainage ponds could be a hazard.	The requirement to provide balancing ponds forms part of the surface water limitation scheme which is required by the Environment Agency. However, the

	safety issues regarding the proposed ponds are important management issues and the brief has been amended to state that these will need to be agreed through the planning application process.
Proposed access to caravan park is incorrectly marked, the roundabout should lower down the A40 with an access road into the top corner of the caravan park.	Developers have given consideration to a roundabout access located further south to provide a more direct access into the caravan park, however, there are difficulties with this. This issue is being further investigated with the developers.
The central pond is located directly on the line of the site water supply and outgoing sewage rising main for the caravan park which would be exposed by any excavation and must therefore be re-routed and their continuation safeguarded. Similarly the site telephone system enters the caravan park site via the existing bridge and must be maintained.	This information will be passed onto developers.
Proposed roundabout is an acceptable approach to accessing the site.	Support noted.
Concerned about flooding and the water table and surface water run off.	The Environment Agency has stipulated clear requirements that this development must meet and these have been included fully within the brief.
There should be no access onto Court Rd. estate, pedestrian or vehicular. Pedestrian connection through to Arundel Close will make further rat run for cyclists who already cause mayhem.	The consultation exercise has attracted mixed reaction to the provision of pedestrian accesses with some local residents seeing the benefit of a more direct and attractive walk into the town centre. On balance the brief has retained this access arrangement.
Query emergency access point, how will other vehicles be stopped	The details of controlling the emergency access point will be dealt with at the planning application stage.

<p>Concern about the impact of sewage from new development on the already problematic estate. No further development should be agreed until Welsh Water has sorted out and addressed the whole problem of pipes particularly in the Court Road, Tanyard Lane, Ledbury Road area, some of which is Concerned that raw sewage is entering the River Wye, designated as a SAC.</p>	<p>Welsh Water have not objected to this proposal and have identified that developers may be required to fund any improvements to the sewerage system if the site is brought forward prior to Welsh Water undertaking the works. This is identified on page 8. However, further details on this have been included in the brief. In addition Welsh Water have submitted a bid to OFWAT to undertake works to overcome the sewerage outfall problems experienced in Ross and a decision on this bid is awaited.</p>
<p>Alternatives to access the site are available through the existing residential road network.</p>	<p>Access into the site from the A40 provides the most suitable access option with minimal impact on existing residents and existing roads. The use of existing residential roads which adjoin the site would have significant impact on residential amenity, would feed directly onto the Ledbury road and in addition there is uncertainty as to whether the existing residential roads have been designed to accommodate the additional traffic which would be generated from the development.</p>
<p>Access to Caravan Park will enable residents from the park to walk anywhere onto the new development.</p>	<p>It is not considered that visitors to the caravan park will want to gain access into a housing estate. It is expected that they will be drawn towards the facilities and services of the town centre which lies in the opposite direction.</p>
<p>Concern that the roundabout will open up land to the east for development.</p>	<p>The settlement boundary is clearly drawn in the Unitary Development Plan to reflect the limits of development which illustrates land to the east of the bypass as being protected as open countryside.</p>
<p>Brief does not provide a detailed layout to enable full consideration.</p>	<p>The development brief is not a detailed planning application. It provides a stepping stone between a proposal in a plan and a full application. The development brief goes as far as it can in providing broad guidelines on design and layout.</p>
<p>Uncertainty about the status of the development brief.</p>	<p>Once adopted the brief will form a supplementary document to the UDP providing additional information to support the text in the UDP.</p>
<p>Concerned about employment opportunities for new residents.</p>	<p>The Unitary Development Plan includes a new 10 hectare employment proposal at Land at Model Farm, Ross on Wye to provide additional employment opportunities.</p>

<p>Objects to access from bypass as this as already a dangerous road.</p>	<p>The new roundabout on the A40, which will provide the access into the site, will be a traffic calming measure in terms of reducing speeding traffic along this road. The design will be aligned to encourage traffic to slow down as it approaches the roundabout.</p>
<p>Concern regarding the noise levels from the construction of the development.</p>	<p>Clearly during the construction stage noise will be an issue. This is a fact of development. However, everything will be done to try and reduce impact on existing residents. For example, the planning permission can include conditions to control operation hours on site.</p>
<p>Access onto the A40 will result in longer travelling distances into the town centre increasing pollution levels. Access onto the A40 will create a ghetto.</p>	<p>It is hoped that these longer travelling distances will encourage people to use the convenient and easy pedestrian and cycle access which is being proposed along Tanyard Lane into the town centre.</p>
<p>Welcomes the linear park and flood ponds, however, seeks clarification as to how this relates to the wider flood scheme which will control the Rudhall Brook.</p>	<p>The flood proposals for this scheme are in total isolation to the wider flood proposals which are currently being progressed for the town. Due to the uncertainty of when either of the schemes were going to be implemented it has not been possible to dovetail the two proposals. As a result the Environment Agency have identified specific requirements that this scheme must meet which are referred to in the development brief.</p>
<p>Have alternative means of accessing the Tanyard Lane site been totally discussed following in depth analysis including traffic impact and highway design considerations.</p>	<p>All access options were considered and it was concluded that access into the Tanyard Lane site off the A40 was the most appropriate for the proposal.</p>
<p>Are the planning obligations agreed? Does this include improved sewerage disposal measures? Is the construction of a 'gateway Access new roundabout off the relief road both a Herefordshire Cabinet objective and Herefordshire Council policy?</p>	<p>The list of agreed planning obligation areas are included at page 10 of the brief. In relation to sewage disposal Welsh Water have not objected to the proposal and have stated that developers will be required to fund any improvements if the site is brought forward prior to Welsh water undertaking the works. This has been included within the UDP and strengthened in the brief.</p> <p>The Council supports the access arrangements as detailed in the brief.</p>

<p>There is little evidence that planned or windfall housing targets in the UDP will be achieved without the early release of more sites.</p>	<p>The Unitary Development Plan identifies the need to build additional houses in Ross on Wye to meet the county's housing needs up until 2011. Sites have been identified to ensure that along with windfall opportunities that these requirements will be met.</p>
<p>Need some idea how social housing is to be integrated and mixed in the whole development and the housing mix proposed. Need some clearer picture of layout, density, and house types.</p>	<p>The development brief is not a detailed planning application. It aims to provide additional information to the plan proposal. It is considered that the level of detail contained within this brief is sufficient.</p>
<p>The release of greenfield land is contrary to Government policy.</p>	<p>Part of this site is termed brownfield/previously developed land. In respect of the UDP the approach taken has been first to assess those dwellings that could be provided on 'brownfield' sites and only then to look at 'greenfield' land. This reflects Government policy.</p>
<p>Refers to a letter from the Highways Agency which states that they would not support any development that would have an adverse effect on the safety or capacity of the trunk road. Have the HA been approached since 2002? Is the A40 to be detrunked?</p>	<p>The Highways Agency does not object to the principle of the proposed development, subject to the submission of a detailed planning application supported by a transport assessment. It is anticipated that the A40 will be detrunked by summer 2005.</p>
<p>Sloping nature of ground does not cater for proposed off- site amenity and play grounds.</p>	<p>Play areas will be incorporated within the proposals for the site. Off site playing fields are identified within the planning obligations which are listed on page 10 of the brief.</p>
<p>Concerned about the capability of the attenuation ponds and seeks information on the intensity, duration and probability of occurrence of the rainfall that has been assumed as well as some idea of the quantity of hard surfaces.</p>	<p>The details of the flood alleviation proposals will need to be agreed to the satisfaction of the Environment Agency.</p>

12 EARDISLEY GROUP PARISH PLAN**Report By: Forward Planning Manager****Wards Affected**

Castle Ward

Purpose

To consider the Eardisley Group Parish Plan for adoption as further planning guidance to supplement the emerging Herefordshire Unitary Development Plan (UDP).

Background

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

The Planning and Compulsory Purchase Act 2004 has recently come into force. It introduces a new system of development plans, which at local level will require Local Planning Authorities to replace UDP's (or local plans) with Local Development Frameworks (LDF's). Supplementary Planning Documents (SPD's) will supplement policies and proposals in the LDF's and provide additional guidance to applicants and developers. Herefordshire Council is in the final stages of the production of the UDP. The next step will be to prepare a LDF in accordance with the requirements of the new Act. During this transitional period (UDP to LDF) Parish Plans are to be adopted as further planning guidance to the UDP, since old style supplementary planning guidance (SPG) can no longer be formally adopted. The further planning guidance should, however, be afforded the same weight by both the Herefordshire Council and the Government's planning Inspectors since it will be produced in the same way as former SPG.

Adoption by Herefordshire Council

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

Adoption will enable the Parish Council and local community to draw the attention of the Local Planning Authority and others to its context whenever it is pertinent to planning decisions within the village/parish. The Parish Plan will be used as a

material consideration in the determination of planning applications and be of assistance at their earlier compilation and pre-application stages.

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

This Parish Plan is the eighth to be presented to Members for consideration as further planning guidance.

Eardisley Group Parish Plan

The Eardisley Group Parish Plan was initiated by the Parish Council at a 'Planning for Real®' event in May 2003. A Parish Plan Committee was subsequently set up to manage the process of producing the Plan, which included the circulation of questionnaires and the gathering of other relevant local information. The final version has been produced without prior consultation or discussions with the Council's key contacts.

The purposes of the Eardisley Group Parish Plan are:

- To guide the Eardisley Group Parish Council in influencing Herefordshire Council's planning for the area, in line with the views of the people who live in the three local parishes;
- To support the people in the parishes in undertaking local initiatives for the benefit of the community;
- To help to preserve the unique character of the villages (Eardisley, Whitney-on-Wye and Winforton with Willersley) and of the countryside surrounding them; and
- To help make the parishes even better places to live in, now and for the future.

The planning elements of the Plan can be found primarily in the sections entitled "Housing" and "Village Buildings and Leisure Facilities". The main issue being that it is desirable that new houses should not be built within the next five years. However, where new residential development is to be considered the preference would be for small or some medium sized houses for local people, which are to be sensitively designed and not located on greenfield sites. Other issues raised include the lack of adequate community and leisure facilities in Eardisley and the need for additional leisure opportunities for young people.

On the whole the planning elements of the Parish Plan conform with the emerging Unitary Development Plan and it contains sufficient detail to be used as a material consideration in planning decisions and issues.

RECOMMENDATION

THAT It be recommended to the Cabinet Member (Environment) that the planning elements of the Eardisley Group Parish Plan be adopted

as further planning guidance as an expression of local distinctiveness and community participation.

Background paper

Eardisley Group Parish Plan

13 UPDATE REPORT ON HEREFORDSHIRE COUNCIL BUILDING CONTROL AND THE L.A.B.C. PARTNER AUTHORITY SCHEME

Report By: Building Control Manager

Wards Affected

Countywide

Purpose

1. To inform members of the progress of the implementation of the scheme by Building Control.

Financial Implications

2. None.

Background

3. At present Herefordshire Council has been participating in the Local Authority Building Control (LABC) Scheme for the last four years.

3.1 A by-product of the national Building Regulations being in a non-prescriptive format is that although the surveyors are given freedom to use their professional judgement, this has led to a variation of interpretation of the regulations. The variations are highlighted when clients use the service in different authorities.

3.2 The Partner Authority Scheme was devised as a marketing tool to help our clients receive a more uniform level of service nationwide and enables clients to become a 'partner' with a single local authority.

3.3 The Partner Authority deposits all Building Regulation submissions with the Local Authority where the work is to be carried out (Inspecting Authority) on behalf of the client. The Partner Authority is generally local to the client's head office or agent acting on behalf of the client; this enables the authority and design team to have a close working relationship that can be developed. The client has the benefit of advice and consultation on a regular basis or when required and can be kept up to date with current building regulations. The Local Authority has the benefit of "pre-submission" meetings to explain and educate the client/agent in the substantive requirements of the Regulations prior to any formal submissions being made.

3.4 Once the client/agent is in a position to make a submission, it is deposited with the Partner Authority. The submission is forwarded to the Inspecting Authority. When the Partner Authority is in a position to make a decision on the submission following any necessary

negotiations etc, a 'Decision Advice Notice' is issued to the Inspecting Authority requesting them to issue the formal decision stated on the decision advice notice. The Inspecting Authority should issue the decision as specified by the Partner Authority.

3.5 The Partner Authority receives the 'plan fee' element of the charge from the client/agent with the Inspecting Authority collecting the 'inspection fee' element.

Current Position of Herefordshire Building Control and the Partner Authority Scheme

4. Herefordshire Council has participated in the Partnership Scheme since its inception and at present have four partner companies:
- Border oak
 - Leominster Construction
 - Collins Engineering
 - Kingspan

Discussions with a potential fifth partner are ongoing.

During 2004 Wyevale who had been inactive for sometime left the scheme.

Two of our partners have been active outside the county during the past years; these are Border Oak and Leominster Construction. The table below shows the current statistics in relation to these active partners only:

Year 2002

<u>Partner Company</u>	<u>Submissions</u>	<u>Fee income</u>	<u>Ave income/submission</u>	<u>Cost</u>
Border Oak	15	£1375	£91.66	£1050

Year 2003

<u>Partner Company</u>	<u>Submissions</u>	<u>Fee Income</u>	<u>Ave income/submission</u>	<u>Cost</u>
Border Oak	13	£2086	£160.46	£910
Leominster Construction	4	£2506.70	£626.67	£980

Year 2004

<u>Partner Company</u>	<u>Submissions</u>	<u>Fee Income</u>	<u>Ave income/submission</u>	<u>Cost</u>
Border Oak	23	£4005.39	£174.14	£1610
Leominster Construction	2	£926.76	£463.38	£595

Total

<u>Submissions</u>	<u>Fee Income</u>	<u>Ave income/submission</u>	<u>Cost</u>
57	£10899.85	£191.22	£5145

Officer's Appraisal

5. Herefordshire Councils involvement in the partnership scheme does produce benefits for both the Authority and the client.

5.1 The advantage for a company such as Border Oak is that due to its unusual construction methods, compared to modern day construction, the same questions are not raised by each separate authority. Also our familiarity with the type of construction enables a fast turn around of decisions. The relatively low fee for this type of submission does reflect the amount of time required per application.

5.2 Leominster Construction's competitive advantage seems to be that when competing against larger or better-known companies, the partnership with Herefordshire Council helps to give some credibility particularly at the initial stages of a potential project. The fee received for these submissions reflects the more complex designs and higher input from us because all submissions are individual in design.

5.3 During 2004 a potential partnership was refused due to staff shortages.

5.4 Our ability to provide more than the basic input into the scheme has been restricted, however further work and relationship building will continue to be carried out with our existing partners.

5.5 The number of partners will be increased when staffing levels permit, which should lead to increased income.

5.6 When we are in a position to move forward again, with this scheme, it is anticipated that a further three partners will be sought. An income of £6560 (an increase of 33%) could be considered as a reasonable target for the first year.

5.7 Due to conditions outlined above the potential of the Partnership Scheme is considerable. For this potential to be realised it is considered that the following must be in place;

- Targeted promotion of the scheme
- Liaison and continuing backup with and for the Partner companies
- Reinvestment into the scheme

RECOMMENDATION

That members endorse this report and when resources permit the scheme be fully implemented.