

A G E N D A

Planning Committee

Date: **Friday, 23rd April, 2004**

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 31st March, 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.	7 - 8
7. CENTRAL AREA PLANNING SUB-COMMITTEE To receive the attached report of the Central Area Planning Sub-Committee.	9 - 10
8. SOUTHERN AREA PLANNING SUB-COMMITTEE To receive the attached report of the Southern Area Planning Sub-Committee.	11 - 12
9. PLANNING APPLICATION DCCW2004/0209/F - PROPOSED DWELLING AT PLOT 2, LOWER ORCHARDS, BURGHILL To consider a planning application which has been referred to the Committee because it is from a Member of the Council. The application was deferred at the last meeting for a site inspection.	13 - 18

	Ward: Burghill Holmer & Lyde	
10.	PLANNING APPLICATION DCCE2004/0026/F - PROPOSED DEVELOPMENT TO PROVIDE 19 RESIDENTIAL UNITS AT MILL COURT VILLAGE, LEDBURY ROAD, HEREFORD	19 - 26
	To consider a planning application which has been referred to the Committee because it is from a Member of the Council.	
	Ward: Tupsley	
11.	WELLINGTON PARISH PLAN	27 - 28
	To consider the Wellington Parish Plan for adoption as interim supplementary planning guidance to the emerging Herefordshire Unitary Development Plan. A copy of the Plan is enclosed separately for Members of the Planning Committee.	
	Ward: Wormsley Ridge	
12.	CONSULTATION PAPER ON PLANNING POLICY STATEMENT 1: CREATING SUSTAINABLE COMMUNITIES	29 - 36
	To consider the Council's response to a consultation paper published by the Office of the Deputy Prime Minister.	
	Wards: County-wide	

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COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

BROCKINGTON, 35 HAFOD ROAD, HEREFORD.

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COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

MINUTES of the meeting of the Planning Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on 31 March 2004 at 10.00 am

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

Councillors BF Ashton, MR Cunningham, Mrs CJ Davis, DJ Fleet, JGS Guthrie, JW Hope, B Hunt, Mrs JA Hyde, Brig P Jones CBE, Mrs RF Lincoln, RM Manning, Mrs JE Pemberton, R Preece, Mrs SJ Robertson, WJ Walling

In attendance: Mrs G Powell, NJJ Davis, PJ Edwards, R Mills, RV Stockton

56. APOLOGIES FOR ABSENCE

Apologies were received from Councillors PJ Dauncey, RI Matthews and DC Taylor.

57. NAMED SUBSTITUTES

Councillor Mrs G Powell substituted for Councillor RI Matthews.

58. DECLARATIONS OF INTEREST

Councillor NJJ Davis declared a prejudicial interest in respect of Agenda Item 9 (Planning Application DCSW2003/3801/F – Extension of Protective Safety Netting between the Cricket Square and the Bowling Green, Dorstone Playing Fields, Dorstone) and left the meeting for the duration of the item.

59. MINUTES

RESOLVED: That the Minutes of the meeting held on 30 January 2004 be approved as a correct record and signed by the Chairman.

60. CHAIRMAN'S ANNOUNCEMENTS

The Chairman made the following announcements:

Planning Delivery Grant

The Council had been awarded £406,262 for the Planning Delivery Grant which was some £80,000 more than 2003 and reflected the hard work undertaken by the Planning Services staff, particularly those involved in the Unitary Development Plan and Development Control. Councillor PJ Edwards added that the progress being made reflected the team effort of Members, Planning staff and other Council Staff. The Committee congratulated all members of the Planning Services Division for their impressive achievement.

Stratford-on-Avon Planning Committees

The Council was undertaking a major overhaul of its planning committees to ensure propriety because there had been criticism that they had tended to be influenced by local issues instead of than Planning Policies.

Planning and Compulsory Purchase Bill

The Government were intending to push the Bill through Parliament by Easter 2004.

Training for Members

The Chairman outlined an article in the recent Planning Magazine about training for Members.

Herefordshire Unitary Development Plan

An inspector had recently been appointed and the Public Inquiry would commence on 1 February 2005. The six-week period for the revised Deposit Plan would commence in May and would be aligned with meetings of the Local Area Forums to provide information for the public.

Speaking at Planning Committee and Area Sub-Committee Meetings

Some complaints had been received from the public that they could not hear Members and officers speaking and an investigation was being made into improvements to the sound system. In the interim the Chairman asked that Members and officers speak clearly at meetings so that they could be heard by the public.

61. NORTHERN AREA PLANNING SUB-COMMITTEE

RESOLVED: That the report of the Northern Area Planning Sub-Committee held on 28th January and 25th February 2004 be received and noted.

62. CENTRAL AREA PLANNING SUB-COMMITTEE

RESOLVED: That the report of the Central Area Planning Sub-Committee held on 11th February 2004 be received and noted.

63. SOUTHERN AREA PLANNING SUB COMMITTEE

RESOLVED: That the report of the Southern Area Planning Sub-Committee held on 18th February 2004 be received and noted.

64. PLANNING APPLICATION DCSW2003/3801/F – EXTENSION OF PROTECTIVE SAFETY NETTING BETWEEN THE CRICKET SQUARE AND THE BOWLING GREEN, DORSTONE PLAYING FIELDS, DORSTONE

The receipt of a letter of support was reported.

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. A09 (Amended plans)

Reason: To ensure the development is carried out in accordance with the amended plans.

3. **Notwithstanding the approved drawings, details of the netting and colour of the posts shall be submitted to and approved by the local planning authority prior to the commencement of any works.**

Reason: To ensure adherence to the approved plans and to protect the general character and appearance of the area.

4. **The proposed safety netting shall be permanently removed between 1 October and 31 April in any one year.**

Reason: To protect the visual amenity of the area.

Informative(s):

1. **The right of way should remain open at all times throughout the development. If development works are perceived to endanger members of the public then a temporary closure order should be applied for from the Public Rights of Way department, preferably 6 weeks in advance of works starting. The right of way should remain at its historic width and suffer no encroachment or obstruction during the works at any time after completion.**

2. **N15 – Reason(s) for the Grant of Planning Permission.**

65. PLANNING APPLICATION DCCW2004/0209/F – PROPOSED DWELLING AT PLOT 2, LOWER ORCHARDS, BURGHILL, HEREFORD

In accordance with the criteria for public speaking, Mr T Dutton spoke against the application.

Councillor Mrs SJ Robertson, the Local Ward Member said that the village contained a mixture of bungalows, dormer bungalows and houses and felt that the proposed development would be complimentary to it. She pointed out that if the application was approved there were a number of conditions to ensure that the dwelling would harmonise with the surrounding development. Councillor Mrs JE Pemberton was concerned that the proposed dwelling would be too large compared to those adjoining and drew attention to the concerns raised by the local parish council. Councillor BF Ashton was also concerned about the height and the likely impact of the proposed dwelling on a conservation area. The Committee felt that there was merit in undertaking a site inspection before making a decision about the application.

RESOLVED: That consideration of the planning application be deferred pending a site inspection on the following grounds:-

- (I) **the character or appearance of the development itself is a fundamental planning consideration;**
- (II) **a judgement is required in visual impact;**
- and**
- (III) **the settings and surroundings are fundamental to the determination or to the conditions being considered.**

66. REFERRED PLANNING APPLICATION - REFERENCE NO DCNE2003/2798/F – ERECTION OF TEN, THREE BEDROOMED DWELLINGS WITH GARAGES AT SITE OFF STATION ROAD, COLWALL

In accordance with the criteria for public speaking Mr R Jolly, the agent acting on behalf of the applicant spoke in favour of the application. The Chief Development Control Officer presented the report of the Head of Planning Services and said that the application had been referred to the Committee because the Northern Area planning Sub-Committee was mindful to refuse it, contrary to officer advice. He said that the site had planning permission for six dwellings and that the revised application was for ten, including a new access road. The site was within the settlement boundary of the village and did not impinge upon the Area of Outstanding Natural Beauty (AONB). The proposed density complied with Government guidelines and anything less could merit refusal.

Councillor RV Stockton, the local Ward Councillor said that the application should be refused because the proposed density was detrimental to the environment, tourism, the rural setting, the AONB and the character of the village. He felt that the landscape policies contained within the Malvern Hills Local Plan only made provision for quality development which was essential to the local, social and economic needs and that Planning Policy Guidance Note 7 (PPG7) contained policies for the protection of the landscape and AONB. The land had originally comprised of two bungalows and their gardens and he felt that ten dwellings would be unacceptable and detrimental to the nature and character of the locality. There was no objection in principle to the site being developed as long as the density was in keeping with the existing development in the village. He said that when the application was considered by the Northern Area Planning Sub-Committee it had been rejected unanimously because of the proposed density and impact on the AONB.

Several Members concurred with the views of Councillor Stockton, Councillor Ashton felt that the Government's policies in density were more suited to an urban environment and were difficult to equate to rural Herefordshire. Councillor MR Cunningham was of the view that density would have a detrimental effect on the locality, particularly in relation to the adjoining railway station and potential loss of tree-screening. Councillor Mrs Hyde pointed out that the new development was quite noticeable from the Malvern Hills and that further high density development would be even more prominent. Councillor JB Williams took the contrary view, feeling that the density per acre was not too high in relationship to the adjoining dwellings. The Chief Development Control Officer reiterated the grounds on which the application should be approved and said that because it complied with the Council's policies it would be difficult for the Council to defend an appeal by the applicant if the application was refused. Notwithstanding the views of the officers, the Committee had grave reservations about the application because of the reasons stated and decided that it should be refused.

RESOLVED: That the application be refused on the grounds that It is considered that the density of development proposed is contrary to Landscape Policy 2 of the adopted Malvern Hills District Local Plan (Herefordshire) in that it would be detrimental to the landscape quality of the Malvern Hills Area of Outstanding Natural Beauty, and is not essential to the social and economic needs of the local community

67. REFERRED PLANNING APPLICATION - REFERENCE NO DCSE2004/0220/F – PROPOSED BUILDING FOR THE STORAGE AND REPAIRS OF AGRICULTURAL, HORTICULTURAL, AUTOMOTIVE AND PLANT MACHINERY AT THORNY ORCHARD, PART OF OS PLOT 8691, COUGHTON, ROSS-ON-WYE

The Chief Development Control Officer reported the receipt of information from the Environmental Health Trading Standards Department, an objection from Walford parish council and two further letters from the agent acting on behalf of the applicant.

Councillor Mrs RF Lincoln, the Local Ward Member said that she supported the application on a number of grounds including Planning Policy Statement 7 (PPS7) regarding agricultural diversification. She also felt that there was flexibility within policy ED6 for the application to be supported. She said that the applicant had revised his original proposals by reducing the roof line by 15 feet and the number of bays by 2 and she did not feel that the building would be out of keeping or obtrusive within a rural, agricultural environment. She said that she had received a petition containing 80 signatures together with ten letters of support which had drawn attention to the important service that the applicant provided for the servicing and repair of agricultural machinery and vehicles for the local farming community.

The Chief Development Control Officer said that the proposal was in conflict with the Area of Outstanding Natural Beauty, on the side of a hill and difficult to screen and would be a prominent building. He drew attention to the policies that were in place to protect the environment and advised that the application constituted a commercial business rather than an agricultural business and as such conflicted with a number of those policies. He also said that the applicant had not investigated alternative sites and that in view of the Council policies, this site was the wrong one for such an operation to be created.

Members discussed the merits of the application and whilst recognising the need to protect the local environment felt that the site could be suitably screened and landscaped to minimise the impact. It was mindful of the service provided by the applicant for the local farming community and decided that the application should be approved.

RESOLVED: That the officers named in the Scheme of Delegation to Officers be authorised to approve the application in consultation with the Local Ward Member and subject to any conditions considered necessary by the officers.

68. DRAFT PLANNING POLICY STATEMENT NOTE: PPS6 PLANNING FOR TOWN CENTRES

The Principal Strategic Planning Officer presented the report of the Chief Forward Planning Officer about the proposals contained in Draft Planning Policy Statement Note PPS6 on Planning for Town Centres. He advised that the key elements of the statement were:

- a re-emphasis of the “town centres first” objective;
- support for the plan-led approach at regional and local levels;
- local authorities to positively plan for growth and growing town centres;

- to tackle social exclusion through ensuring access to a wide range of everyday goods and services; and
- to promote more sustainable patterns of development and less reliance on the car.

He explained the details of the statement and Members were provided with an analysis of the implications. He advised that a response had had to be submitted to the Office of the Deputy Prime Minister by 15 March 2004 and that the analysis had been submitted to the ODPM with the proviso that the views of the Committee would need to be sought and recommendations made to the Cabinet Member (Environment). Councillor BF Ashton was concerned at the tight timescale for the documents to be considered by the Planning Committee, notwithstanding the fact that the meeting had been postponed from 12 March. It suggested that for matters of such importance, consideration be given to special meetings of the Planning Committee being held in future.

RESOLVED: That the Cabinet Member (Environment) be recommended that the points summarised in the analysis of Implications in the report of the Head of Forward Planning forms the response of Herefordshire Council to be submitted to the Office of the Deputy Prime Minister.

The meeting ended at 11.50 am

CHAIRMAN

REPORT OF THE NORTHERN AREA PLANNING SUB-COMMITTEE

Meeting Held on 24th March, 2004

Membership:

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

PLANNING APPLICATIONS

1. The Sub-Committee has met on 1 occasion and has dealt with the planning applications referred to it as follows:-
 - (a) applications approved = 11
 - (b) applications refused = 0;
 - (c) deferred applications = 1; and
 - (d) site inspections = 6.
2. No applications were approved/refused contrary to officer recommendations.

PLANNING APPEALS

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

ENFORCEMENT

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

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

- **BACKGROUND PAPERS – Agenda for meetings held on 24th March, 2004**

REPORT OF THE CENTRAL AREA PLANNING SUB-COMMITTEE

Meeting Held on 10th March and 7th April, 2004

Membership:

Councillors: Councillor D.J. Fleet (Chairman)
Councillor R. Preece (Vice-Chairman)
Councillors Mrs. P.A. Andrews, Mrs. W.U. Attfield, Mrs. E.M. Bew, A.C.R. Chappell, Mrs. S.P.A. Daniels, P.J. Edwards, J.G.S. Guthrie, T.W. Hunt (ex-officio), G.V. Hyde, Mrs. M.D. Lloyd-Hayes, R.I. Matthews, J.C. Mayson, J.W. Newman, Mrs. J.E. Pemberton, Ms G.A. Powell, Mrs. S.J. Robertson, 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 13;
 - (b) applications refused 2;
 - (c) site inspections 2.

PLANNING APPEALS

2. The Sub-Committee received information reports about 12 appeals that had been received and 4 that had been determined. Of the latter, 3 had been dismissed.

ENFORCEMENT

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

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

- **BACKGROUND PAPERS – Agenda for the meetings held on 10th March and 7th April, 2004**

REPORT OF THE SOUTHERN AREA PLANNING SUB-COMMITTEE

Meeting Held on 17th March & 14th April, 2004

Membership:

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

PLANNING APPLICATIONS

2. The Sub-Committee has dealt with the planning applications referred to it as follows:-
 - (a) applications approved 21;
 - (b) applications approved contrary to recommendation 2 (1 referred to Planning Committee)

PLANNING APPEALS

3. The Sub-Committee received information reports about 18 appeals that have been received and 11 which have been determined. Of the latter, 8 were dismissed, 1 allowed and 2 part allowed/part dismissed.

ENFORCEMENT

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

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

- **BACKGROUND PAPERS – Agenda for meeting held on 17th March & 14th April, 2004,**

**DCCW2004/0209/F - PROPOSED DWELLING AT
PLOT 2, LOWER ORCHARDS, BURGHILL, HEREFORD**

**For: Mr. R.I. Matthews per Mr. J. Phipps, Bank Lodge,
Coldwells Road, Holmer, Hereford, HR1 1LH**

Date Received: 30th January 2004 **Ward: Burghill, Holmer & Lyde** **Grid Ref: 48127, 44225**

Expiry Date: 26th March 2004

Local Member: Councillor Mrs. S.J. Robertson

This application was deferred at the meeting of the Planning Committee on the 31st March 2004 in order that Members could undertake a site visit, held on 14th April 2004.

1. Site Description and Proposal

- 1.1 The application site forms one of ten previously approved plots, seven of which have been completed under application SH911659PM. It is situated on the western edge of the settlement of Burghill and lies at its closest point 20 metres outside the designated Conservation Area from which it is separated by one of the formerly constructed bungalows. At present the site and the adjoining undeveloped plot form an attractive open space which is laid to grass.
- 1.2 This application seeks full planning permission for a detached two storey dwelling with linked double garage. The proposed unit has four bedrooms and is designed to have a one and a half storey appearance through the use of dormer windows and a projecting first floor gable. The unit measures 7.9 metres to the ridge of the main roof. The submitted plans indicate the use of an Istock Commercial red facing brick with a Redland slate grey plain concrete tile to the roof.

2. Policies

2.1 Hereford and Worcester County Structure Plan:

Policy H16A - Housing in Rural Areas
Policy CTC9 - Development Requirements

2.2 South Herefordshire District Local Plan:

Policy GD1 - General Development Criteria
Policy SH6 - Housing Development in Larger Villages
Policy SH8 - New Housing Development Criteria in Larger Villages
Policy SH14 - Siting and Design of Buildings
Policy C23 - New Development affecting Conservation Areas

2.3 Herefordshire Unitary Development Plan (Deposit Draft):

Policy DR1 - Design
Policy H4 - Main Villages – Settlement Boundaries
Policy H13 - Sustainable Residential Design

3. Planning History

- 3.1 SH882005PO Erection of 10 dwellings with garages - Approved 26/07/1989.
SH911659PM Proposed residential development - Approved 18/03/1992.

4. Consultation Summary

Statutory Consultations

- 4.1 There are no statutory consultees.

Internal Council Advice

- 4.2 Head of Engineering & Transportation recommends standard condition H10 and highway notes to any permission granted.

5. Representations

- 5.1 Burghill Parish Council - The Parish Council have no objections in principle to this application. The only concern being the height of the proposed dwelling in a cul-de-sac of single storey bungalows.

- 5.2 Seven letters of objection have been received from the occupiers of No. 1 Lower Orchards, Burghill; Mr. & Mrs. D. & W.J. Kidman, 4 Lower Orchards, Burghill, Hereford; Mr. & Mrs. R.G.J. & J.P. Saych, 5 Lower Orchards, Burghill, Hereford; Mrs. P.A. Johnson & H.J. Wicks, 6 Lower Orchards, Burghill, Hereford, Mr. R. & Mrs. C. Wood, 7 Lower Orchards, Burghill, Hereford; T.E. Dutton, 8 Lower Orchards, Burghill, Hereford and Mr. A. Short & A.I. Short, 9 Lower Orchards, Burghill, Hereford. The objections raised can be summarised as follows:

- Strong objections are raised to the principle of the proposal which is in a cul-de-sac of low bungalows and on the fringe of a Conservation Area. Detailed consideration would have been given at the time of the original approval in 1988 and indeed a condition attached which insisted development on this site should be single storey only. The reason for that condition is stated as "to reduce the impact of the development on the edge of the Conservation Area and in keeping with neighbouring development."
- The development has blended in to the area and the erection of a two storey dwelling which is significantly higher than the existing bungalow with a attached double garage would dominate this small cul-de-sac location. To obtain the space for a double garage the proposed structure would overflow onto Plot 3 which is also undeveloped leaving a small strip.
- Another major consideration should be that if this application is accepted other owners in Lower Orchards could apply for major loft conversions which would damage the environment contrary to the previous Planning Authority's requirements.
- Concern is raised to the amount of cars which would be added and the fact that the access is off a bend. Existing residents bought their properties in a belief that Hereford would be consistent with planning policy that was enforced when the development on the edge of the Conservation Area was accepted.

- This application represents an overdevelopment of the site. This application will spoil what is an attractive part of Burghill.
- The proposed dwelling is completely out of scale and character with adjoining development and will be very obtrusive to the area.
- One letter objects to the notification and consultation process associated with this application.
- Privacy of existing residents and future residents would be unacceptably affected with first floor windows overlooking gardens and existing bungalows.

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

6. Officers Appraisal

- 6.1 The main issues for consideration in determining this application relate to the principle of the proposed development, the siting, design and layout of the scheme submitted, and the impact of the proposal on the adjoining Conservation Area and existing residential amenity for adjoining occupiers.
- 6.2 As will be noted from the Planning History of this site, outline permission and the subsequent reserved matters application were approved for ten dwellings by the former South Herefordshire District Council. Whilst all conditions were complied with, only seven of the dwellings were completed and as such permission still exists for three units off Lower Orchards, of which this site forms one. Importantly when granting outline planning permission, South Herefordshire District Council imposed a condition that the dwellings should be single storey only in order to reduce the impact of the development on the edge of the Conservation Area and ensure it was in keeping with neighbouring development.
- 6.3 Given that the principle of residential development has previously been accepted on this plot, and that seven of the ten approved dwellings have been constructed, the basic principle of a dwelling in this location is established and must be accepted. Whilst the size of this plot is slightly larger than that shown on the approved layout, ultimately it is a replacement of house type and design which is the critical issue in this case.
- 6.4 In terms of its siting, design and layout the proposed two-storey dwelling will clearly differ in character and appearance to its immediate neighbours. The seven bungalows already constructed at Lower Orchards are all of a modest size and scale being approximately 5 metres to the ridge. The proposal for consideration in this application measures 7.9 metres to the ridge and as such will be significantly higher than its immediate neighbours. This is not however, as a matter of principle, an issue which would warrant refusal of the scheme. Like all applications this must be considered on its own merits and whilst not in keeping with Lower Orchards it could be argued that Lower Orchards is not in keeping with the general character and appearance of dwellings within Burghill's historic Conservation Area.

- 6.5 As previously noted in this report, the original outline application specified that the ten dwellings approved should be of single storey construction only with a view to “reducing the impact of the development on the edge of the Conservation Area and to ensure it was in keeping with neighbouring development”. In this case any impact on the Conservation Area has been carefully considered and Officers conclude that a successful argument against the principle of two storeys on this site could not be sustained. Given that an existing bungalow (Plot 1) separates this site from the edge of the Conservation Area, its impact on the setting of the designated Conservation Area would be minimal.
- 6.6 In design terms, Officers main concerns relate to the detail of the proposed double garage which is slightly forward of the main dwelling and has a large and dominant roof slope. The main part of the dwelling is attractively designed and well detailed and is considered acceptable. Whilst considerably higher than the adjoining bungalows, it would not dominate or through its size be detrimental to the amenities of existing residents in the cul-de-sac.
- 6.7 Given the concern on the design and siting of the proposed double garage, it is considered that a revised design should be sought for the garage element in an attempt to reduce the dominant element to this part of the scheme.
- 6.8 A number of residents have expressed concern about potential overlooking from the first floor windows of the proposed dwelling, however Officers consider that no direct interlooking would occur from the proposal. The only element of concern in this respect relates to the north elevation (facing Plot 1) where two first floor windows are shown. The first window in the garage roof space should in Officers opinion be fitted with obscure glazing given its relationship with the bungalow on Plot 1 or through an amended garage roof design is omitted. The bedroom window on this elevation is set 7.5 metres further away from the residential boundary and whilst overlooking part of the garden and pond would not be detrimental to the residential amenity of the dwelling itself.
- 6.9 In conclusion Officers consider that this proposed two-storey dwelling is acceptable in principle with a condition reserving final approval of the garage roof and the proposed roofing materials. With the conditions set out, permission is recommended.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

2. **B01 (Samples of external materials).**

Reason: To ensure that the materials harmonise with the surroundings.

3. **G01 (Details of boundary treatments).**

Reason: In the interests of visual amenity and to ensure dwellings have satisfactory privacy.

4. **G04 (Landscaping scheme (general)).**
Reason: In order to protect the visual amenities of the area.
5. **G05 (Implementation of landscaping scheme (general)).**
Reason: In order to protect the visual amenities of the area.
6. **E16 (Removal of permitted development rights).**
Reason: To prevent the overdevelopment of the site and to ensure any future development is controlled.
7. **E19 (Obscure glazing to windows).**
Reason: In order to protect the residential amenity of adjacent properties.
8. **E09 (No conversion of garage to habitable accommodation).**
Reason: To ensure adequate off street parking arrangements remain available at all times.
9. **E01 (Restriction on hours of working).**
Reason: To safeguard the amenities of the locality.
10. **H10 (Parking - single house).**
Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway.
11. **Notwithstanding the details indicated on submitted drawing no. 793.1, details of a revised garage roof design shall be submitted to and approved in writing by the local planning authority prior to the commencement of any development on site. Development shall only be carried out strictly in accordance with the approved details.**
Reason: To ensure a satisfactory form of development.

Informatives:

1. **HN1 - Mud on highway.**
2. **HN4 - Private apparatus within highway.**
3. **HN5 - Works within the highway.**
4. **HN10 - No drainage to discharge to highway .**
5. **N15 - Reason(s) for the Grant of Planning Permission.**

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

DCCE2004/0026/F - PROPOSED DEVELOPMENT TO PROVIDE 19 RESIDENTIAL UNITS AT MILL COURT VILLAGE, LEDBURY ROAD, HEREFORD

For: Mr. A. Williams per Mr. A. W. Morris, 20 Ferndale Road, Kings Acre, Hereford, HR4 0RW

Date Received: 5th January 2004

Ward: Tupsley

Grid Ref: 51884, 39896

Expiry Date: 1st March 2004

Local Member: Councillor G.V. Hyde
Councillor Mrs. M. Lloyd-Hayes
Councillor W.J. Walling

1. Site Description and Proposal

- 1.1 The 0.4ha backland site is located on the north side of Ledbury Road and adjoining Eign Brook, the railway line, Mill Court, the rear boundaries of 23-31 Ledbury Road and 31a Ledbury Road (an existing backland plot). Access to the site is via an existing driveway from Ledbury Road serving 31a Mill Court and parking courts. The majority of the site is presently overgrown / unused.
- 1.2 The proposal is to erect 6 two / three storey three bed terrace houses, two pairs of two storey two bed semi-detached houses and a single three storey block of 9 two bedroom flats (19 units altogether), together with new estate road and parking facilities (minimum of one space per unit). Additionally, an improved parking court would be provided for Mill Court (10 spaces).
- 1.3 The new estate road would closely follow the line of the existing driveway into the site although with a widened bell-mouth and build-outs at the junction with Ledbury Road to improve safety and visibility. It would be served by a pavement for the majority of its length and end with a turning head for refuse / fire vehicles.

2. Policies

2.1 Planning Policy Guidance:

PPG1 - General Policy and Principles
PPG3 - Housing
PPG13 - Transport

2.2 Hereford & Worcester County Structure Plan:

H2B - Location of Housing
H14 - Hereford Sub Area
CTC9 - Development Requirements

2.3 Hereford Local Plan:

ENV2	-	Flood Storage Areas
ENV3	-	Access to water course
ENV14	-	Design
H3	-	Design of New Residential Development
H6	-	Open Space
H4	-	Residential Roads
H8	-	Affordable Housing
H12	-	Established Residential Areas
H13	-	Established Residential Areas
H14	-	Established Residential Areas
NC3	-	Sites of Local Importance
T11	-	Pedestrian Provision
T12	-	Cyclist Provision

2.4 Herefordshire Unitary Development Plan (Deposit Draft):

S1	-	Sustainable Development
S3	-	Housing
DR1	-	Design
DR7	-	Flood Risk
T11	-	Parking Provision
T7	-	Cycling
H15	-	Density
H16	-	Car Parking

3. Planning History

- 3.1 HC870250POE - Erection of 3 bungalows with garages and one additional garage. Refused 30 July 1987; Appeal dismissed 24 March 1988.
- 3.2 HC880232PO - Erection of two dwellings with garages and one additional garage. Permitted 4 August 1988.
- 3.3 HC910256PO - Erection of two dwellings with garages and one additional garage (amendment to HC880232PO). Permitted 13 August 1991.
- 3.4 HC970346PO - Site for erection of two dwellings with garages and one additional garage. Deemed invalid 23 September 1997.
- 3.5 CE2000/0744/O - Scheme for residential development. Permitted 3 November 2000.
- 3.6 CE2002/0444/F - Proposed development to provide 23 mixed residential units consisting of 2 bed flats, 3 bed town houses and 2 bed mews cottages. Refused 10 January 2003.

4. Consultation SummaryStatutory Consultations

- 4.1 Environment Agency : No objection in principle subject to condition.
- 4.2 Railtrack : No objection in principle.

4.3 Hyder Consulting : No objection subject to conditions.

Internal Council Advice

4.4 Head of Engineering & Transportation : Recommends conditions.

4.5 Chief Conservation Officer : Recommends archaeological evaluation and conditions for protection of trees.

5. Representations

5.1 Hereford City Council : Concerned about increased volumes of traffic creating increased problems on Ledbury Road. Visibility from access would be hampered by traffic and parked cars.

5.2 Letters of objection have been received from 25, 29 and 31A Ledbury Road and from Hook Mason on behalf of 31A Ledbury Road, summarised as follows:

- hazardous access from Ledbury Road;
- hazardous to young children;
- foxes on site;
- drainage capacity issues in area;
- noise and disturbance from residents and cars;
- reduction in property values;
- insufficient retained space with brook;
- unsightly appearance of flats;
- too high density;
- loss of privacy - overlooking / overbearing layout;
- unsatisfactory living conditions for occupants in view of proximity of railway line.

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

6. Officers Appraisal

6.1 The main issues in this case are the principle of residential development and, if this is accepted, the impact of the specific scheme on amenity, highway safety, wildlife, land drainage and the general character of the area.

6.2 The site lies within an Established Residential Area as defined in the Hereford Local Plan. Policies H13 and H14 permit new residential development within the Established Residential Areas and, as such, the proposal is appropriate as a matter of principle.

6.3 The scheme itself is for a relatively high-density form of development, equating to 47.5 dwellings per hectare. This is in accordance with PPG3 which encourages higher densities to achieve more efficient use of land in central locations with good public transport links, such as this. The proposal is for terrace houses, semi-detached houses and flats which would fit in with the mixed character of existing development within the vicinity of the site.

- 6.4 The arrangement of the houses pays regard to the siting of adjacent properties and ensures adequate levels of privacy are maintained. In particular, a 23-24 metre “front to front” distance is provided with 31A Ledbury Road and 12–15 metre “flank to rear” distance with Nos. 25-29 Ledbury Road. Adequate margins are also proposed between the proposed houses and the railway line, this ensuring sufficient privacy for the occupiers and addressing earlier reasons for refusing development on the site.
- 6.5 The design of the houses is traditional although of sufficient interest to fit in with the mixed character of the area. The flats are more contemporary in appearance, in particular incorporating a gull wing style roof. This is considered to be an appropriate approach, achieving an acceptable contrast whilst avoiding a bulky appearance. Materials will be critical to the success of the development and conditions are recommended accordingly.
- 6.6 The application is now supported by details of proposed levels which show a general reduction of approximately 0.6 metres across the raised rear section of the site. This, combined with the lower building heights, would further reduce the impact on adjoining properties. Again, conditions are recommended requiring development to be carried out in accordance with the proposed reduced levels.
- 6.7 The Environment Agency raises no objection subject to conditions including a requirement for no buildings to be erected within 5 metres of the brook as proposed. Hyder Consulting raises no objection in relation to the adequacy of the Waste Treatment Works for the treatment of domestic discharges from the site. No issues have been raised regarding impact on wildlife or trees although conditions are recommended to ensure their protection.
- 6.8 With regard to highway safety, the proposed layout accords with the requirements of Policy H4 relating to residential roads. Adequate parking is provided (minimum of one space per unit), and improved parking for Mill Court. Build-outs would be provided at the junction with Ledbury Road to improve visibility and safety.
- 6.9 Conclusion

The current proposal now addresses the detailed reasons for refusing the earlier application. Specifically, the proposal is for the development of an urban site in a manner, and at a density, which accords with current Central Government Guidance and which achieves a layout which fits in with its surroundings, is neighbourly and provides safe access from Ledbury Road. For these reasons, approval is recommended although subject to the conditions set out below.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

- 2 A07 (Development in accordance with approved plans). (Drawing nos. 12/04/03-1H, 04/12/03-02, 04/12/03-03, 12/04/03-4DY, 04/12/03-5).

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

- 3 B01 (Samples of external materials).

Reason: To ensure that the materials harmonise with the surroundings.

- 4 D01 (Site investigation - archaeology).

Reason: To ensure the archaeological interest of the site is recorded.

- 5 E18 (No new windows in specified elevation).

Reason: In order to protect the residential amenity of adjacent properties.

- 6 F16 (Restriction of hours during construction).

Reason: To protect the amenity of local residents.

- 7 The levels of the development hereby approved shall be in accordance with the levels shown on drawing No. 12/04/03-1H.

Reason: To accord with the terms of the application and safeguard the amenities of surrounding properties.

- 8 G01 (Details of boundary treatments).

Reason: In the interests of visual amenity and to ensure dwellings have satisfactory privacy.

- 9 G02 (Landscaping scheme (housing development)).

Reason: To ensure a satisfactory and well planned development and to preserve and enhance the quality of the environment.

- 10 G03 (Landscaping scheme (housing development) - implementation).

Reason: To ensure a satisfactory and well planned development and to preserve and enhance the quality of the environment.

- 11 No development shall commence on the site or machinery or materials be brought on to the site for the purpose of development until adequate measures have been taken to prevent damage to Eign Brook and to those trees which are to be retained. Protective measures must include:

a) Protective fencing, of a type and form agreed in writing with the local planning authority, to be erected along the boundary of the 5 metre exclusion zone. This fencing must be at least 2.0 metres high and sufficiently robust to deter construction traffic.

- b) No excavations, site works, trenches, channels, pipes, services or temporary buildings used in connection with the development or areas for the deposit of soil or waste or for the storage of construction materials, equipment or fuel or other deleterious liquids shall be sited within the exclusion zone.

Reason: In order to preserve the character and amenity of the area.

- 12 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, no buildings or other structures (including gates, walls or fences), shall be erected and/or no changes to ground levels shall be carried out within 5 metres of the top of any bank of water courses and / or within 5 metres of any site of an existing culverted watercourse inside or alongside the site unless otherwise agreed in writing by the local planning authority.

Reason: To maintain access to the water course for maintenance or improvements and allow for overland flood flows.

- 13 H17 (Junction improvement/off site works).

Reason: To ensure the safe and free flow of traffic on the highway.

- 14 H13 (Access, turning area and parking).

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway.

- 15 H18 (On site roads - submission of details).

Reason: To ensure an adequate and acceptable means of access is available before the dwelling or building is occupied.

- 16 H27 (Parking for site operatives).

Reason: To prevent indiscriminate parking in the interests of highway safety.

- 17 H29 (Secure cycle parking provision).

Reason: To ensure that there is adequate provision for secure cycle accommodation within the application site, encouraging alternative modes of transport in accordance with both local and national planning policy.

Informatives:

- 1 HN01 - Mud on highway.
- 2 HN04 - Private apparatus within highway.
- 3 HN05 - Works within the highway.
- 4 HN08 - Section 38 Agreement details.
- 5 HN09 - Drainage details for Section 38.

- 6 HN10 - No drainage to discharge to highway.
- 7 HN19 - Disabled needs.
- 8 N03 - Adjoining property rights.
- 9 N04 - Rights of way.
- 10 N15 - Reason(s) for the Grant of Planning Permission.
- 11 The applicant's attention is drawn to the attached letter from the Environment Agency.

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

WELLINGTON PARISH PLAN

Report By: Chief Forward Planning Officer

Wards Affected

Wormsley Ridge

Purpose

To consider the Wellington Parish Plan for adoption as interim supplementary planning guidance to the emerging Herefordshire Unitary Development Plan.

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.

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 SPG, it must be consistent with planning policy and prepared in wide consultation with the community and interested parties. Only elements of Plans relevant to land use and development can be adopted as supplementary planning guidance.

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

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

This parish plan is the fourth to be presented to Members for consideration as SPG.

Wellington Parish Plan

The Wellington Parish Plan began in September 2002 and was subject to a variety of parish consultation. This included 'Planning for Real®', feedback meetings, a questionnaire delivered to every home in the parish and other public meetings. Overall around 40% of residents participated in the plan process. Drafts of this Plan have been forwarded to the Council's key contacts for comments to enable a final version which is now placed before Members.

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

The planning elements of the Plan can be found primarily on pages 11 and 12. Two subjects generated the greatest interest, affordable housing for young people and families and the development of Chapel field. The Chapel field site was allocated within the South Herefordshire District Local Plan as a housing allocation, however this site is shown within the settlement boundary of Wellington in the UDP but not specifically as a housing allocation.

There is a general acceptance of a need for more affordable housing for local people in the village however there is opposition to further developments of large and expensive housing. A further site has been highlighted by the Parish to enable the delivery of affordable housing. An objection by the Parish Council has been made to the Deposit Draft UDP to this effect, which is confirmed as an action with the parish plan. The objection has been dealt with separately during the development plan process and an additional site has been proposed to assist the delivery of affordable housing in the Revised Deposit UDP. Notwithstanding this, the Parish Plan conforms with the emerging Unitary Development Plan and contains sufficient detail to be used as a material consideration in planning decisions and issues.

RECOMMENDATION

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

Background paper

Wellington Parish Plan

CONSULTATION PAPER ON PLANNING POLICY STATEMENT 1: CREATING SUSTAINABLE COMMUNITIES

Report By: Chief Forward Planning Officer

Wards Affected

County Wide

Purpose

To consider the Council's response to the above consultation paper published by the Office of the Deputy Prime Minister.

Financial Implications

None at present however there are likely to be resource implications as the authority implements the new guidance in their exercise of their statutory planning duties.

Introduction

The Office of the Deputy Prime Minister is now inviting comments on a draft of a new Planning Policy Statement (PPS1) to replace PPG1: Policy and Principles. Draft PPS1 follows on from the Government's intention to reform the planning system. The draft therefore supports the reform programme and, in particular, the Government's objectives for planning culture change, by setting out its vision for planning and the key policies and principles which should underpin the planning system.

PPS1 is guidance to support the duty in Clause 38 of the Planning and Compulsory Purchase Bill. That being the preparation of regional and local plans with a view to contributing to the achievement of sustainable development. Annex B reflects the Government's proposals contained in the Bill. The final version of PPS1 will include any changes made by Parliament.

Summary of Draft PPS1

The draft statement is built around three themes:

- Sustainable development – the purpose of the planning system.
- The spatial planning approach.
- Community involvement in planning.

Planning shapes the places where people want to live and work and the country we live in. The Government believes that planning should do this in ways which are sustainable and will meet the needs of future generations as well as our own.

The key policy messages being:

- The need for planning authorities to take an approach based on integrating the aims of sustainable development.
- The need for positive planning to achieve sustainable development objectives and proactive management of development, rather than simply regulation and control.
- The need for plans to set clear visions for communities and help to integrate the wide range of activities relating to development and regeneration.
- The need for the planning system to be transparent, accessible and accountable, and to actively promote participation and involvement.

Sustainable Development

Government has set out four aims for sustainable development to be tackled in an integrated way. They are:

- Maintenance of high and stable levels of economic growth and employment.
- Social progress which recognises the needs of everyone.
- Effective protection of the environment.
- The prudent use of natural resources.

Sustainable Economic Development

Planning authorities should have regard to the importance of encouraging industrial, commercial and retail development if the economy is to prosper and provide for improved productivity, choice and competition particularly when technological and other requirements of modern business are changing rapidly. Authorities should also be sensitive to local economy changes and the implications for development and growth. Authorities should actively promote and facilitate good quality development, which is sustainable and consistent with their plans.

Social Inclusion

Regeneration of the built environment alone cannot deal with poverty, inequality and social exclusion. These issues can only be addressed through the better integration of all strategies and programmes, partnership working and effective community involvement. Planning policies should promote development that builds socially inclusive communities, including suitable mixes of housing. Policies should ensure that the impact of development on the social fabric of communities is considered and taken into account. They should address accessibility for all to jobs, health, housing, education, shops, leisure and community facilities taking into account the needs of disadvantaged groups.

Protection and Enhancement of the Environment

The condition of our surroundings has a direct input on the quality of life. Planning can not only protect the environment but, through positive policies on issues such as design, conservation and the provision of open space, can maintain and improve the local environment and help mitigate the effects of declining environmental quality. Policies should provide a high level of protection for our most valued designations, habitats and natural resources.

Prudent Use of Resources

Resources should be used in ways that do not endanger the resource or cause serious damage or pollution. Developments need to make more efficient use or reuse of existing resources rather than consuming new resources. Policies need to promote the development of renewable energy resources and require energy efficiency measures to be included within developments.

Delivering Sustainable Development

Planning policies should seek to achieve where appropriate the following specific objectives for sustainable development and sustainable communities:

- **Promoting urban and rural regeneration** to improve the well being of communities, promoting mixed use, high quality and safe developments that offer new opportunities for residents.
- **Promoting regional, sub-regional and local economies** by providing a positive planning framework for sustainable economic growth.
- **Promoting communities which are inclusive, healthy, safe and crime free** whilst respecting the diverse needs of the communities.
- **Bringing forward sufficient land of a suitable quality in the right locations** to meet the expected needs for housing, industrial development, retail and commercial development to provide for growth and consumer choice acknowledging accessibility, sustainable transport needs and infrastructure provision.
- **Giving high priority to ensuring access for all to jobs, health, education, shops, leisure and community facilities.** Ensuring that new development is so far as reasonable located where everyone can access services by other modes rather than rely on the car but acknowledging the limited potential for doing so in rural areas.
- **Focussing developments that attract a large number of people, especially retail development, in existing centres** to promote their vitality and viability, social inclusion and more sustainable patterns of development.
- Recognise the need to enhance as well as protect **biodiversity**, the need to address the causes and impacts of **climate change, pollution and waste and resource management impacts** even to the extent that some environmental detriment has to be accepted.
- **Promote the more efficient use of land** through higher density and mixed use. Actively seeking to get vacant and underused previously developed land and buildings back into beneficial use thus achieving Government targets.
- **Reducing the need to travel** and encouraging public transport provision to secure more sustainable patterns of transport.

Planning authorities should take account of the following principles when considering the weight to be placed on any particular sustainable development objective. Policies should:

- **Recognise the needs and broader interests of the community** to secure a better quality life for the community as a whole.

- **Be drawn up over appropriate time scales**, and should not focus on the short term, ignoring longer term impacts and needs. Planning authorities would need to consider both whether policies have short term benefits which may have long term costs, but also whether short term detriments which are capable of being mitigated, may be offset by longer term benefits which are realistically achievable.
- **Not impose disproportionate costs**, either in terms of environmental and social impacts, or by constraining unnecessarily otherwise beneficial economic or social development. In drawing up policies authorities should have regard to the resources likely to be available for implementation and the costs likely to be incurred. They should be realistic about what can be implemented over the period of the plan.
- **Take account of the range of effects**, both negative effects on environment as well as the potential positive effects of development in terms of economic benefits and social well being. Effects will need to be properly identified and assessed through the sustainability appraisal process, incorporating strategic environmental assessment, taking account of the current state of the environment in the area and any existing environmental problems relevant to the plan.
- **Be properly based on analysis and evidence**. Where there is uncertainty, policy makers will need to exercise and demonstrate soundly based judgement, taking account of other principles.
- **The process for developing policies should take full account of the need for transparency, information and participation**. Principles for community involvement in planning are set out later in the PPS.
- **Recognise that the impact of proposed development may adversely affect people who do not benefit directly**. In this respect authorities can use the new proposals for the planning charge set out in the Planning and Compulsory Purchase Bill to ameliorate such impacts.

Sustainable Development and Design

High quality design ensures usable, durable and adaptable places and is a key element in achieving sustainable development. Planning policies should promote high quality design for new development areas and individual buildings in terms of functionality and impact over the lifetime of the development. There should be no acceptance of ill-conceived designs which do not make places better for people. Design policies should encourage developments which:

- Are appropriate to their context in respect of scale and compatibility with their surroundings.
- Secure positive improvement to the streetscape or place where they are located.
- Create safe environments where crime and disorder or fear of crime does not undermine quality of life or community cohesion.
- Make efficient and prudent use of natural resources.
- Address the needs of all in society, including people with disability.

Further information on the subject of this report is available from C Botwright on (01432) 260133

Further guidance on design issues is set out in Annex C of the PPS.

Spatial Planning

The new system of Regional Spatial Strategies (RSSs) and Local Development Documents (LDDs) will adopt a spatial planning approach. Spatial planning goes beyond traditional land use planning to bring together and integrate policies for the development and use of land with other policies and programmes which influence the nature of places and how they function. That will include policies which can impact on land use, for example by influencing the demands on or needs for development, but which are not capable of being delivered solely or mainly through the granting or refusal of planning permission and which may be implemented by other means. Where other means of implementation are required these should be clearly identified in the plan. Planning policies should not replicate, cut across, or detrimentally affect matters within the scope of other legislative requirements, i.e. Building Regulations.

Spatial plans should:

- **Set a clear vision for the future pattern of development, with clear objectives for achieving that vision and strategies for delivery and implementation.** Planning should lead and focus on outcomes. Plan policies must be set out clearly, with indicators against which progress can be measured. Plans should guide patterns of development and seek proactively to manage changes to the areas they cover.

- **Consider the needs and problems of the communities they cover and how they interact,** and relate them to the use and development of land. They should cover not only what can be built where and in what circumstances, but should set out also how social, economic and environmental objectives will be achieved through policies in the plan.

- **Help to integrate the wide range of activities relating to development and regeneration.** Plans should take full account of other relevant strategies and programmes and where possible be drawn up in conjunction with them. They should work alongside urban and rural regeneration strategies, regional economic and housing strategies, community development and local transport plans. Planning authorities should consult closely with the bodies responsible for those strategies to ensure effective integration. LDDs provide the means of taking forward those elements of the Community Strategies that relate to the physical development and use of land in the authorities area.

The RSS and LDDs that are the Development Plan Documents form the framework for taking decisions on planning applications for planning permission. Decisions have to be taken in accordance with the Development Plan unless other material considerations indicate otherwise. Planning permission is required for certain defined development so only policies which can be implemented through the granting of planning permission can form the framework for decisions under Clause 37 of the Planning and Compulsory Purchase Bill.

Community Involvement in Planning

Planning must work as a partnership and involve the community to deliver sustainable development in the right place at the right time. Planning affects everyone and all those involved in the system have a role to play in delivering effective and inclusive planning. Under the new Bill, planning authorities will be required to prepare a Statement of Community Involvement, in which they will set out their policy on involving their community in preparing Local Development Documents and on consulting on planning applications.

Government is committed to a planning system which is:

- **Transparent** so that information about plans, policies and development proposals is easily understood and accessible.
- Promotes **participation and involvement** with clear opportunities for people to make their views known and to participate fully.
- **Accessible**, by reaching out to groups that have, historically, not engaged easily with the planning system.
- **Accountable with opportunities for redress** so that decision makers are clearly identified, and there is protection against unreasonable decisions through the judicial review process.

Sustainable development needs the community to be involved with developing the vision for their areas. Communities should be able to contribute to ideas about how that vision can be achieved and have the opportunity to participate in the process for drawing up specific plans or policies and to be involved in development proposals. Local authorities through their Community Strategies and Local Development Documents, and town and parish councils through parish plans have a key role to play in leading the processes for community involvement in their areas.

Principles of Community Involvement in Planning

Planning authorities should build a clear understanding of the make up, interests and needs of the community in their areas. The 'community' will be made up of many different interest groups. Some will be well established and represented but others may be less well equipped to engage with the process. An inclusive approach is needed to ensure that all groups have the opportunity to participate and are not disadvantaged in the process. Identifying and understanding the needs of groups who find it difficult to engage with bureaucratic processes such as the planning system is essential.

Effective community involvement require processes for:

- Notifying and informing communities about policies and proposals in good time.
- Enabling communities to put forward their own ideas and participate in developing proposals and options, rather than simply comment once these are fixed.
- Consultation on formal proposals.

- Feedback.

It is not sufficient to provide information only or consult on proposals that have already been developed to the point where it is difficult to take other views on board.

Planning authorities should adopt the following principles for community involvement:

- **Community involvement that is appropriate to the level of planning** with different arrangements dependent on the planning process involved built upon a clear understanding of the communities needs.
- **Front loading of involvement** so that community involvement policies provide opportunities for participation in identifying issues and debating options from the earliest stages confirming to people that they have the potential to make a difference and sense ownership of local policy decisions.
- **The methods used to encourage involvement and participation should be relevant to their experience** confirming that there is no 'one size fits all' solution if genuine dialogue is to be established and maintained.
- **Clearly articulated opportunities for continuing involvement** allowing communities to see how ideas have developed at the various stages with effective feedback. A 'tick box' mentality, which regards community involvement as simply a process step to be ticked off is not acceptable.
- **Transparency and accessibility** so that people know when they will be able to participate, and the ground rules for doing so with the planning system extending out to difficult to reach groups.
- **Planning for involvement** to be planned in from the start of the process for plan preparation or consideration of significant development proposals to enable timely involvement taking account of how this fits with other involvement processes particularly in respect of Community Strategies. Project plans should avoid unnecessarily long, drawn out processes.

Analysis of Implications

As at present PPS1 sets out the Governments high level policy objectives for planning with a framework for specific policies to be addressed in other thematic Planning Policy Statements. In particular it deals with the way in which sustainable development objectives should be covered and follows the changes to planning dealt with in the new Bill.

The requirements of sustainable development are not new and are already embodied within regional planning guidance (RPG11), existing local plans and the emerging Unitary Development Plan where further modifications have strengthened the Plans resolve. The principles of sustainable development are also set out in the visions of the Herefordshire Plan which have been developed by the Councils partner organisations in the Herefordshire Partnership and have informed the UDP. Finally, and as part of the UDP process the Plan is the subject of Sustainability Appraisals to ensure it is environmentally sustainable and that sustainability infuses the whole plan process. Under the current planning process the principles and requirements for sustainable development and sustainable communities are well entrenched. Such a sound base bodes well to continue into the new arrangements.

Turning to spatial planning, the new system aims to promote greater integration between the various strategies produced by local authorities and other agencies and the land use planning system. Regional Spatial Strategies will require officer and member involvement and should include representations from community and interest groups. To date issue based studies have been prepared mainly by authorities and bodies either for resource implementation or for the purpose of regional planning guidance. This will now need expansion and diffused to the local level and communities with assurances that the studies inter-relate, inform and complement each other. At the local level the same inter relationship is required. Strategies with a spatial component would include the Herefordshire Plan and the Local Transport Plan whilst the local development framework will contain a portfolio of local development documents that will provide the LPAs planning policies for the area.

Finally, Government are requiring earlier and more community involvement with policy formulation from local up to regional level and in consideration of significant development proposals. Such involvement especially from groups difficult to reach, should be planned in from the start of the process. As part of the new arrangements it is proposed that a Local Development Scheme will inform people of which documents are to be prepared, including timetables of the various stages of preparation. The new system also proposes a requirement of a Statement of Community Involvement aimed to produce consensus, so far as possible, on the form and content of any documents the LPA are preparing.

A community that acknowledges the issues, knows more about requirements and constraints and with an involvement that is part of the process will gain a sense of ownership and will reduce conflict and confrontation when policies and proposals are unveiled. Consequently community involvement and general consensus will reduce unresolved issues at Inquiry. Finally, and to be credible the timetable for the process including arrangements for community involvement needs to be focussed, relevant and achieved.

Conclusions

The PPS and for the planning system to enshrine sustainable development is acknowledged and generally welcomed. Such principles are already well established within the emerging UDP. In respect of spatial planning and community involvement, much has already been done to ensure a sense of ownership and an integration of strategic policies following collective visions and aims for Herefordshire through a partnership approach. In relation to the new planning arrangements currently being proposed through the Bill, these will be confirmed and clarified to Members at a later date to fully appreciate the implications particularly at the local level.

RECOMMENDATIONS

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