

A G E N D A

Planning Committee

Date: **Friday, 20th April, 2007**

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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Tel 01432 260248*

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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 Mrs. P.A. Andrews, B.F. Ashton, P.J. Dauncey, Mrs. C.J. Davis, D.J. Fleet, J.G.S. Guthrie, P.E. Harling, J.W. Hope MBE, B. Hunt, Mrs. J.A. Hyde, Brig. P. Jones CBE, R.M. Manning, R.I. Matthews, Mrs. J.E. Pemberton, R. Preece, D.C. Taylor, P.G. Turpin 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	1 - 4
To approve and sign the Minutes of the meeting held on 2nd March, 2007.	
5. CHAIRMAN'S ANNOUNCEMENTS	
To receive any announcements from the Chairman.	
6. NORTHERN AREA PLANNING SUB-COMMITTEE	5 - 6
To receive the attached report of the Northern Area Planning Sub-Committee meeting held on 28th February & 28th March, 2007.	
7. CENTRAL AREA PLANNING SUB-COMMITTEE	7 - 8
To receive the attached report of the Central Area Planning Sub-Committee meeting held on 7th March, 2007.	
8. SOUTHERN AREA PLANNING SUB-COMMITTEE	9 - 10
To receive the attached report of the Southern Area Planning Sub-Committee meeting held on 21st March, 2007.	

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|---|----------------|
| <p>9. EDGAR STREET GRID SUPPLEMENTARY PLANNING DOCUMENT</p> <p>To consider the draft Edgar Street Grid Design Framework Supplementary Planning Document (SPD) and make recommendations to the Cabinet Member (Environment).</p> <p>A copy of the SPD is enclosed separately for Members of the Committee.</p> <p>Ward: Central</p> | <p>11 - 14</p> |
| <p>10. REPORTS OF HEAD OF PLANNING SERVICES</p> <p>To consider the following planning applications and authorise the Head of Planning Services to impose any additional or varied conditions and reasons which he considers to be necessary.</p> | |
| <p>11. DCSW2007/0104/F - REPLACEMENT DWELLING, THE VIEW, LITTLE BIRCH, HEREFORDSHIRE, HR2 8BA</p> <p>For: Mr & Mrs T Holt per Simon Angell, 15 Waggoners Way, Bullingham Lane, Hereford, HR2 6RJ - to consider a planning application which has been referred to the Committee because the Southern Area Planning Sub-Committee was mindful to approve it, contrary to policy and officer recommendations.</p> <p>Ward: Pontrilas</p> | <p>15 - 20</p> |
| <p>12. DCSE2006/3302/F - REMOVAL OF CONDITION 6 OF PERMISSION NE2000/2725/F SO THAT THE PROPERTY CAN BE USED TO ACCOMMODATE AN AGRICULTURAL WORKER AT THE HYDE, WOOLHOPE, HEREFORDSHIRE, HR1 4RD</p> <p>For: Mr & Mrs J J Windham per Kernon Countryside Consultants, Brook Cottage, Purton Stoke, Swindon, Wiltshire, SN5 4JE – to consider a planning application which has been referred to the Committee because the Southern Area Planning Sub-Committee was mindful to approve it, contrary to policy and officer recommendations.</p> <p>Ward: Old Gore</p> | <p>21 - 26</p> |
| <p>13. DEVELOPMENT CONTROL ANNUAL REPORT 2006 - 2007</p> <p>To receive a report about Development Control performance in 2006/07.</p> | <p>27 - 32</p> |
| <p>14. DATE OF NEXT MEETING</p> <p>Friday 13th July 2007 at 2:00 pm</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, HR1 1SH on Friday, 2nd March, 2007 at 10.00 a.m.

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

Councillors: B.F. Ashton, H. Bramer, Mrs. C.J. Davis, J.G.S. Guthrie, P.E. Harling, J.W. Hope MBE, B. Hunt, Brig. P. Jones CBE, R.M. Manning, R.I. Matthews, Mrs. J.E. Pemberton, Ms. G.A. Powell, D.C. Taylor, J.P. Thomas, W.J.S. Thomas and W.J. Walling

In attendance: Councillors P.J. Edwards

115. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Mrs PA Andrews, PJ Dauncey; DJ Fleet; Mrs G Hyde; R Preece; and PG Turpin.

116. NAMED SUBSTITUTES (IF ANY)

The following named substitutes were appointed;-

MEMBER	SUBSTITUTE
DJ Fleet	WJS Thomas
Mrs J Hyde	H Bramer
R Preece	JP Thomas
PG Turpin	Ms G Powell

117. DECLARATIONS OF INTEREST

There were no declarations of interest made at the meeting

118. MINUTES

RESOLVED: That the Minutes of the meeting held on 19th January, 2007 be approved as a correct record and signed by the Chairman

119. CHAIRMAN'S ANNOUNCEMENTS

The Forward Planning Manager said that following the meeting of Council on 9th February and the publication of the statutory notices, the Herefordshire Unitary Development Plan (UDP) would be adopted on 23rd March 2007. From this date the UDP would replace the structure and local plans and for the first time would provide a consistent set of current planning policies across the County. The development plan for the purposes of the determining planning applications would comprise the Regional Spatial Strategy and the UDP itself. The UDP would be in force for a minimum of three years during which it would be progressively replaced by elements of the Local Development Framework.

120. NORTHERN AREA PLANNING SUB-COMMITTEE

RESOLVED: That the report of the meetings held on 31st January, 2007 be received and noted.

121. CENTRAL AREA PLANNING SUB-COMMITTEE

RESOLVED: That the report of the meeting held on 17th January and 7th February, 2007 be received and noted.

122. SOUTHERN AREA PLANNING SUB-COMMITTEE

RESOLVED: That the reports of the meetings held on 24th January and 21st February, 2007 be received and noted.

123. REPORTS OF THE HEAD OF PLANNING SERVICES

The Committee considered the following planning application and authorised the Head of Planning Services to impose any additional or varied conditions and reasons which he considered to be necessary

124. DCCW2006/3705/F - NEW DETACHED HOUSE WITH GARAGE AND VEHICULAR ACCESS THERETO AT WEIR VIEW, BREINTON, HEREFORD, HR4 7PR

The Development Control Manager presented his report about an application for a detached house and garage on land outside the settlement at Breinton. He said that the Central Area Planning Sub-Committee had been mindful to approve the application at its meeting on 7th February 2007, contrary to recommendation. The Head of Planning Services had subsequently decided to refer it to the Planning Committee because of the crucial planning policy issues involved. The Sub-Committee had expressed the view that a policy intended to restrict new residential development outside an existing settlement was not appropriate to Breinton Common, which had previously been identified as a small settlement in the former South Herefordshire District Local Plan. The Sub-Committee had taken the view that the proposal constituted an acceptable form of infill development and that it would not have a detrimental impact on the nature and character of the village.

In accordance with the criteria for public speaking, Mr. Hyett spoke in support of the application.

Councillor RI Matthews, the local Ward Member, said that the applicants had started the proceedings leading to their application some twelve months ago and he felt that some flexibility could be shown within the Council's Planning policies because at that time the UDP was some way from being adopted. He drew attention to other applications that had been approved in the vicinity under delegated powers and said that the Sub-Committee was in full support of it. He felt that the application site formed a natural part of the village and that approval with the appropriate conditions would not be detrimental to the area. He suggested that these should include retention of the hedgerow to the front of the site so that it provided suitable screening. He pointed out that none of the residents of adjoining properties had raised any objections to the application. Councillor JGS Guthrie was also of the opinion that the application was on a natural infill site and an attractive design which would enhance the village. Councillor BF Ashton had a great deal of sympathy for the circumstances which the applicant found himself in but pointed out that the planning policies within the UDP already carried significant weight and that the council should not be in a situation where it was in breach of its own policies,

particularly those which were only just coming into force.

The Development Control Manager drew the attention of the Committee to the advanced stage UDP which was expected to be formally adopted by 23rd March, 2007. He said that the views expressed in support of the application were at variance with the policies within the UDP to restrict the status of the smaller settlements to those with local amenities. He pointed out that Breinton Common did not fulfil the required criteria and was therefore not included in the list of Smaller Settlements in which some development could be permitted. He pointed out that no objections had been received about this during the UDP consultation process and that there was a significant risk that granting planning permission could set a precedent for further development in the locality and may have implications for other similar settlements. He also drew attention to the local parish council's objection to the application and support for the policies within the UDP. The Head of Planning Services reiterated the policy issues involved and also said that it was inappropriate to consider the personal circumstances of the applicant in the light of these. He said that there was a need for reasonableness and to weigh the material considerations against the planning policies.

Having considered all the facts relating to the application and the advice given by officers, the Committee decided that because of the particular circumstances and location involved, an exception could be made to the Council's planning policies and that it should be approved.

RESOLVED THAT

planning permission be granted subject to a condition requiring the trees at the front of the site not to be removed and subject to any appropriate conditions considered necessary by the Head of Planning Services.

125. PROPOSED REVISED PLANNING ENFORCEMENT POLICY

The Development Control Manager presented a report proposing an update of the Council's Planning Enforcement Policy. He said that the current Policy was approved in 2003 and was published on the Council's website. Since 2003 however there had been changes in the policy background to planning enforcement, a major one being the replacement of the former local and structure plans by the Unitary Development Plan. There had also been some adjustments to Enforcement Practice including the introduction of six monthly reports to the Committee about activity within the Enforcement Section. He felt that in view of these changes it would be helpful to update the Policy. He explained what the proposed changes were, how they could be put into effect and answered questions from Members.

The Committee endorsed the proposals put forward by the Development Control Manager and the Cabinet Member (Environment) expressed his appreciation for the work undertaken by officers regarding enforcement.

RESOLVED THAT;

The revised Planning Enforcement Policy be endorsed and commended to the Cabinet Member, Environment for approval as a policy of the Council to come into effect upon the adoption of the Unitary Development Plan.

126. STATEMENT OF COMMUNITY INVOLVEMENT

The Forward Planning Manager presented his report which recommended adoption of the Council's Statement of Community Involvement (SCI) and advised of the Inspectors report into the soundness of the document. He said that the SCI was required as part of the new planning system and that it set out how the Council would consult on planning matters and fulfil the requirements of that system. He said that the Inspector had found the SCI to be sound, subject to twelve recommendations being implemented. He also drew attention to the fact that unlike the previous system where the Council had flexibility about adopting the Inspector's recommendations, under the new system the recommendations were binding. He also drew attention to the fact that in accordance with Regulation 35 of the new system, the Council was required to publish the Inspectors report and he outlined the arrangements for this.

The Committee noted the latest position with the SCI and agreed with the proposals recommended by the Forward Planning Manager.

RESOLVED

that the Cabinet Member (Environment) be requested to receive the Inspectors Report and submit the revised SCI to Cabinet for adoption as the Council's policy in respect of consultation on planning matters, in line with the Town and Country Planning (Local Development)(England) Regulations 2004.

127. DATE OF NEXT MEETING

Friday 20th April, 2007

The meeting ended at 12.20 p.m.

CHAIRMAN

**REPORT OF THE NORTHERN AREA PLANNING
SUB-COMMITTEE**

Meetings held on 28th February & 28th March, 2007

Membership:

Councillors: Councillor J.W. Hope M.B.E (Chairman)
Councillor K.G. Grumbley (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, 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 dealt with the planning applications referred to it as follows:-
 - (a) applications approved as recommended – 2
 - (b) applications refused as recommended – 0
 - (c) applications refused contrary to recommendation but not referred to Planning committee – 2
 - (d) applications identified in advance for a site inspection – 1
 - (e) applications deferred for further information - 0
 - (f) number of public speakers – 0 Parish Council; 0 objectors and 3 supporters

PLANNING APPEALS

2. The Sub-Committee received an information report about 11 appeals received, 6 dismissed and 6 upheld.

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

- **BACKGROUND PAPERS – Agenda for meetings held on 28th February & 28th March, 2007**

PLANNING COMMITTEE

20TH APRIL, 2007

REPORT OF THE CENTRAL AREA PLANNING SUB-COMMITTEE

Meetings held on 7th March and 4th April, 2007

Membership:

Councillors: D.J. Fleet (Chairman)

R. Preece (Vice-Chairman)

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), 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, Mrs. E.A. Taylor, 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 twice and dealt with the planning applications referred to it as follows:-
 - (a) applications approved as recommended - 11
 - (b) applications minded to refuse contrary to recommendation - 7
 - (c) applications deferred for site inspection - 9
 - (d) number of public speakers - 28 (parish - 2, objectors - 14, supporters - 12)

PLANNING APPEALS

2. The Sub-Committee received information reports about 4 appeals that had been received and 6 that had been determined (allowed - 3, dismissed - 3).

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

- **BACKGROUND PAPERS – Agenda for the meetings held on 7th March and 4th April, 2007**

PLANNING COMMITTEE

20TH APRIL, 2007

**REPORT OF THE SOUTHERN AREA PLANNING
SUB-COMMITTEE**

Meeting held on 21st March, 2007

Membership:

**Councillors: Councillor P.G. Turpin (Chairman)
Councillors H. Bramer (Vice-Chairman)**

**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, J.G. Jarvis, G. Lucas, D.C. Taylor and J.B. Williams**

PLANNING APPLICATIONS

1. The Sub-Committee has dealt with the planning applications referred to it as follows:-
 - (a) applications approved as recommended - 7
 - (b) applications refused as recommended - 1
 - (c) applications minded to approve (1 referred to Planning Committee) - 1
 - (d) number of public speakers - 6 (Parish Council – 1, supporters - 5)

PLANNING APPEALS

2. The Sub-Committee received information reports about 4 appeals received and 16 determined (12 Dismissed, 4 Upheld).

**P.G. Turpin
CHAIRMAN
SOUTHERN AREA PLANNING SUB-COMMITTEE**

- **BACKGROUND PAPERS – Agenda for the meeting held on 21st March, 2007.**

DRAFT EDGAR STREET GRID DESIGN FRAMEWORK SUPPLEMENTARY PLANNING DOCUMENT

Report By: Forward Planning Manager

1. Wards Affected

Hereford City

2. Purpose

- 2.1 To inform members of the draft Edgar Street Grid Design Framework Supplementary Planning Document (SPD). This document is included within the Council's Local Development Scheme and needs to be produced in line with the regulations of the new Planning Act.

3. Financial Implications

- 3.1 Costs such as printing and undertaking of consultation exercises will be met from the Planning Delivery Grant and the Edgar Street Grid company.

4. Background

- 4.1 Edgar Street Grid comprises 43 hectares of land to the north of the city centre. The area includes a number of significant uses including the Livestock Market, Hereford United Football Club, the railway station and a number of buildings of architectural and historic importance such as the Blackfriars Friary. The area also accommodates a wide range of industrial, commercial and residential uses.
- 4.2 The Grid represents a unique opportunity to develop an under-utilised area of land, strengthening the role of Hereford as a sub regional shopping centre and ensuring the city plays a full role in the wider rural economy.
- 4.3 The Local Development Scheme identifies the requirement to produce design guidance for the Grid area. The SPD will therefore provide an urban design framework to guide the future development of the area.
- 4.4 The Edgar Street Grid SPD will expand and add further detail to the policies and accompanying text contained in the UDP. This is mainly provided within UDP Chapter 7 Town Centres and Retail, paragraphs 7.7 – 7.7.49 and policies:
- TCR 20 Eign Gate regeneration area
 - TCR 21 Canal basin and historic core
 - TCR 22 Hereford United Football Club/Merton Meadow
 - TCR 23 Civic quarter

- 4.5 As required by the Council's Statement of Community Involvement, an information gathering seminar was held in November 2006. The information gained from this event, which is documented in an accompanying consultation statement, has helped inform preparation of this draft SPD.

5. Aims of the SPD

- 5.1 The role and purpose of the SPD is to:
- Establish an urban design framework for the Edgar Street Grid area in a positive and enabling manner providing a design concept early on in the process which will be used to inform development of a more detailed masterplan and will guide landowners, developers and the community on the form development proposals should take
 - Address and supplement with additional information the policies contained within the UDP
 - Provide greater certainty for the market on what is expected from future schemes
 - Ensure delivery of a comprehensive, coordinated and sustainable development for the Grid area.
- 5.2 Sustainability lies at the heart of the SPD ensuring delivery of schemes which balance social, environmental and economic considerations. A Sustainability Appraisal has been undertaken to inform preparation of the draft SPD.

6. SPD Design Challenges

- 6.1 The draft SPD provides information on the historical and planning context of the Grid area as well as identifying key design challenges which will need to be addressed within new development opportunities. These challenges include the need to :
- ensure full integration between Grid developments and the existing city centre through successfully addressing the 'barrier' effect of Newmarket St./Blueschool St., as well as connecting to other key facilities eg the railway station and the Courtyard Theatre,
 - address significant issues of traffic congestion and air quality, particularly to the south of the Grid area where an Air Quality Management Area has been defined,
 - provide new development opportunities which can be integrated within the historical setting of listed buildings and other key features of the Grid area as well as archaeology issues,
 - address the fact that the Grid is subject to multiple ownerships which creates significant land assembly challenges,
 - address land which floods on the Grid including land to the north of Merton Meadows and around the Police playing fields.

7. General Design Framework

- 7.1 The SPD provides a general design framework for the whole Grid area which addresses issues including open space, linkages, vistas and views, key buildings, urban grain, public realm, landscaping proposals, diversity issues, new transport routes, public transport, and parking as well as sustainability issues. The SPD seeks to reflect the historic urban grain of the city centre whilst at the same time allowing opportunities for innovative design which makes a positive statement about Hereford for future generations to enjoy.

8. Detailed Design Guidance

- 8.1 The SPD then specifies more detailed design guidance for each of the four policy areas ie the Livestock Market, Civic Quarter, Canal Basin, Football Ground/Merton Meadow. For each of these quadrant areas a list of design opportunities and constraints are identified along with detailed design guidance which is led by key sustainability objectives.

9. SPD Process

- 9.1 The process by which an SPD is prepared is laid down by Government in the Town and Country Planning (Local Development)(England) Regulations 2004. The process for preparing an SPD is similar to that for a Development Plan Document (DPD), but simplified. There is no requirement to prepare preferred options and SPDs are not subject to independent examination. As with DPDs, their preparation is informed by community involvement and a sustainability appraisal.

The following provides a summary of some of the key regulations which govern the process of producing an SPD:

- Preparation of draft SPD: Select a combination of community involvement methods appropriate to the SPD being produced at this informal stage of evidence gathering and preparation.
 - Regulation 17/18: Consultation on draft SPD - Statutory 4-6 week consultation period on draft and sustainability appraisal report
 - Regulation 18/19: Adoption of SPD - The Council will adopt the SPD having considered all representations received
- 9.2 A consultation statement is also being prepared which will document how consultation was undertaken and managed during preparation of the SPD. More information on the above stages is provided in the Council's Statement of Community Involvement.

10 Consultation

- 10.1 The draft SPD is at Regulation 17/18 stage and once approved will be subject to a 6 week consultation period in May/June which will be advertised by public notice. During this period a stakeholder seminar is proposed as well as a public exhibition both of which will inform people of the SPD and encourage feedback. A questionnaire response form will be provided. All information

gathered will be used to refine the SPD before it goes forward for adoption which is anticipated in October 2007.

- 10.2 In addition internal officer consultations have been carried out with a verbal update on any comments received being reported to this committee.

RECOMMENDATION

THAT subject to minor amendments that may result from the internal consultation, the Cabinet Member (Environment) be recommended to approve the draft Edgar Street Grid Design Framework SPD for consultation purposes in line with the Town & Country Planning (Local Development)(England) Regulations 2004.

Background papers

Statement of Community Involvement
Herefordshire Unitary Development Plan
Edgar Street Grid Masterplan 2004

DCSW2007/0104/F - REPLACEMENT DWELLING, THE VIEW, LITTLE BIRCH, HEREFORDSHIRE, HR2 8BA

For: Mr & Mrs T Holt per Simon Angell, 15 Waggoners Way, Bullingham Lane, Hereford, HR2 6RJ

Date Received: 15th January 2007 **Ward: Pontrilas** **Grid Ref: 50987, 32570**

Expiry Date: 12th March 2007

Local Member: Councillor G. W. Davis

Introduction

The application was considered by the Southern Area Planning Sub-Committee on 21st February 2007 when Members resolved to grant permission contrary to the recommendation of the report. This decision was accordingly referred to the Head of Planning Services to determine if it should be reported to the Planning Committee for further consideration.

At the meeting the Southern Area Planning Sub-Committee was recommended to refuse this application for the following reason:

- 1. Having regard to Policy H.7 of the Herefordshire Unitary Development Plan and Policy SH.21 of the South Herefordshire District Local Plan the local planning authority considers that the proposal is unacceptable. The proposed replacement of the bungalow for the dwelling would lead to a substantial increase in its size and scale and as such the resultant scheme could not be considered to be comparable to the original dwelling.**

In the debate Members placed emphasis on the poor quality of the existing building, a two bedroomed bungalow, and the fact that the proposed new house would occupy the same footprint. They also felt that use of a dormer window design was such that, although it was a two storey replacement house, this was achieved by using the space in the roof to full advantage. On this basis they felt that the proposal was acceptable and resolved to grant planning permission.

The relevant policy in the Unitary Development Plan, (UDP), is Policy H.7 which requires that any replacement dwelling in open countryside is "Comparable in size and scale" with the dwelling it is to replace. In this case the relevant comparison figures are as follows.

Criterion	Existing Property	Proposed Property
Number of storeys	1	2
Height to ridge	4 metres	7 metres
Floorspace	89 sq metres	193 sq metres
Volume	247 cubic metres	492 cubic metres

On this basis it can be seen that the proposal effectively doubles the size of the existing property and does not therefore comply with policy H.7.

This element of policy H.7 was considered by the Inspector in his report on the Unitary Development Plan. He commented (at paragraph 5.67 of his report):

“To my mind, it is reasonable for a replacement building to be comparable in size and scale with the existing building. As such there would be limits on the cumulative effect on the character and appearance of the area; also on the provision, without adequate justification, of larger dwellings and a potentially greater number of people living in unsustainable locations.”

There is therefore a significant degree of conflict between an approval in this case and the recently adopted UDP.

In view of the fact that the decision of the Sub-Committee to approve this application raises a crucial policy issue this application has been referred to this meeting of the Planning Committee for further consideration.

The original report to the Southern Area Planning Committee follows with amendments to remove references to the South Herefordshire District Local Plan as it has now been superseded by the UDP.

1. Site Description and Proposal

- 1.1 The proposal site is reached off the southern side of the unclassified (u/c 71609), this road links the C1261 road to the east and Kings Thorn to the west and the Class III road (C1263). This site is well screened from view from the aforementioned unclassified road, and from the north-west across an open field that adjoins the property.
- 1.2 It is proposed to demolish an existing shallow pitched two-bedroom bungalow that is aligned approximately north to south. The predominant views are to the south. There is mature hedging and trees on the western boundary of the site and a mixture of panel fencing and trees on the eastern boundary shared with Netherwood, a more recently built split-level brick faced dwelling. The existing bungalow is 8.6 metres wide, 11.4 metres in length, 2.5 metres to the eaves and 4.0 metres to the ridge of roof.
- 1.3 The proposed dwelling will be constructed on the same site, it will be faced in brick and on the front elevation the central bay of three elements comprising the two-storey element, will comprise oak framing with rendered infill panels; this is on the west elevation. Dormer windows are proposed in the roof on both east and west elevations. The proposed replacement dwelling is just wider, 14 metres in length. The three elements being 7.7 metres by 3.7 metres wide, 7.1 metres by 4.4 metres and 6.2 metres by 3.7 metres. There is also a utility room on the northern end of the dwelling, 2.3 metres wide by 5.1 metres. The utility element is faced with boarding. There is also a balcony on the rear elevation.
- 1.4 A previously submitted scheme identical in siting, footprint, height and massing was refused under delegated powers on 12th October, 2006. The dwelling refused was a half-timbered one with a horizontal boarded utility extension and en-suite above. The current scheme is mostly finished in facing brick with only some half timbers on the central gable element on the front or west elevation.

2. Policies

2.1 Planning Policy Statement

PPS.1 - Delivering Sustainable Development

2.2 Herefordshire Unitary Development Plan 2007

Policy S.1 - Sustainable Development
 Policy S.2 - Development Requirements
 Policy DR.1 - Design
 Policy H.7 - Housing in the Countryside Outside Settlements

3. Planning History

3.1 DCSW2006/2987/F Replacement Dwelling - Refused 12.10.06

4. Consultation Summary

Statutory Consultations

4.1 No statutory or non-statutory consultations required.

Internal Council Advice

4.2 Traffic Manager recommends that conditions be attached. These require improvements to visibility and parking provision for two vehicles.

5. Representations

5.1 In a letter that accompanied the application the applicants' agent makes the following main points:

- following refusal, clients have changed facing materials to brick, from timber frame, more in keeping in locality
- dwelling in poor state of repair, obvious replacement one is required
- clients adamant that replacement bungalow would not provide type of dwelling required, given likely that an elderly parent will be living with them in the future
- plot some distance from road and plot drops considerably from it
- dwelling not particularly large, it is an average sized property
- plot deserves a dwelling that is in scale in its area
- a good quality design is a welcome replacement
- approved dwelling at Mount Pleasant, across the road, is a two-storey dwelling with considerably increased floor area to original floor area
- not pushing planning policies too far, want a modest one and a half storey dwelling.

5.2 Little Birch Parish Council make the following observations:

“No objections to this application. Little Birch Parish council wish to apply the endorsement letter sent to Herefordshire Council on 6th October, 2006 for application no. DCSW2006/2987/F, to this application.”

5.3 Aconbury Parish Council make the following observations:

“This parish supports the principle of replacing this one storey dwelling by a two storey dwelling. We feel the size of the site and the situation is entirely able to carry a two storey house and cause no distress to anybody.”

The full text of these letters can be inspected at The Hereford Centre, Garrick House, Widemarsh Street, Hereford and prior to the Sub-Committee meeting.

6. Officer's Appraisal

6.1 The main issues in the determination of the application are:

- principle of replacement dwelling in the open countryside – established residential use rights
- comparable in size and scale and same site
- in keeping with the character and appearance of the area
- highway issues

6.2 Having regard to the Herefordshire Unitary Development Plan housing settlements, Little Birch is not listed as a settlement for further housing and as such the site is within open countryside and Policy H.7 applies. Proposals for housing development outside settlements will not be permitted unless the application satisfies one of the identified criteria. The application is to replace an existing dwelling with residential use rights and therefore the application can be considered under Clause (iv) of this policy. In principle the replacement of the existing dwelling is acceptable.

6.3 The application was not accompanied by a structural report supporting the fact that the bungalow is in poor condition, however, part of the roof structure is causing problems because it is a flat roof and causing damp problems within the dwelling. The fact that the dwelling is in need of substantial repair, the agent has submitted the application on this basis to replace the dwelling. The local planning authority needs to assess the replacement dwelling having regard to criteria in Policy H.7, the replacement dwelling must be comparable in size and scale and on the same site as the existing building.

6.4 The total floor area of the existing building equates to approximately 89 sq. metres, there are two flat roof elements to the south and north element. The roof over the main bungalow is hipped and measures 4m to the ridge. The cubic volume of the main building is 175 cubic metres, the conservatory and flat roof to south elevation is 43 cubic metres, and the flat roof element to the north elevation is 29 cubic metres. This produces a total of 247 cubic metres.

6.5 The proposed dwelling is a one and a half storey dwelling, the total floor area is approximately 193 sq. metres. The overall height of the building is 7m to the ridge with a single storey section to the north elevation. The length of the building measures approximately 14.4m and an overall width of 8.6m, however the design, which provides two gable sections are forward or behind the main building line, however, it is no wider than 8.6m.

6.6 Breaking down elements of the build to assess whether the building is of a comparable size and scale, the existing is a bungalow and the proposed is a two storey dwellinghouse. The existing floor area being 89 sq. metres now increases to 193 sq. metres over two floors, even though dormers are proposed, the internal useable space is significantly larger than the original dwelling. The existing length is

11m, including the flat roof elements, and overall width is 8.6m, however, taking into consideration the volume of the bungalow given the height is 4m to the half-hipped roof, this would be approximately 247m, whereas the new dwelling proposes 14.4m x 8.6m and 7m to the ridge and its volume would be approximately 491.8 cubic metres. In conclusion this would be at least 99% bigger than the existing dwelling. This calculation excludes dormer windows and the space created by the balcony which would take the volume increase over 100%. Therefore, it is not considered to be comparable in size and scale.

- 6.7 Whilst it is stated that the site can accommodate the dwelling in terms of its size, Policy H.7 does not take account of the land surrounding the proposal, the local planning authority has to judge what the building looks like now and how it is compared to the new building and surroundings. It is clear that the new dwelling as submitted is double the size of the existing and is clearly not comparable as required by Policy H.7 in the Herefordshire Unitary Development Plan.
- 6.8 The Highway Engineer has no objection to the proposal in terms of highway safety.
- 6.9 The scheme has to be considered with regard to current policy. The proposed dwelling is over a 100 per cent larger in volume, it cannot be considered as one that results in a dwelling of comparable size and massing.

RECOMMENDATION

That planning permission be refused for the following reason:

- 1. **Having regard to Policy H.7 of the Herefordshire Unitary Development Plan 2007 the local planning authority considers that the proposal is unacceptable. The proposed replacement of the bungalow for the dwelling would lead to a substantial increase in its size and scale and as such the resultant scheme could not be considered to be comparable to the original dwelling.**

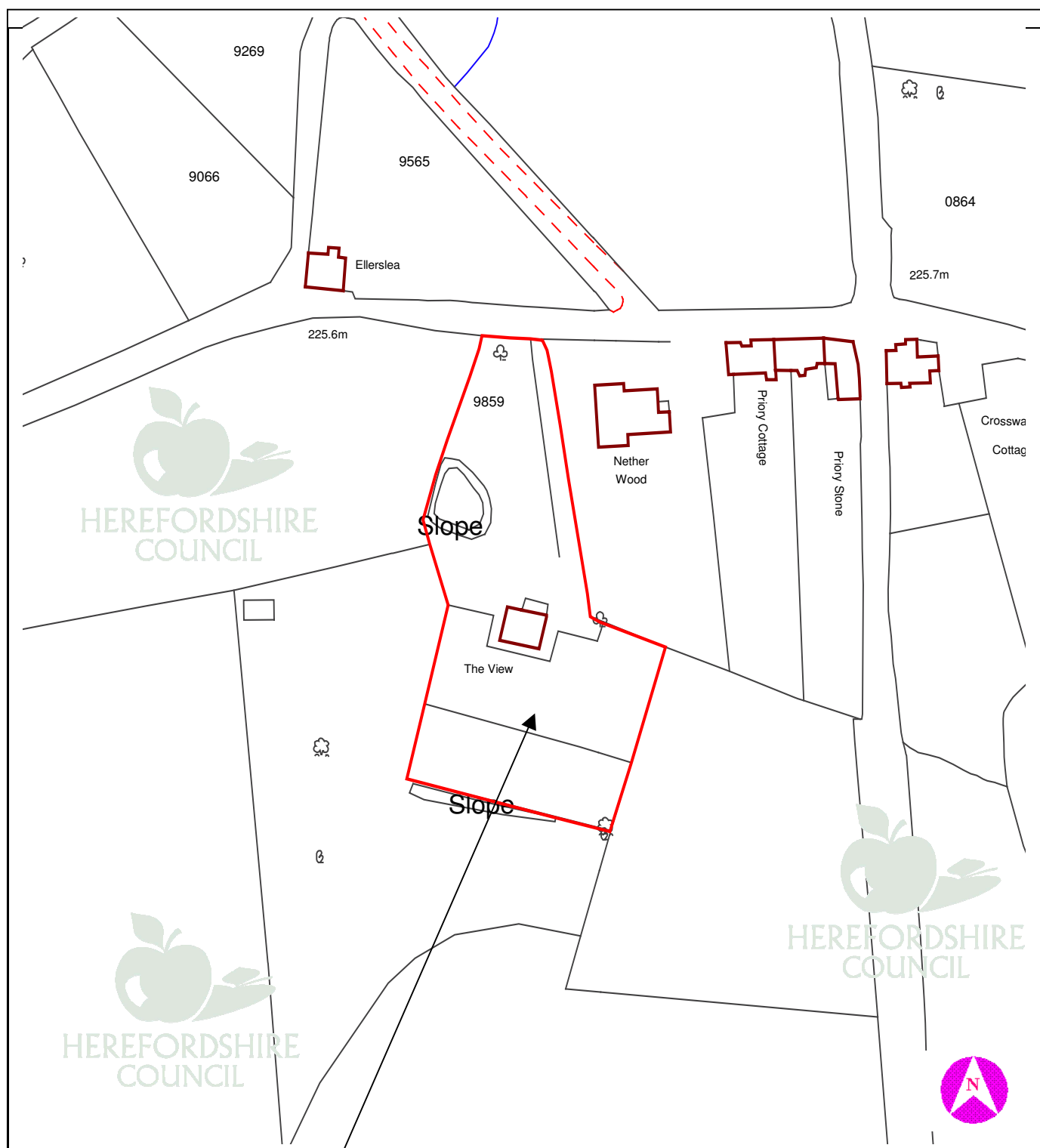
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCSW2007/0104/F

SCALE : 1 : 1250

SITE ADDRESS : The View, Little Birch, Herefordshire, HR2 8BA

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DCSE2006/3302/F - REMOVAL OF CONDITION 6 OF PERMISSION NE2000/2725/F SO THAT THE PROPERTY CAN BE USED TO ACCOMMODATE AN AGRICULTURAL WORKER AT THE HYDE, WOOLHOPE, HEREFORDSHIRE, HR1 4RD

For: Mr & Mrs J J Windham per Kernon Countryside Consultants, Brook Cottage, Purton Stoke, Swindon, Wiltshire, SN5 4JE

Date Received: 16th October 2006 Ward: Old Gore Grid Ref: 62289, 34457

Expiry Date: 11th December 2006

Local Member: Councillor J Edwards

Introduction

This application was considered by the Southern Area Planning Sub-Committee at its meeting on the 21st March 2007 when Members resolved to grant planning permission contrary to the recommendation of the report. This decision was accordingly referred to the Head of Planning Services to determine if it should be reported to the Planning Committee for further consideration.

The development concerns a chalet type mobile home which is within the grounds of the main farmhouse at The Hyde, a grade II listed building. The mobile home was first granted permission in 2000 to meet the special needs of an elderly person. Condition 6 reads as follows: -

“When the accommodation ceases to be occupied by Lady Kathleen Mary Windham the use hereby permitted shall cease and the mobile home shall be removed and the land reinstated in accordance with details (including timescale) which shall have been submitted to and approved in writing by the local planning authority prior to the siting of the accommodation”

The original need for the mobile home no longer exists. In 2005 an application was made to discharge the condition and, instead, allow the mobile home to be occupied as a part time holiday let and part time for an agricultural worker. That application was refused and that refusal was not appealed.

The current application seeks to remove the condition and, instead, allow the mobile home to be occupied permanently by an agricultural worker. The original farmhouse and the farm holding remain in the ownership of the applicant according to the agricultural appraisal.

The original farmhouse is not subject to an agricultural occupancy condition. The owners/occupiers do not work full time in agriculture (indeed, Mr Windham's principal employment is elsewhere). Consequently, whilst they are prepared to accept an occupancy condition on the mobile home, they would not be prepared to accept the farmhouse itself being made subject to an occupancy condition.

There is no dispute that there is a functional and financial justification for one agricultural worker's dwelling on the site.

The issue is, therefore, whether an additional dwelling is justified given the presence of the original farmhouse on the site and available for unrestricted occupation.

The applicants' case is that the grade II listed farmhouse is expensive to maintain and cannot be supported by the income from the farm. Therefore, it is argued, the occupiers have to have other jobs, and therefore they need another farm worker on site to run the farm. The grade II farmhouse is, in the words of the applicant's statement, "excessively large for the realistic long term potential of the farm. A modest dwelling for a stockman is needed."

The policies in the Unitary Development Plan seek to prevent the proliferation of sporadic residential development in the open countryside. The argument that the existing farmhouse is too big for the farm is novel; this argument accepts that residential accommodation is already available and the real problem is the unwillingness of the owner/occupier to use the farmhouse as a farmhouse. This is a matter of lifestyle choice, not a justification in planning policy terms.

Accordingly, in the light of the planning policy issue at stake the application is referred to Planning Committee on 20th April 2007 for further consideration.

A possible compromise would be to grant planning permission subject to a Section 106 agreement to prevent the disposal of the farmhouse separately from the farm holding. This, along with an occupancy condition on the mobile home, would ensure the continued availability of the farmhouse for agricultural occupation should circumstances change in the future. This suggestion has been put to the applicant and the Committee will receive a further verbal report on whether this principle has been accepted. The Draft Heads of Terms are attached as an appendix to this report and, if they are accepted by the applicant, then the recommendation will change to one of approval subject to an agricultural occupancy condition on the mobile home/chalet (as required by the Southern Area Planning Sub-Committee) and subject to the completion of the planning obligation agreement to prevent the separate disposal of the main farmhouse.

The original committee report to the Southern Area Planning Sub-Committee follows:

1. Site Description and Proposal

- 1.1 The Hyde comprises a large farmhouse (Listed Grade II) and adjoining farm buildings. Immediately to the house is a mobile home (chalet-type). This was originally granted planning permission in 2000 (NE2000/2725/F) to meet the special needs of an elderly person. Condition no. 6 of that permission required that when she ceased to occupy the mobile home it should be removed and the land reinstated. An application (SE2005/3281/F) to remove condition no. 6 so that the mobile home could be used to support the farm through short-term residential lets and agricultural occupancy was refused in November 2005 for the following reason:

"The Council is not satisfied that the continuation of use of the mobile home is essential to support the farming enterprise. The proposal would conflict therefore with the Council's policies for mobile homes in the countryside and would harm the rural character of the area which is identified as a Great Landscape Value in the Hereford and Worcester County Structure Plan. The policies referred to are RC1, RC2 and H20 of Hereford and Worcester County Structure Plan and Housing 4, 5, 9 and 14, and Landscape 1 & 3 of Malvern Hills District Local Plan."

- 1.2 The current proposal is for removal of condition no. 6 in order to accommodate an agricultural worker. A full agricultural appraisal has been submitted. This depicts a farm of 182 ha. of which 151 ha is arable and pastureland and supports a large sheep enterprise with about 800 ewes. The mobile home is required for the shepherd/arable manager; Mrs Windham who occupies the farmhouse works part-time on the farm.
- 1.3 The Hyde is situated at the south-eastern end of an unclassified road, about 0.75 km from the main road network and is consequently in an isolated, rural location.

2. Policies

2.1 Planning Policy Statements

PPS7 - Sustainable Development in Rural Areas

2.2 Herefordshire Unitary Development Plan 2007

Policy H7 - Housing in the Countryside outside Settlements
 Policy H8 - Agricultural and Forestry Dwellings and Dwellings associated With Rural Businesses
 Policy LA2 - Landscape Character and Areas Least Resilient to Change
 Policy H11 - Residential Caravans
 Policy H13 - Sustainable Residential Design

3. Planning History

- 3.1 NE2000/2725/F Mobile home for elderly relative. - Approved 6.12.2000
- DCSE2005/3281/F Rescind condition no. 6 of NE2000/2725/F so can be used to support farm through short-term residential lets and agricultural occupancy. - Refused 28.11.05

4. Consultation Summary

Statutory Consultations

- 4.1 No statutory or non-statutory consultations required.

Internal Council Advice

- 4.2 The Traffic Manager has no objection to the grant of permission.
- 4.3 The Property Services Manager has considered the agricultural case. In his opinion their appears to be a justification for one agricultural dwelling. There is no justification for two dwellings for this farm which is run by one person full time with part-time help. There is already a house on the site, although it does not have an agricultural tie. It is appreciated that it is a large house and possibly unsuitable for an agricultural worker in that it would cost too much to run but presumably it was originally the farm house.

5. Representations

5.1 The applicants' agent has submitted both a Design and Access Statement and an Agricultural Appraisal. The former includes the following:

- (i) it is proposed that a log cabin is retained to provide an essential on-site residential presence in order to ensure the welfare of the livestock at the farm. The dwelling will be occupied by a farm worker and his family.
- (ii) The log cabin is typical of those that are used for agricultural dwellings. Photographic elevations of the property have been provided.
- (iii) The log cabin is a complete structure constructed of morticed logs with a hipped roof over. It has two bedrooms, living/kitchen area and two bathrooms.
- (iv) The access is from an existing farm drive that leads from the lane to the farm buildings. This drive is tarmaced and has adequate visibility splays.

The key sections of the Agricultural Appraisal are included as an appendix to this report.

The full text of these letters can be inspected at The Hereford Centre, Garrick House, Widemarsh Street, Hereford and prior to the Sub-Committee meeting.

6. Officer's Appraisal

6.1 The site is in the countryside and residential mobile homes, like permanent dwellinghouses, need special justification (Policies H7 and H11). Policy H7 includes agricultural workers dwellings which are clearly necessary in connexion with agriculture as one of the possible exceptions to the policy not to permit housing in the countryside outside settlements. The criteria to determine whether a dwelling is necessary are set out in Policy H8, which follows the advice in Annex A of PPS7.

6.2 It is accepted that there is a functional need for one but not two dwellings and that this is a financially viable agricultural enterprise (the tests in Policy H8). The issue is therefore whether the existing house would meet that agricultural need. It is a sizeable property built in the seventeenth and eighteenth centuries and a listed building; no doubt therefore there are high maintenance costs. The profits made by the farm would not be sufficient to buy such a property and may not cover maintenance. Clearly if this dwelling was proposed to meet this agricultural need it would not meet the test of being commensurate with the enterprise's profitability. However this is not the proposal. There would be many farms which on the same basis could justify a second dwelling because of the recent decline in agricultural incomes.

6.3 A key section of Annex A requires that "the functional need could not be fulfilled by another existing dwelling on the unit.....which is suitable for occupation by the workers concerned". As the Agricultural Appraisal points out this has been interpreted in two ways:

- (i) that any existing house will meet the need
- (ii) that its suitability and availability must be taken into account.

Legal advice and various planning appeals and High Court case are referred to in the Agricultural Appraisal to show that the latter (ii) is the correct approach (see Appendix, section 4.20-4.33). This interpretation applied to the current case would indicate that

as the farmhouse is too large and costly to acquire and maintain in relation to income it can be discounted and the farm treated as if there was no farmhouse. However in October 2005 Mrs Windham’s input to the farm was clearly critical; in a letter of application seeking removal of condition no. 6 the main reason given was financial support of the farm (farm diversification) with, “as necessary, agricultural occupancy” as an extra to the main use of short-term residential letting [emphasis added]/ “It ishelpful to [Mrs Windham] to have occupiers of the property who will assist as necessary from time to time and provide security”. It is not clear that this has changed only a year later, (the Agricultural Appraisal is dated October 2006). Consequently if permission is granted there would be two dwellings (farmhouse and residential mobile home) occupied by two key workers. In these circumstances referring to the existing dwelling as not suitable or available would conflict with the facts. A further (unintended?) consequence of interpretation (ii) to this case would be that a new dwelling would be justified because of the size and character of the existing farmhouse but that this would not be the case if the existing farmhouse was small and mean.

6.4 Annex A emphasises that it is “the needs of the enterprise and not the personal preferences or circumstances of any of the individuals involved” that is the determining factor regarding whether a new dwelling is essential. The farm owner and occupier of The Hyde has chosen to work part-time. If she worked full-time there would be no case for another dwelling at The Hyde. This is a matter that falls within “personal preferences or circumstances of individuals rather than the needs of the enterprise. A recent appeal case in Herefordshire, albeit related to an equine business, has taken this approach resulting in the appeal being dismissed.

6.5 It is evident that there are two possible interpretations of the Government’s guidance as to when a new dwelling is essential. For the reasons given above I consider that in this case the mobile home is not essential. Although in a relatively secluded location it would have a small but nonetheless significant harmful effect on the rural character of this attractive rural area.

RECOMMENDATION

That planning permission be refused for the following reason:

- 1 The Council is not satisfied that the continuation of use of the mobile home is essential to the farming enterprise. The proposal would conflict therefore with the Council’s policies for mobile homes in the countryside and would harm the rural character of the area. The policies referred to are H7, H8, LA2, H11 and H13 of the Herefordshire Unitary Development Plan 2007.**

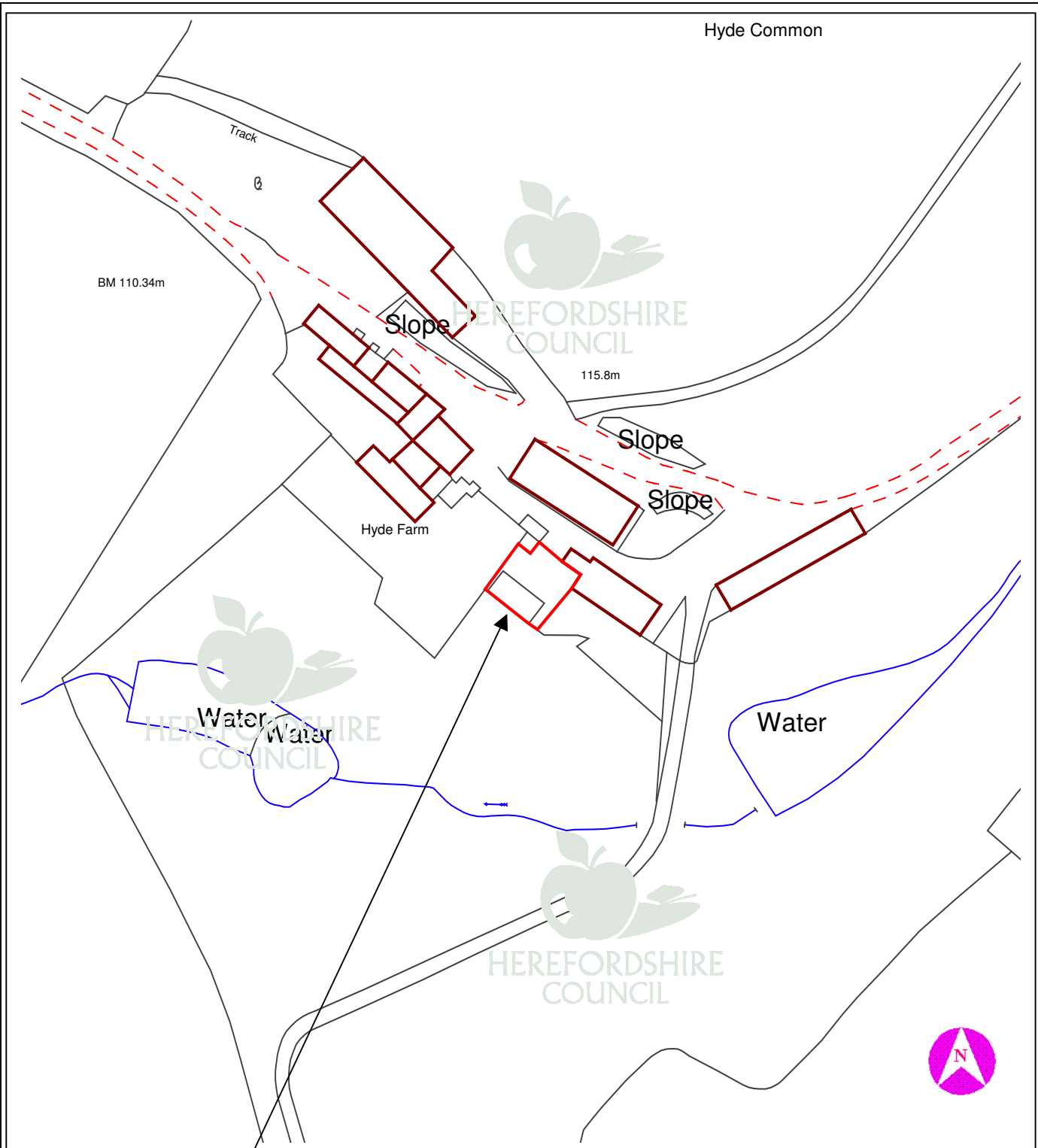
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCSE2006/3302/F

SCALE : 1 : 1250

SITE ADDRESS : The Hyde, Woolhope, Hereford, Herefordshire, HR1 4RD

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DEVELOPMENT CONTROL: ANNUAL REPORT

Report By: Director of Environment

Wards Affected

County-wide

Purpose

1. To inform members about Development Control performance in 2006/07.

Financial Implications

2. Achievement of the Best Value Performance Indicator for determining planning applications (BV 109) is reflected in the Planning Delivery Grant. Conversely, an adverse performance in respect of planning appeals, (BV 204), can result in the Planning Delivery Grant being abated.

Background

3. The purpose of this report is to set out a summary of the Development Control Team's achievements in 2006/07. This report is intended for use as a reference document which will, in due course feed into the preparation work for the next round of Service Planning and Budget Planning which will start in September 2007.

This annual report is quite different from the Annual Monitoring Report which is prepared by the Forward Planning Team as a statutory requirement under the new regulations for the Local Development Framework.

Principal Outputs

These are grouped under five headings:

- A. Pre-application Enquiries
- B. Planning Decisions made
- C. Appeals
- D. Enforcement
- E. Survey of Satisfaction with the Planning Service.

A. Pre-application Enquiries

4. As in 2005/06 the Team dealt with over 2,000 pre-application enquiries in 2006/07. Some of these were relatively trivial, but some took nearly as long as a planning application itself to deal with. The key criterion for being recorded on the MVM database is that there is a formal exchange of correspondence and a permanent record made of the advice which was given.

Further information about this report is available from Peter Yates, Development Control Manager on 1782

B. Planning Decisions Made

5. The most important Development Control outputs are the BVPI indicators. These feed directly into the departmental and directorate Service Plans and count towards the Council's CPA rating. The most important of all is BV 109, the speed of processing planning applications.
6. The out-turn figures for 2005/06 and 2006/07 are as follows:

BV 109 figures	Target	2005/06	2006/07
Major applications %age determined in 13 weeks	60%	61%	75%
Minor applications %age determined in 8 weeks	65%	74%	84%
Other applications %age determined in 8 weeks	80%	82%	92%

7. Not only have all three targets been achieved, there is also a clear positive trend.
8. On 2nd April 2007 the Leader of the Council received a letter from the Parliamentary Under Secretary of State for Communities and Local Government congratulating the Council on its achievements against BV109. The letter describes the performance of the Council in the twelve months to December 2006 as "an excellent achievement" and continues, "Please accept my congratulations on the hard work of members and officers involved in your success to date".
9. There is a further significance to these figures; the Development Control element of the Planning Delivery Grant (PDG) depends on them. The PDG award is based on two tranches of performance: the twelve month period to 30th June 2006 and the nine month period to 31st March 2007. Furthermore, the PDG award will be weighted according to "stretch targets" whereby the highest level of award will go to the local planning authorities which meet the highest performance levels. The targets and the results for the two assessment periods are as follows.

BV109 figures used for assessment of PDG	Minimum targets	Stretch targets	Out-turn in 12 months to June 2006	Out-turn in 9 months to March 2007
Major applications %age determined in 13 weeks	60%	70%	63%	75%
Minor applications %age determined in 8 weeks	65%	77%	77%	84%
Other Applications %age determined in 8 weeks	80%	92%	86%	92%

10. It can be seen that the basic targets have all been met and, indeed, the award for the first tranche of Planning Delivery Grant has already been announced. Herefordshire will receive £60,000 in respect of Development Control Performance. A further award

Further information about this report is available from Peter Yates, Development Control Manager on 1782

is anticipated given the high level of achievement for the second tranche. A date for this latter award is not yet known.

Delegation

- 11. In 2006/07 88% of planning applications were determined under delegated powers, the same as in 2005/06. The former indicator (and target of 90%) have now been dropped in favour of BV 109 which is reported above.

Recommendations

- 12. Planning Committees do not always follow recommendations, indeed, it can be a sign that they are not performing their proper scrutiny role otherwise. In work with other local planning authorities the Audit Commission has used two thresholds of concern; both measuring the number of applications determined contrary to Officer’s recommendation as a percentage of decisions on all applications (delegated and committee):
 Upper threshold 2%
 Lower threshold 0.5%
 Performance outside these two thresholds would be a matter of concern.
 In 2005/06 the percentage of overturned recommendations for all committees together was 1.2%, i.e. more-or-less midway between the two concern thresholds. In 2006/07 this figure has increased to 2.0%. Further monitoring of this trend is anticipated with the Chairman’s Group.

C. Appeals

- 13. The Authority’s success rate with planning appeals is now a national Best Value Performance Indicator although the target level is set locally and the national BVPI is concerned only with appeals against refusals of planning permission. There are a variety of other appeal types as seen below.

Table 3: BV 204 Appeals Against Refusals of Permission					
2005/06			2006/07		
Determined	Allowed	%age allowed	Determined	Allowed	%age allowed
104	28	27%	103	23	22%

- 14. It is worth putting this into context with two other sets of similar data – the last set of published national data for this BVPI, thus:

Herefordshire: BV 204 result in 2004/05 = 30% (25 appeals upheld out of 82)
 Herefordshire: BV 204 result in 2005/06 = 27% (28 appeals upheld out of 104)
 Herefordshire: BV 204 result in 2006/07 = 22% (22 appeals upheld out of 102)
 National Average of appeals upheld in 2004/05 = 33% and 2005/06 = 32%

- 15. Consequently it can be seen from this quality measure that, compared with the previous year, whilst the number of appeals has remained approximately the same, the success of the Council in defending its decisions has improved with the rate of decisions upheld (against the council) down from 27% to 22%. This is also significantly better than the national average which has stayed steady at around 1/3rd of appeals being upheld. This represents a major achievement from the Team in successfully defending the Council’s policies on appeal.

Further information about this report is available from Peter Yates, Development Control Manager on 1782

- 16. At the time of drafting this report there were 53 current appeals awaiting a decision.
- 17. At the Planning Committee meeting on 2nd March 2007 Members specifically asked about the success rate of appeals where permission had been refused contrary to officers' recommendation. The Inspectorate determined 17 such appeals in 2006/07 and upheld 11 of them – giving a rate of appeals upheld of 65%. In 2005/06 there were decisions on 25 such appeals of which 14 were upheld (56%).
- 18. In accordance with BV 204 the above data concerns only appeals against refusals of planning permission. There are various other types of appeal decisions which are also key Outputs for the Team. One of the most significant is Enforcement Appeals – this too is a very important quality outcome.

Appeals Upheld	3
Appeals Dismissed	8
Appeals Withdrawn	3

- 19. If the three withdrawn appeals are discounted, the upheld rate is 3 out of a total of 11 determinations, i.e. 27%. This is significantly better than the national average, as shown by the following table:

Year	%age appeals upheld
2003/04	35%
2004/05	45%
2005/06	45%

- 20. Fourteen other appeals were determined in 2006/07 as follows

Type	Upheld	Dismissed	Total
Appeal against conditions	6	1	7
Telecoms Prior Approvals	0	1	1
Advertisement appeals	2	1	3
Appeal against non- determination	0	2	2
Appeal against refusal of L.B.C.	0	1	1
Appeal against refusal of C.A.C.	1	0	1
Totals	9	6	15

There was a further 13 appeals which were withdrawn during the year. Trying to discern trends amongst such small numbers is not necessarily of much worth. For example, in the past year there have been 6 determinations of appeals against

conditions and although 6 were upheld in some cases alternative conditions were imposed instead which achieved a similar purpose.

- 21. If all appeal types are considered together the overall number of appeals upheld is 33 out of a total of 119, i.e. 26%, with a further 16 appeals withdrawn. At the time of drafting this report there were 54 outstanding appeals awaiting decision.
- 22. There has been one award of costs in favour of the council and none against in respect of planning appeals in 2006/07.

D. Enforcement

- 23. There are no national Best Value Performance Indicators for planning enforcement. A new Planning Enforcement Policy has been brought into operation which includes a requirement for reporting on Enforcement activity to this Committee. Since April 2006 enforcement activity has been monitored on a monthly basis and the tables below set out the results for 2006/07.
- 24. In 2006/07 a total of 824 new enforcement enquiries have been received and 742 cases have been closed.

No apparent breach (not development)	142
No apparent breach (permitted development)	109
Not expedient to enforce	118
Compliance achieved through negotiation	231
Planning permission granted	122
Passed on to other Service Areas	24
Total cases closed	742

Planning Contravention Notices	84
Breach of Condition Notices	23
Enforcement Notices	28
Section 215 Notices	1
Stop Notices	1
Prosecutions	5
Listed Buildings: Enforcement Notice	0

- 25. All the Area Sub Committees have commented on the number of retrospective planning applications being submitted. Accordingly, since April 2006 a specific check has been kept on these. In 2006/07 a total of 247 retrospective planning applications have been received as a result of enforcement action. These applications have, between them, generated £43,000 in planning application fee income. Whilst the number of applications may seem quite high, it may be of interest to note that the planning system has always allowed for retrospective applications and, indeed, good enforcement practice specifically affords developers the opportunity to remedy a breach of control by applying for permission. It is, perhaps, worth noting that retrospective applications have a lower success rate than other planning applications: only around 72% of retrospective planning applications are approved, compared with 83% for all applications.

Further information about this report is available from Peter Yates, Development Control Manager on 1782

E. Survey of Satisfaction with the Planning Service.

26. Once every three years Best Value Performance Indicator BV 111 requires all local planning authorities to carry out a satisfaction survey in accordance with guidance provided by the government. The people surveyed are, in fact, people who have submitted planning applications during the study period; not consultees, neighbours or other parties interested in the planning service. Thus it is not a general survey. The 2006 survey was carried out during the summer and autumn of 2006 and the results reported in January 2007. The headline results were:

Table 9: BVPI 111			
Percentage of Planning Applicants who are Satisfied with the Planning Service			
2003	2006		
Score	Score	Sample Base	95% Confidence Interval
78%	76%	539	±4%

27. Whilst it appears from the above that the headline score has declined from 78% to 76% in the past three years, the Confidence Interval of plus or minus 4% means that the difference is not statistically significant. The conclusion is that satisfaction with the planning service amongst applicants is remaining at a fairly constant level.

RECOMMENDATION

THAT;

The report be noted, subject to any comments Members may wish to make to the Cabinet Member, Environment.