

A G E N D A

Planning Committee

Date: **Friday, 15th August, 2008**

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:

*Pete Martens, Committee Manager Planning &
Regulatory, Tel 01432 260248
E-mail: pmartens@herefordshire.gov.uk*

Herefordshire Council

AGENDA

for the Meeting of the Planning Committee

To: Councillor TW Hunt (Chairman)
Councillor RV Stockton (Vice-Chairman)

Councillors ACR Chappell, PGH Cutter, H Davies, DW Greenow, JW Hope MBE, B Hunt, G Lucas, RI Matthews, R Mills, PM Morgan, JE Pemberton, AP Taylor, DC Taylor, WJ Walling, PJ Watts and JD Woodward

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.

GUIDANCE ON DECLARING PERSONAL AND PREJUDICIAL INTERESTS AT MEETINGS

The Council's Members' Code of Conduct requires Councillors to declare against an Agenda item(s) the nature of an interest and whether the interest is personal or prejudicial. Councillors have to decide first whether or not they have a personal interest in the matter under discussion. They will then have to decide whether that personal interest is also prejudicial.

A personal interest is an interest that affects the Councillor more than most other people in the area. People in the area include those who live, work or have property in the area of the Council. Councillors will also have a personal interest if their partner, relative or a close friend, or an organisation that they or the member works for, is affected more than other people in the area. If they do have a personal interest, they must declare it but can stay and take part and vote in the meeting.

Whether an interest is prejudicial is a matter of judgement for each Councillor. What Councillors have to do is ask themselves whether a member of the public – if he or she knew all the facts – would think that the Councillor's interest was so important that their decision would be affected by it. If a Councillor has a prejudicial interest then they must declare what that interest is and leave the meeting room.

4. MINUTES

To approve and sign the Minutes of the meeting held on 4 July 2008.

Pages

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| <p>5. CHAIRMAN'S ANNOUNCEMENTS</p> <p>To receive any announcements from the Chairman.</p> | <p>11 - 12</p> |
| <p>6. NORTHERN AREA PLANNING SUB-COMMITTEE</p> <p>To receive the attached report of the Northern Area Planning Sub-Committee meeting held on 2 & 30 July 2008.</p> | <p>13 - 14</p> |
| <p>7. CENTRAL AREA PLANNING SUB-COMMITTEE</p> <p>To receive the attached report of the Central Area Planning Sub-Committee meeting held on 9 July & 6 August 2008.</p> | <p>15 - 16</p> |
| <p>8. SOUTHERN AREA PLANNING SUB-COMMITTEE</p> <p>To receive the attached report of the Southern Area Planning Sub-Committee meeting held on 23 July 2008.</p> | <p>17 - 22</p> |
| <p>9. DCNW2008/1368/F - PROPOSED AGRICULTURAL WORKER'S DWELLING AND GARDEN AT LOWER WOONTON GRANGE, WOONTON, ALMELEY, HEREFORD, HEREFORDSHIRE, HR3 6PX</p> <p>For: Mr J. Mills per McCartneys, 54 High Street, Kington, Herefordshire HR5 3BJ</p> <p>The application has been referred to the Committee because the Northern Area Planning Sub-Committee was minded to approve it contrary to Council Policy and Officer advice.</p> <p>Ward: Castle</p> | <p>23 - 28</p> |
| <p>10. DCNW2008/1391/F - PROPOSED TWO STOREY EXTENSION AND CHANGE OF USE OF AGRICULTURAL LAND TO RESIDENTIAL AT KEEPERS COTTAGE, WINFORTON, HEREFORD, HEREFORDSHIRE, HR3 6EB</p> <p>For: Mr & Mrs Hopkinson per Warren Benbow Architects 21 Mill Street Kington Herefordshire HR5 3AL</p> <p>The application has been referred to the Committee because the Northern Area Planning Sub-Committee was minded to approve it contrary to Council Policy and Officer advice.</p> <p>Ward: Castle</p> | <p>29 - 30</p> |
| <p>11. HEREFORDSHIRE UNITARY DEVELOPMENT PLAN: OUTCOME OF LEGAL CHALLENGE</p> <p>To inform Members of the outcome of the High Court challenge to the allocation of land for housing at Bullinghope.</p> | |

12. HEREFORDSHIRE LOCAL DEVELOPMENT FRAMEWORK: CORE STRATEGY: DEVELOPING OPTIONS PAPER CONSULTATION 31 - 34

To inform Members of the methods of public engagement, consultation and publicity undertaken as part of the Core Strategy Developing Options Paper, and to consider future consultation procedures.

13. DATE OF NEXT MEETING

26 September 2008

The Public's Rights to Information and Attendance at Meetings

YOU HAVE A RIGHT TO: -

- Attend all Council, Cabinet, Committee and Sub-Committee meetings unless the business to be transacted would disclose 'confidential' or 'exempt' information.
- Inspect agenda and public reports at least five clear days before the date of the meeting.
- Inspect minutes of the Council and all Committees and Sub-Committees and written statements of decisions taken by the Cabinet or individual Cabinet Members for up to six years following a meeting.
- Inspect background papers used in the preparation of public reports for a period of up to four years from the date of the meeting. (A list of the background papers to a report is given at the end of each report). A background paper is a document on which the officer has relied in writing the report and which otherwise is not available to the public.
- Access to a public Register stating the names, addresses and wards of all Councillors with details of the membership of Cabinet and of all Committees and Sub-Committees.
- Have a reasonable number of copies of agenda and reports (relating to items to be considered in public) made available to the public attending meetings of the Council, Cabinet, Committees and Sub-Committees.
- Have access to a list specifying those powers on which the Council have delegated decision making to their officers identifying the officers concerned by title.
- Copy any of the documents mentioned above to which you have a right of access, subject to a reasonable charge (20p per sheet subject to a maximum of £5.00 per agenda plus a nominal fee of £1.50 for postage).
- Access to this summary of your rights as members of the public to attend meetings of the Council, Cabinet, Committees and Sub-Committees and to inspect and copy documents.

Please Note:

Agenda and individual reports can be made available in large print. Please contact the officer named on the front cover of this agenda **in advance** of the meeting who will be pleased to deal with your request.

The meeting venue is accessible for visitors in wheelchairs.

A public telephone is available in the reception area.

Public Transport Links

- Public transport access can be gained to Brockington via the service runs approximately every half hour from the 'Hopper' bus station at the Tesco store in Bewell Street (next to the roundabout junction of Blueschool Street / Victoria Street / Edgar Street).
- The nearest bus stop to Brockington is located in Old Eign Hill near to its junction with Hafod Road. The return journey can be made from the same bus stop.

If you have any questions about this agenda, how the Council works or would like more information or wish to exercise your rights to access the information described above, you may do so either by telephoning the officer named on the front cover of this agenda or by visiting in person during office hours (8.45 a.m. - 5.00 p.m. Monday - Thursday and 8.45 a.m. - 4.45 p.m. Friday) at the Council Offices, Brockington, 35 Hafod Road, Hereford.

COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

BROCKINGTON, 35 HAFOD ROAD, HEREFORD.

FIRE AND EMERGENCY EVACUATION PROCEDURE

In the event of a fire or emergency the alarm bell will ring continuously.

You should vacate the building in an orderly manner through the nearest available fire exit.

You should then proceed to Assembly Point J which is located at the southern entrance to the car park. A check will be undertaken to ensure that those recorded as present have vacated the building following which further instructions will be given.

Please do not allow any items of clothing, etc. to obstruct any of the exits.

Do not delay your vacation of the building by stopping or returning to collect coats or other personal belongings.

HEREFORDSHIRE COUNCIL

MINUTES of the meeting of Planning Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Friday, 4 July 2008 at 10.00 a.m.

Present: Councillor TW Hunt (Chairman)
Councillor RV Stockton (Vice Chairman)

Councillors: WLS Bowen, H Davies, DW Greenow, KG Grumbley, G Lucas, RI Matthews, R Mills, PM Morgan, JE Pemberton, AP Taylor, DC Taylor, WJ Walling and JD Woodward

In attendance: Councillors SJ Robertson

16. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors PGH Cutter, KS Guthrie, JW Hope and PJ Watts.

17. NAMED SUBSTITUTES (IF ANY)

MEMBER	SUBSTITUTE
WLS Bowen	B Hunt
KG Grumbley	RV Stockton
R Mills	KS Guthrie

18. DECLARATIONS OF INTEREST

There were no declarations of interest made at the meeting.

19. MINUTES

RESOLVED: That the Minutes of the meeting held on 23rd May, 2008 be approved as a correct record and signed by the Chairman

20. CHAIRMAN'S ANNOUNCEMENTS

The following matters were reported:-

VISIT BY WYCHAVON DISTRICT COUNCIL

On 23 June the Council was visited by Wychavon District Council to be appraised of the planning policies the Council has in place for dealing with soft fruit production, polytunnels and migrant workers.

DEVELOPMENT REVIEW SITE VISIT

On 1st July the Committee carried out a review of the following development undertaken following the granting of planning permission

Harewood Park – re-use and refurbishments of rural buildings, including listed buildings, for a mixture of residential, office and live/work units;

Leadon Bank Ledbury– the decision of Planning Committee in 2005 to grant permission for a substantial new building at Leadon Bank. This development was the

subject of a referendum at the time by Ledbury Town Council in opposition to the scheme which affected the setting of nearby listed buildings and the outlook from nearby houses;

Hop Pocket, Bishops Frome – re-use of former farm buildings for a variety of rural enterprise schemes, employing around 80 people;

High Close, Bishop's Frome – replacement dwelling in open countryside built to minimise the carbon footprint mainly through heat conservation and management measures;

Ridlers Place, Upper Sapey – to see a former derelict industrial site redeveloped for a high standard of residential development;

Chapel Lane, Bodenham – to see examples of modern development in a main village and assess its quality in the village street scene;

Carfax House (site of) Aylestone Hill, Hereford – outcome of an appeal decision whereby permission was granted for a very modern design of flats in a Conservation Area.

The sites visited were a mixture of residential and commercial, and a mixture of Committee and delegated decisions. The possibility of a further round of visits will be considered, especially in the Central Area to consider examples of urban development and residential layouts in the light of the possible expansion of Hereford which is anticipated by the Regional Spatial Strategy.

REEVES HILL WIND TURBINE

The Council has received a planning application accompanied by an Environmental Impact Statement for the erection of 4 wind turbines at Reeves Hill in the northwest of the County. The application is in the midst of public consultation with a view to it being submitted to a forthcoming meeting of the Planning Committee. A site visit will be undertaken prior to the meeting and existing turbines nearby in Powys will be viewed to note their impact on a rural setting.

SECONDMENT OF DEVELOPMENT CONTROL MANAGER

The Development Control Manager has been seconded as Planning Policy Manager for a two-year period to head the Forward Planning Section. The Committee expressed its appreciation for all his help regarding development control matters and looked forward to seeing him in his new role.

21. NORTHERN AREA PLANNING SUB-COMMITTEE

RESOLVED: That the report of the meeting held on 4 June 2008 be received and noted.

22. CENTRAL AREA PLANNING SUB-COMMITTEE

RESOLVED: That the report of the meeting held on 11 June 2008 be received and noted.

23. SOUTHERN AREA PLANNING SUB-COMMITTEE

RESOLVED: That the report of the meetings held on 28 May and 25 June 2008 be received and noted.

24. DCCW2008/0421/F - RETROSPECTIVE APPLICATION FOR CHANGE OF USE FROM AGRICULTURAL TO A TWO FAMILY TRAVELLER SITE INCLUDING SITING OF TWO MOBILE HOMES AND A TOURING CARAVAN FOR MR JAMES SMITH AND MR JIMMY SMITH AND THEIR RESPECTIVE FAMILIES AT THE BIRCHES STABLES, BURGHILL, HEREFORD, HEREFORDSHIRE, HR4 7RU

The Central Area Planning Sub-Committee was mindful to refuse permission contrary to recommendation and the Council's planning policies. The Sub-Committee had noted the concerns of the objections from local residents and the Parish Council, was concerned at the perceived risk to the Scout Hut next door from antisocial behaviour, and mention was made as to the loss of trees. The Sub-Committee was of the opinion that there would be an unacceptable impact on the amenity of the locality and the countryside. Concerns were also expressed about the traffic on the road and the need to have an adequate access.

The Central Team Leader said that a further letter has been received from Herefordshire Travellers Support, which included a 30-signature petition in support of the application.

In accordance with the criteria for public speaking, Miss Reynolds spoke on behalf of Burghill Parish Council, Mr. Swancott spoke in objection to the application and Mr. Baines spoke in support of the application.

Councillor SJ Robertson, the Local Ward Member, made a number of comments on the application, including:

- the need for appropriate small sites was recognised, particularly in view of ODPM Circular 01/2006 – Planning for Gypsy and Traveller Caravan Sites, but the impact on the local community had to be considered also;
- the need for fairness and consistency was noted and attention was drawn to the fact that an application to vary condition no. 2 of planning consent DCCW2006/3153/F to allow sale of the property (if necessary) to another travelling family had been refused in December 2007 [DCCW2007/2057/F refers];
- local residents had expressed concerns about conditions on previous planning permissions not being complied with, felt that the development was visually obtrusive and that the land should revert to agricultural use; and
- based on the representations received and local knowledge, Councillor Robertson moved that planning permission be refused as it would have a detrimental impact on the amenities, settings and surroundings of the locality, particularly given the close proximity to the Scout Hut. She also considered that it would have a detrimental impact on highway safety, especially if the site was used for mixed residential and business uses which could increase vehicle movements on a stretch of road that already had problems with speeding traffic.

The Committee discussed the issues involved and the points that had been made in favour and against the application. Councillor GFM Dawe commented on the need for objectivity, noted that none of the trees that had been removed were protected, and reminded the Committee that the applicants were not responsible for any of the issues arising from the previous occupation of the site. He said that the application needed to be viewed purely on its own merits and that it complied fully with Government guidelines and planning policies. Councillor RI Matthews said that Burghill Parish Council had supported travellers elsewhere in the parish but felt that this site was too close to the Scout Hut and residential properties. He also felt that activities on the site could have an impact on the adjoining copse. He concurred with the Local Ward Member that the development would have a detrimental impact

on the area and on highway safety. Councillor WLS Bowen commented on the planning history and felt that there would be adequate planning conditions in place to meet the objections which had been raised. He recognised the concerns of the Local Ward Member but noted the difficulties faced by Gypsies and Travellers and felt that this development was acceptable having regard to the policy considerations detailed in the report. Councillor PM Morgan felt that the application was identical to the previous one which had been approved and that it was therefore difficult to refuse. She was however concerned at the access issues and felt that it was important for the required improvements to be made as a matter of urgency. The Central Team Leader said that this was covered by the appropriate conditions which required the matter to be addressed within a period of one month. Councillor KG Grumbley shared the concerns of others about the principle of the application being made retrospectively and whether there was a genuine provision for travellers or whether this and other sites constituted a form of land speculation. He was also of the view that such applications created a considerable amount of local controversy because the planning considerations for travellers were different than those for other residential or business applications.

In response to comments and questions, the Central Team Leader advised that:

- it was understood that the Scout Hut was a well-used facility by local community groups;
- a study in 2006 had revealed that 22 pitches were required in Herefordshire and another study in 2007 had provided evidence of demand for additional sites;
- the proposal met the criteria of Policy H12 as an exception site as it was adjacent to an identified main village, was small in scale, was well screened and there were adequate levels of amenity and play space for children within the site; and
- although some trees had been removed, no permission was required and there was still substantial tree coverage.

He added that planning permission could be granted on a personal basis to the applicants to enable the authority to retain effective control of the site. In response to further comments about the previously refused application and land ownership issues, he explained the reasons for refusal in relation to planning application DCCW2007/2057/F. He and the Development Control Manager reiterated that the application aligned with planning policies and government guidance.

Having discussed all the aspects of the application, the Committee decided that the views of the Sub-Committee could not be supported and that it should be granted but noted that it was important for the access issues to be addressed by the applicants within the prescribed timescale.

RESOLVED

That planning permission be granted subject to the following conditions in consultation with the Chairman and the Local Ward Councillor:

- 1. No more than two mobile homes and one touring caravan shall be stationed on the land at any time. No other structure apart from those existing on the site at the time of the application, including those permitted by the caravan site licence shall be erected without the approval of the local planning authority.**

Reason: In the interest of highway safety and to conform with the requirements of Policy DR3 of the Herefordshire Unitary Development Plan.

2. This permission shall endure for the benefit of Mr James and Mr Jimmy Smith and not for the benefit of the land or any other persons interested in the land. On cessation of their occupation the land shall revert to agricultural use.

Reason: The local planning authority wish to control the specific use of the land in the interest of local amenity and to comply with Policies DR2 and H12 of the Herefordshire Unitary Development Plan.

3. Notwithstanding the submitted plans and within one month of the date of this permission a new vehicle access shall be constructed providing visibility splays of 2 metres x 60 metres in each direction and any entrance gates set back 5 metres, full details of which shall be submitted for approval in writing of the local planning authority, and the access shall be constructed in accordance with the approved details and retained in perpetuity.

Reason: In order to maintain the visual amenities of the area and to conform with Policy LA6 of the Herefordshire Unitary Development Plan.

4. G11 (Landscaping scheme – implementation).

Reason: In order to maintain the visual amenities of the area and to comply with Policy LA6 of Herefordshire Unitary Development Plan.

5. H08 (Access closure).

Reason: To ensure the safe and free flow of traffic using the adjoining County highway and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan

6. H06 (Vehicular access construction).

Reason: In the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan

7. No goods, plant, material or machinery shall be deposited or stored outside the buildings on the land hereby permitted unless otherwise agreed in writing with the local planning authority.

Reason: In order to maintain the visual amenities of the area and to comply with Policy LA6 of Herefordshire Unitary Development Plan.

Informatives:

1. N19 - Avoidance of doubt - Approved Plans.
2. N15 - Reason(s) for the Grant of PP/LBC/CAC.

25. DCCE2008/1026/N - FORMATION OF EARTH BUNDS (8000 CU M OF IMPORTED SOIL) AS SCREENING ETC. AT THE OLD MUSHROOM FARM, HAYWOOD LANE, CALLOW, HEREFORD, HEREFORDSHIRE, HR2 8BX

The Central Team Leader said that the application had been referred to the Committee because the Central Area Planning Sub-Committee was minded to refuse permission contrary to the Council's planning policies and officer advice. The Sub-Committee was concerned that there was inadequate justification to have the bunds on the site and that lane which gave access to it would be adversely affected by the heavy vehicles travelling to and from it. He said that the application would involve only six vehicle movements a day for an eighteen-month temporary period. This would not generate any significant increase in heavy vehicles to the site which already had some commercial vehicle use. Any damage to the highway during the construction period which was attributable to the development could be dealt with under the Council's highway powers at the applicant's expense. A lorry routing agreement had also been prepared to prevent heavy vehicles travelling through Callow Village and along part of Haywood Lane.

Councillor GFM Dawe, the Local Ward Member, drew attention to the views of local residents to the proposals and noted that, whilst a number of issues could be addressed through the recommended conditions, there remained substantial concerns about the impact of the proposal on the local highway network and about the future use of the site. He also felt that the unnatural landforms created by the bunds were not in keeping with the local landscape. He was not convinced about the environmental benefits and limited impact of the proposal and had expressed concerns at the Sub-Committee meeting about the need for more rigorous waste management plans for new developments in order to reduce the need to dispose of construction related materials. The Central Team Leader advised that any further activities at the site would require another planning application and any such application would need to be considered on its own merits at that time.

Having considered all the aspects of the application, the Committee was of the view that there would be adequate conditions in place to address the concerns and did not feel that there were sufficient grounds to support the Sub-Committee in refusal.

RESOLVED

That planning permission be granted subject to the following conditions:

START AND FINISH OF PROJECT

- 1. A01 (Time limit for commencement (full permission)) (requirement for notification in writing to the local planning authority within seven days of start).**

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

- 2. Unless otherwise agreed in writing in advance the development hereby permitted, including final landscaping, shall be completed on the expiration of 18 months after the starting date as notified under condition 1 above, and no further material shall be imported after that date.**

Reason: To ensure satisfactory and timely completion of the development as applied for, to ensure no further material is imported, and to comply with Policies S10 and W8 of the Herefordshire Unitary Development Plan 2007.

3. B01 (Development in accordance with the approved plans).

Reason. To ensure adherence to the approved plans in the interests of a satisfactory form of development and to comply with Policy DR1 of Herefordshire Unitary Development Plan.

PRE-COMMENCEMENT REQUIREMENTS

4. No development shall take place until a scheme for compiling a Site Diary for all deliveries of material to the site for the duration of the development has been submitted to and approved in writing by the local planning authority. The scheme shall include in particular:

- (a) Delivery date and time.
- (b) Vehicle registration number.
- (c) Volume (cu m) or tonnage of material delivered.
- (d) Full description of material delivered.
- (e) Details of any rejected loads, unsuitable or unexpected material or items, and the action taken.

The Site Diary shall be maintained in accordance with the approved scheme until completion of the project, and entries shall be completed as soon as practical after load deliveries on a daily basis. The Site Diary shall be held in the applicant's or his successor's office and be made available for inspection on request during normal office hours by Officers of the Council or the Environment Agency. Within seven days following the end of each month after the start date as notified under condition 1 above until the development is complete, a written summary of the Site Diary giving daily totals of deliveries in terms of vehicle numbers, movements and quantities of material for the previous month shall be submitted to the local planning authority.

Reason: To enable a full record of deliveries to the site to be made available for inspection in the interests of highway safety and environmental protection, in accordance with Policies S1, S6, DR11, W2 and W8 of the Herefordshire Unitary Development Plan 2007.

5. H21 (Wheel washing).

Reason: To ensure that the wheels of vehicles are cleaned before leaving the site in the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.

6. No development shall take place until a method statement giving details of final landscaping, seeding and planting of the bunds has been submitted to and approved in writing by the local planning authority in consultation with the Council's Conservation Officers. The details should include:

- (a) A plan showing planting proposals.
- (b) A written specification describing the species, sizes, densities and planting numbers.
- (c) Details of cultivation and aftercare.
- (d) Timescales for completion.

The method statement shall be implemented as approved.

Reason: In order to ensure a satisfactory form of development and to conform with the requirements of Policy LA6 of the Herefordshire Unitary Development Plan 2007.

7. Before the development begins, a scheme for the routing of delivery vehicles in connection with the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The scheme shall be thereafter implemented as approved until the project is complete unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of highway safety and to comply with Policies S6, DR3 and T8 of the Herefordshire Unitary Development Plan 2007.

PROTECTION

8. G02 (Retention of trees and hedgerows).

Reason: To safeguard the amenity of the area and to ensure that the development conforms with Policy DR1 of Herefordshire Unitary Development Plan

9. No material shall be deposited, or development take place, within 10 metres of the existing hedgerow along the northeast boundary of the site.

Reason: To protect the root systems of the established hedgerow from compaction or damage, in accordance with Policies LA5 and LA6 of the Herefordshire Unitary Development Plan 2007.

10. Unless otherwise agreed in writing in advance by the local planning authority, there shall be no more than six vehicle movements into and six vehicle movements out from the site in any 24-hour period in connection with the development hereby permitted and recorded in the Site Diary required by condition 4 above.

Reason: To minimise traffic impact in the interests of highway safety in accordance with Policies S6, DR3 and T8 of the Herefordshire Unitary Development Plan 2007.

11. Unless otherwise agreed in writing in advance by the local planning authority, there shall be no more material imported to the site than the specific quantity necessary to construct the bunds as detailed on the approved plans. No bunds shall exceed 4 metres in height.

Reason: To ensure a satisfactory form of development and to limit the amount of waste soil deposited, in accordance with the requirements of Policy W8 of the Herefordshire Unitary Development Plan 2007.

12. In respect of the material to be used to construct the bunds hereby permitted, only pre-screened and treated inert material is to be brought to the site, from the applicant's own premises and from no other source, unless otherwise agreed in writing in advance by the local planning authority.

Reason: In order to control the source and type of material used to construct the bunds in the interests of local amenity and to protect the

environment and prevent pollution in accordance with Policies DR4, DR11 and W8 of the Herefordshire Unitary Development Plan 2007.

13. F01 (Restriction on hours of working).

Reason: To safeguard the amenities of the locality and to comply with Policy DR2 of Herefordshire Unitary Development Plan.

14. No mud or other material emanating from the development hereby permitted shall be deposited on the public highway.

Reason: In the interests of highway safety, in accordance with Policy DR3 of the Herefordshire Unitary Development Plan 2007.

15. I44 (No burning of materials/substances during construction phase).

Reason: To safeguard residential amenity and prevent pollution and to comply with Policy DR4 of Herefordshire Unitary Development Plan.

Informatives:

1. HN01 (Mud on Road).
2. HN21 (Extraordinary Maintenance).
3. N19 - Avoidance of doubt - Approved Plans.
4. N15 - Reason(s) for the Grant of PP/LBC/CAC.

26. **DATE OF NEXT MEETING**

15 August 2008

The meeting ended at 11.47 a.m.

CHAIRMAN

PLANNING COMMITTEE

14 AUGUST, 2008

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

Meetings held on 02 and 30 July, 2008

Membership:

Councillor J.W. Hope M.B.E (Chairman)

Councillor P.M. Morgan (Vice-Chairman)

**Councillors LO Barnett, WLS Bowen, RBA Burke, ME Cooper,
JP French, JHR Goodwin, KG Grumbley, B Hunt, RC Hunt, TW Hunt,
TM James, P Jones CBE, R Mills, RJ Phillips, A Seldon, RV Stockton,
J Stone, JK Swinburne, PJ Watts**

PLANNING APPLICATIONS

1. The Sub-Committee has dealt with the planning applications referred to it as follows:-
 - (a) applications approved as recommended – 10
 - (b) applications refused as recommended - 0
 - (c) applications deferred for further information/site inspection – 3
 - (d) applications approved or refused against officer recommendation - 3
 - (e) number of public speakers – 0 parish/town council representatives, 1 objector and 3 supporters

PLANNING APPEALS

2. The Sub-Committee received information reports about 14 appeals received, 1 dismissed, 3 upheld and 2 withdrawn.

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

- **BACKGROUND PAPERS – Agenda for meetings held on 02 and 30 July, 2008.**

PLANNING COMMITTEE

15 AUGUST 2008

REPORT OF THE CENTRAL AREA PLANNING SUB-COMMITTEE

Meetings held on 9 July and 6 August 2008

Membership

Councillors:

JE Pemberton (Chairman)
GA Powell (Vice-Chairman)

PA Andrews, WU Attfield, DJ Benjamin, AJM Blackshaw, ACR Chappell, SPA Daniels, H Davies, GFM Dawe, PJ Edwards, DW Greenow, KS Guthrie, MAF Hubbard, TW Hunt (ex-officio), MD Lloyd-Hayes, RI Matthews, AT Oliver, SJ Robertson, RV Stockton (ex-officio), AP Taylor, AM Toon, NL Vaughan, WJ Walling, DB Wilcox and JD Woodward.

PLANNING APPLICATIONS

1. The Sub-Committee has met twice since the last report and dealt with the planning applications referred to it as follows:-
 - (a) applications approved as recommended - 11
 - (b) applications refused as recommended - 1
 - (c) applications deferred for a site inspection - 2 (plus 1 agreed in advance of report)
 - (d) applications deferred for further information/negotiations - 3
 - (e) number of public speakers - 11 (parish - 0, objectors - 5, supporters - 6)

PLANNING APPEALS

2. The Sub-Committee received information reports about 10 appeals that had been received and 3 appeals that had been determined (all dismissed).

JE PEMBERTON
CHAIRMAN
CENTRAL AREA PLANNING SUB-COMMITTEE

- **BACKGROUND PAPERS – Agenda for the meetings held on 9 July and 6 August 2008**

PLANNING COMMITTEE

15 August 2008

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

Meeting held on 23 July 2008

Membership:

**Councillors: Councillor PGH Cutter (Chairman)
Councillors MJ Fishley (Vice-Chairman)**

CM Bartrum, H. Bramer, BA Durkin, MJ Fishley, A.E. Gray, TW Hunt (Ex-officio), JA Hyde, JG Jarvis, G Lucas, PD Price, RH Smith, RV Stockton (Ex-officio), 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 - 2
 - (b) applications refused - 1
 - (c) number of public speakers - 2 (2 supporters)

PLANNING APPEALS

2. The Sub-Committee received information reports on 3 appeals received and 2 appeals determined (1 Dismissed and 1 Upheld).

**PGH Cutter
CHAIRMAN
SOUTHERN AREA PLANNING SUB-COMMITTEE**

- **BACKGROUND PAPERS – Agenda for the meeting on 23 July 2008.**

**DCNW2008/1368/F - PROPOSED AGRICULTURAL
WORKER'S DWELLING AND GARDEN AT LOWER
WOONTON GRANGE, WOONTON, ALMELEY,
HEREFORD, HEREFORDSHIRE, HR3 6PX**

**For: Mr J. Mills per McCartneys, 54 High Street,
Kington, Herefordshire HR5 3BJ**

Date Received: 21st May 2008

Ward: Castle

Grid Ref: 35846, 51865

Expiry Date: 16th July 2008

Local Member: Councillor J Hope MBE

Introduction

The above-mentioned application was presented to the Northern Area Planning Sub-Committee on Wednesday, 2 July 2008, at which members were minded contrary to the recommendation of the report, to approve the application subject to conditions and agreements considered as necessary by officers.

The following report has been revised from that as presented to the Northern Area Sub-Committee to include Almeley Parish Council's response to the application (this was verbally reported at the Northern Area Committee Meeting), as well as additional information received since the meeting from the County Land Agents and hence the officer's appraisal amended accordingly.

1. Site Description and Proposal

- 1.1 The site is located adjacent to a modern steel-framed agricultural building (also in the applicant's control) on the South side of the A480, just to the left of the Public House.
- 1.2 Presently on the site of the proposed development is a mobile home that was granted planning permission on 23 February 2005, for the temporary housing of an agricultural worker.
- 1.3 The application proposes a two-storey agricultural worker's dwelling, with an internal floor space of approximately 125 square metres (measured externally) constructed externally of reclaimed brick under a clay tiled roof.
- 1.4 The application is accompanied by an agricultural appraisal assessing the need for a dwelling on site, as well as copies of the applicant's financial accounts for the years ending 28 February 2006 and 28 February 2007.

2. Policies

2.1 National Planning Guidance

PPS7 - Sustainable Development in Rural Areas

2.1 Herefordshire Unitary Development Plan

Policy S1	-	Sustainable Development
Policy S2	-	Development Requirements
Policy S3	-	Housing
Policy DR1	-	Design
Policy DR2	-	Land Use and Activity
Policy DR3	-	Movement
Policy DR4	-	Environment
Policy H8	-	Agricultural and Forestry Dwellings and Dwellings Associated with Rural Businesses

3. Planning History

3.1	NW2001/3362/F	Proposed agricultural building to store animal feed and bedding.	-	Approved 13.3.02
3.2	NW2004/3221/F	Site for temporary mobile home.	-	Approved 23.2.05
3.3	NW07/2501/O	Site for erection of permanent agricultural workers dwelling and garden.	-	Refused 03.10.07
3.4	NW07/3261/O	Site for agricultural workers dwelling	-	Refused 20.11.07
3.5	NW08/0454/F	Retention of temporary mobile home to house agricultural worker.	-	Refused 28.03.08

4. Consultation Summary

Statutory Consultations

4.1 None required.

Internal Council Advice

4.2 The Transportation Manager recommends refusal due to insufficient visibility splays on the entrance to the site from the adjacent public highway.

4.3 The County Land Agent has responded to the application with concerns about the financial justification for a second dwelling on the holding and the ability of the business to absorb the cost of a dwelling. The applicant (Mr J Mills) is presently in New Zealand (9th July 2008), where he scans ewes. It is my understanding that this is a large proportion of his scanning work. He also does scanning in England and Wales.

5. Representations

5.1 Almeley Parish Council in their response to the application have stated:

“The overall view was that this application should be approved, subject to clarification on whether the applicant can satisfy the Councils requirements and prove that the agricultural side of the business is profitable, viable and sustainable. The size of the building was questioned; the plan states that the floor area will not exceed 130 square

Further information on the subject of this report is available from Mr P Mullineux on 01432 261808

metres plus farm office and store to be included not to exceed 18 square metres, a total of 14 square metres. In the typed proposal (Design and Access Statement) it is stated that the dwelling will be 120 square metres. Clarification on this is essential, 120 square metres for the dwelling would be acceptable, but not larger than that for the stated purpose.”

- 5.2 Three letters in support of the application have been received. One from the Kington NFU Branch Secretary stating that it is encouraging to see a Kington farmer developing his business with a desire to invest in the future. A second letter has been received from Mr. D.J. Morgan, Herefordshire N.F.U. County Chairman, this letter stating that there is a need for someone to be on site with regards to welfare of livestock. The third letter is from Mr G E L Platt of Hay Veterinary Group, stating it is necessary for someone to live on site due to animal health welfare issues.
- 5.3 The full text of these letters can be inspected at Northern Planning Services, Garrick House, Widemarsh Street, Hereford and prior to the Sub-Committee meeting.

6. Officer's Appraisal

- 6.1 The application was presented to the Northern Area Sub-Committee at the Local Members request so that members could assess the 'need' for a dwelling on site.
- 6.2 The two key issues with regards to this application relate to:
- Justification for a dwelling on site.
 - Financial ability of the existing business to absorb the cost of a second dwelling.
- 6.3 Paragraph 3.4.67 in support of Policy H8 : Agricultural and Forestry Dwellings and Dwellings Associated with Rural Businesses in the Herefordshire Unitary Development Plan clearly states “one of the exceptional circumstances in which residential development in the open countryside may be acceptable, is where the demands of agriculture or forestry make it essential for farm or forestry workers to live at or in close proximity to their place of work”.
- 6.4 Planning Policy Statement 7 (PPS7) : Sustainable Development in Rural Areas in Annexe A: Agricultural, forestry and other occupational dwellings states that permanent agricultural dwellings, should only be allowed to support existing agricultural activities on well-established agricultural units, providing there is a clearly established existing functional need, the need relates to a full-time worker, or one who is primarily employed in agriculture and does not relate to a part-time requirement and that the unit and the agricultural activity concerned have been established for at least three years, have been profitable for at least one of them, are currently financially sound, and have a clear prospect of remaining so.
- 6.5 Planning permission was granted on 23 February 2005, for a temporary mobile home on site, in order to allow the application sufficient time to prove an essential need for a permanent dwelling on site. Condition no. 1 attached to the approval notice stated that permission shall expire on 23 February 2008. The reason attached to this said condition states *“To enable the local planning authority to give further consideration of the acceptability of the proposed use once the temporary period has expired.*
- 6.6 The applicant submitted an agricultural appraisal in support of his application, this states the applicant farms a holding known as Lower Woonton Farm, Almeley, this

consists of a 91-acre holding which also contains a dwelling, this is where the applicant resides.

- 6.7 The land at which the application site, subject to this application is located at, is approx 2 miles from the main holding, and amounts to approximately 84 acres of land. Adjacent to the application site on this parcel of land is a modern steel-framed agricultural building used for the over-wintering of beef cattle.
- 6.8 Officers are of the opinion that the management system of these cattle ie over-wintering does not require an essential need for a permanent dwelling on site as they can be easily managed from the main holding known as Lower Woonton Farm, where there is located a comprehensive range of agricultural buildings.

Financial ability of the existing business to absorb the cost of a second dwelling

- 6.9 PPS7 in Annexe A: Agricultural, Forestry and other Occupational Dwellings in paragraph 8 clearly states that new permanent accommodation cannot be justified on agricultural grounds unless the farming enterprise is economically viable and that a financial test is necessary for this purpose and to provide evidence of the size of dwelling which the unit can sustain and that in applying this test, local authorities should take a realistic approach to the level of probability, taking account of the nature of the enterprise concerned.
- 6.10 The applicant has submitted financial accounts in respect of his business, which trades as "Wye Valley Shepherding Services". These accounts indicate that a significant amount of income (approximately 50%) is earned from "scanning and contract", clearly income earned off the farm premises. This is as referred to in paragraph 4.3 of this report on advice received from the County Land Agent. Without this income the business would not be profitable. However with this income included in the business overall, the profit generated is below that required in order to justify two full-time agricultural workers within the business. Therefore the application fails the test as set out in PPS7 on the financial test.
- 6.11 Almeley Parish Council supported the application on the understanding that the business is profitable, viable and sustainable. Clearly, the business conducted on site is not sustainable, relying heavily on income generated off site. The accounts submitted in support of the application clearly stating approximately 50% of the income is earned 'off site'. Without this income the business would be unable to sustain one full-time worker on site, as referred to in the preceding paragraph, even with this income included the business still does not generate enough income to justify two full-time workers on site. Therefore, in officer's opinion the business conducted on site is neither profitable, viable or sustainable in order to sustain two full-time employees on site as referred to in the Parish Council's response to the application.
- 6.12 In response to Almeley Parish Council's concerns about the overall size of the proposed dwelling, the plans submitted for planning determination indicate a dwelling with a floor space of 120 square metres (measured externally). These are the measurements (on the submitted plans) that would be referred to in the event of the application being approved.
- 6.13 The Transportation Manager has recommended refusal to the application, due to insufficient visibility splays on the entrance to the site from the adjacent public highway.

6.14 This application cannot be supported as insufficient essential and functional need has been demonstrated in order to allow a permanent dwelling at this location. Furthermore the application clearly fails the financial test as set out in PPS7. The site also contains insufficient visibility splays on entrance/exit to the adjacent public highway.

RECOMMENDATION

That planning permission be refused for the following reasons:

- 1 No essential need has been proven to house an agricultural worker at this specific location. Insufficient financial justification has been provided to indicate that the enterprise has been planned on a sound financial basis. therefore the application fails to comply with Policies S1 and H8 of the Herefordshire Unitary Development Plan 2007 and Planning Policy Statement 7 : Sustainable Development in Rural Areas.**

- 2 The site lacks sufficient visibility splays on its entrance from the public highway. Therefore the proposal does not comply with Policy DR3 of the Herefordshire Unitary Development Plan 2007.**

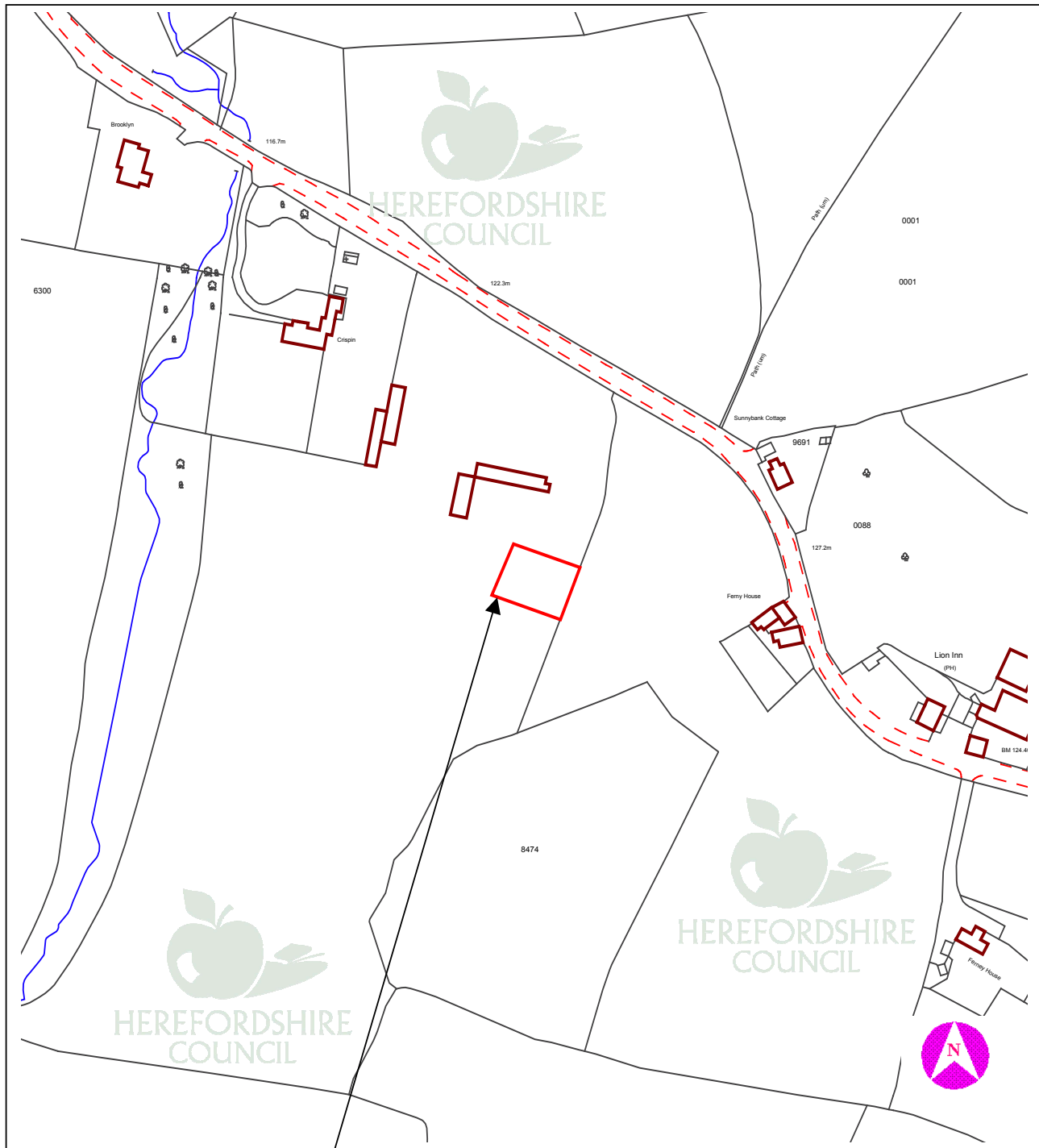
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNW2008/1368/F

SCALE : 1 : 2500

SITE ADDRESS : Lower Wootton Grange, Wootton, Almeley, Hereford, Herefordshire, HR3 6PX

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**DCNW2008/1391/F - PROPOSED TWO STOREY
EXTENSION AND CHANGE OF USE OF
AGRICULTURAL LAND TO RESIDENTIAL AT
KEEPERS COTTAGE, WINFORTON, HEREFORD,
HEREFORDSHIRE, HR3 6EB**

**For: Mr & Mrs Hopkinson per Warren Benbow
Architects 21 Mill Street Kington Herefordshire HR5
3AL**

Date Received: 19th May 2008 Ward: Castle Grid Ref: 29196, 48092
Expiry Date: 14th July 2008
Local Member: Councillor J W Hope

Introduction

The application was referred to the Northern Area Planning Sub-committee on the 2nd July where members resolved to approve the application contrary to the recommendation of the report.

The following report has been amended to include the updates given verbally at committee and includes an additional representation.

Following the comments of members at the Northern Area Planning Sub-committee amended plans were submitted. Details of the alterations have also been included in the amended report.

1. Site Description and Proposal

- 1.1 The application site comprises an unusual dwelling that comprises a converted water tower, that has been previously extended to the North East and has recently had a detached garage with loft over constructed again to the North East. The cottage is located in a remote location at the end of the unclassified road that leads to Winforton Wood.
- 1.2 The proposal is for the extension to the dwelling to the South west, mirroring the extension that was added to the South East and accommodating at ground floor a sitting room with a further bedroom with en-suite with the link section being used as a dressing room at first floor level. To the rear of the dwelling, and wrapping around the octagonal tower feature is a large garden room with two bedrooms and a bathroom above. The central tower feature will be altered from accommodating two bedrooms, to a hallway with study. The proposal that was presented to the Northern Area Planning Sub-Committee also includes a single storey link from the dwelling to the garage. This has been omitted from the scheme and the garage remains a detached garage with utility (instead of store).
- 1.3 Externally the extension would match the existing building with the use of painted render and timber weatherboarding.

- 1.4 The proposal also includes the extension of the residential curtilage into the agricultural land to the South West. The extension would measure 10m by 15m and it is proposed that the hedge be transplanted to the new boundary line.
- 1.5 The application is reported to committee at the request of the Local Member.

2. Policies

DR1 – Design
H18 - Alterations and Extensions
LA2 – Landscape Character and areas least resilient to change

3. Planning History

- 3.1 NW2002/0126/F - Proposed garage with loft over - approved 21st Feb 2002.
- 3.2 91/0258 - extension to provide extra living accommodation - Approved 3rd-Jan-1992
- 3.3 86/92 - Removal of agricultural occupancy restriction - Approved 21st April 1986
- 3.4 76/360 - Alterations and additions - Approved

4. Consultation Summary

Statutory Consultations

- 4.1 No Statutory Consultations were required.

Internal Council Advice

- 4.2 The Transportation Manager has no objection to the grant of planning permission
- 4.3 The Public Rights of Way Officer has no objection to the application and notes that this proposal would not appear to affect public footpath WW9, which passes along the access track to the site,

5. Representations

- 5.1 Parish Council – No comments received
- 5.2 One letter was received from Mark, Robert and Julie Lloyd of Wood Farm, Winforton who raise no objections to the proposals and would like to see the improvements made.
- 5.3 A further letter was received from Paul Colley Davies, Rose Tree Cottage, Legdemoor, Weobley whose comments can be summarised as follows:
 - The development should be screened well and a hedge/ small woodland setting around this property would complete the picture.
 - The cottage could easily be surrounded by a wide hedge
 - There is opportunity to create a valuable wildlife corridor
- 5.3 The full text of these letters can be inspected at Northern Planning Services, Garrick House, Widemarsh Street, Hereford and prior to the Sub-Committee meeting.

6. Officers' Appraisal

- 6.1 The proposal falls to be considered having regard to policies DR1 and H18 of the Herefordshire Unitary Development Plan (2007). These policies seek to ensure that the original building (that is as at 1 July 1948 or as originally constructed if later than this date, and not including any subsequent extensions) would remain the dominant feature. It also requires that the proposal be in keeping with the character of the existing dwelling and its surroundings in terms of scale, mass, siting, detailed design and materials.
- 6.2 The original dwelling is taken to be the dwelling as per the 1976 planning permission. This original dwelling was the octagonal tower section with the stairs and hallway in a further irregular two storey octagonal section (2.5m by 3.5m) and a rectangular section (2m by 3m) comprising a kitchen at ground floor and bathroom above. The original dwelling can therefore be considered to have 76.7m2 of accommodation (measured externally).
- 6.3 The property was then further extended by virtue of the 1991 permission that replaced the kitchen and bathroom with a two-storey extension measuring 7m by 5m. This added 70m2 of accommodation.
- 6.4 A garage (two bay garage, one bay store) with loft over was then constructed under application number NW2002/0126/F. This garage is 1.6m away from the North East elevation of the dwelling and has a footprint of 8.2m by 5.6 and includes a first floor. This added a further 69m2 of accommodation.
- 6.5 The proposed extension would add approximately a further 186m2 of accommodation to the existing building. The total increase from the original, excluding the garage being approximately 244m2 (this excludes the original kitchen / bathroom that was replaced by the later extension).
- 6.6 The property has already been substantially enlarged by virtue of the previous extension, but the tower feature has been retained as a dominant feature. The proposed alterations would substantially enlarge the dwelling, the cumulative effect of the alterations from the original property being that the original dwelling would no longer be the dominant feature. In addition to this the size, scale mass and detailed design of the proposed extensions would fail to be in keeping with the character of the existing dwelling. As such the proposal clearly fails to comply with policy H18 as well as the aims of policy DR1 of the Herefordshire Unitary Development Plan (2007).

RECOMMENDATION

That planning permission be refused for the following reason:-

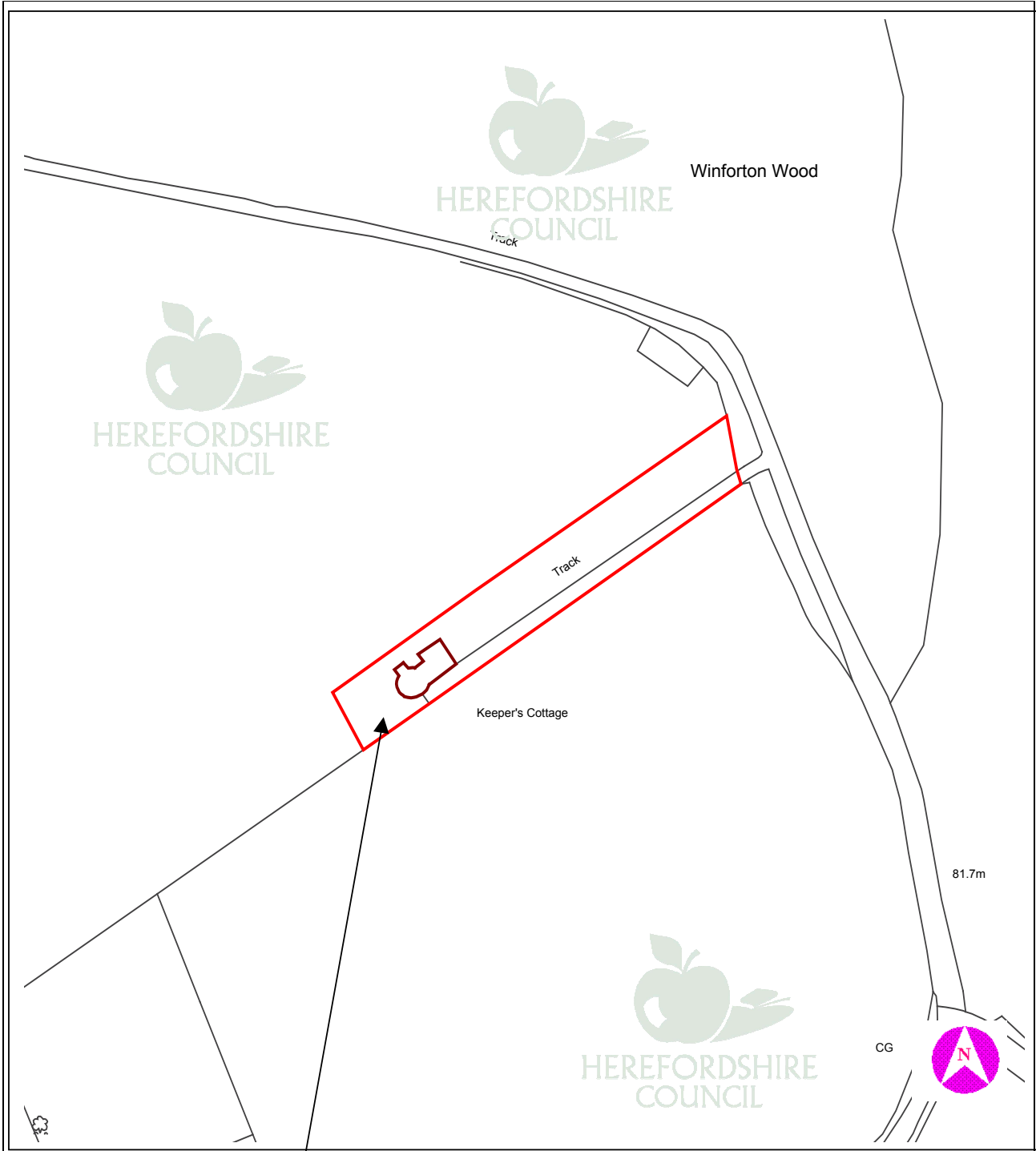
- 1. The proposed extensions, by virtues of their size, scale, mass and detailed design of the proposed extensions would fail to be in keeping with the character of the existing dwelling. As such the proposal clearly fails to comply with policies H18 and DR1 of the Herefordshire Unitary Development Plan (2007).**

Decision:

Notes:
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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNW2008/1391/F

SCALE : 1 : 1250

SITE ADDRESS : Keepers Cottage, Winforton, Hereford, Herefordshire, HR3 6EB

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HEREFORDSHIRE UNITARY DEVELOPMENT PLAN: OUTCOME OF LEGAL CHALLENGE

Report By: Planning Policy Manager

Wards

Countywide – but with focus on Hollington and St.Martins and Hinton

Purpose

1. To inform Members of the outcome of the High Court challenge to the allocation of land for housing at Bullinghope.

Financial Implications

2. None outside current budgets.

Background

3. The Unitary Development Plan was adopted in March 2007 and is a “Saved plan” for three years, i.e. until March 2010. It is part of the Development Plan, along with the Regional Spatial Strategy. It will, in due course, be replaced by the emerging Local Development Framework. Following adoption in 2007 a group of objectors formed a company, the Dinedor Hill Action Association, to challenge, by way of Judicial Review, the allocation of a site for 300 new houses at Bullinghope.
4. The case was heard in the High Court of Justice on 26th and 27th June 2008 and Mr Justice Collins handed down his judgement on 24th July 2008 which was to the effect that the allocation at Bullinghope should be deleted from the Unitary Development Plan.
5. There were certain other consequential deletions from the text of the Unitary Development Plan but the plan, with those deletions, remains a fully operative part of the Development Plan.
6. Mr Justice Collins did not order any change to the Settlement Boundary for Hereford because that boundary is the subject of a separate policy and the Dinedor Hill Action Association were out-of-time to challenge that policy. That leaves the proposed site of the 300 houses within the Settlement Boundary but not allocated for development. Mr Justice Collins did not consider this to be a problem as the removal of the site from the list of allocations would be a material consideration in the determination of any planning application on the site.

Consequences for the Development Plan

7. The Unitary Development Plan remains in effect until March 2010, with the possibility that some policies can be “Saved” for a further period depending on the need for them in the light of the emerging Local Development Framework. In respect of any planning applications to develop the land at Bullinghope the

Further information on the subject of this report is available from Peter Yates, Planning Policy Manager on
(01432) 2601952

judgement makes it clear that the site can no longer be regarded as allocated for new residential development. Planning permission for residential development is therefore now most unlikely during the plan period of the Unitary Development Plan, i.e. up to 2011. Beyond that the potential for residential development, or any other development of the site, will need to be considered alongside all other land as part of the emerging Local Development Framework. It is not appropriate at this stage to give any indication of the future options for this site.

8. The Unitary Development Plan itself could be completely republished with the relevant parts of the text amended. However, given that there are only four references in the text which need amending, it is recommended that a simple amendment sheet be published and appended to copies of the document as issued following adoption in March 2007. The cost of re-publishing the whole document and all the maps is considered to be excessive given the limited lifetime of the document as a whole and the limited changes now required. Copies of the addendum sheet can be sent to all interested parties on the database of names and organisations developed for the UDP.
9. The changes that need to be made to the text of the Unitary Development Plan are set out in the table below:
10. The Proposals Map (Inset Map HER1 – Hereford City) also needs amending by removing the relevant colouring on the Bullinghope site and the reference to policy H2 (g).
11. The changes will also be posted on the part of the Council's website devoted to the Unitary Development Plan.

CHANGES TO THE TEXT OF THE UNITARY DEVELOPMENT PLAN 2007		
Page	Topic	Change
52	Policy S.3	Reduce total allocation of dwellings in Hereford from 3,781 to 3,481
53	Table 5.2	Reduce relevant sub-totals and final total number of allocated dwellings by 300
55	Paragraph 5.4.13	Delete whole paragraph and sub-heading relating to the allocation at Bullinghope
60	Policy H.2	Remove reference to site at Bullinghope and reduce total allocation figure by 300

RECOMMENDATION that:

Planning Committee note the outcome of the legal determination and endorse the action of the Planning Policy Manager to publicise the changes to the Unitary Development Plan.

HEREFORDSHIRE LOCAL DEVELOPMENT FRAMEWORK: CORE STRATEGY: DEVELOPING OPTIONS PAPER CONSULTATION

Report By: Planning Policy Manager

Wards

Countywide

Purpose

1. To inform Members of the methods of public engagement, consultation and publicity undertaken as part of the Core Strategy Developing Options Paper, and to consider future consultation procedures.

Financial Implications

2. None outside current budgets.

Introduction

3. The Local Development Framework, which will replace the Unitary Development Plan, is now in preparation. An essential element within it is the Core Strategy which will set out a framework for development in the County up to 2026. Full engagement with the public and other key stakeholders is essential to ensure the success of this document as the Spatial Strategy for the whole county. The report which follows summarises the recent consultation programme, notes recent and anticipated changes in legislation, and gives a preliminary indication of further work.

Core Strategy Consultation

4. The Core Strategy Developing Options Paper was reported to Planning Committee at the meeting on 23rd May 2008 and approved for public consultation purposes by Cabinet on 29th May 2008. It set out the vision for the County and its places for 2026, and included 9 objectives and 4 strategic spatial options. The Paper also proposed upon a number of "Place shaping" options. This included:
 - options regarding the future role of the City and market towns;
 - the strategic distribution of housing, including an indication of potential directions of growth;
 - the potential for economic diversification;
 - retail provision in the market towns and the integration of the City centre with the Edgar Street Grid redevelopment; and

- any transportation infrastructure requirements

As well as the strategy options and place shaping policies, the Paper includes a number of general policies which would help to manage development. This includes affordable housing, renewable energy, waste and flooding.

The Developing Options Paper Consultation

5. Within the continuous engagement being undertaken in developing the Core Strategy, a targeted consultation on the Core Strategy Developing Options Paper took place from 16th June until 8th August 2008.
6. The Developing Option Paper, together with a summary leaflet and questionnaire were made available on the Forward Planning webpages www.herefordshire.gov.uk/ldf and at Infopoint and libraries across the County. At the end of July, the LDF website had received 5523 hits with 251 copies of the Options paper and 156 copies of the summary leaflet being downloaded. Copies were also sent to 1149 stakeholders, interest groups and people on the LDF database which also includes all parish councils and neighbouring authorities. In addition to this 1,200 summary leaflets and questionnaires were distributed to the Herefordshire Voice Panel. Further updates on these figures will be given verbally at the meeting.
7. A launch event was organised for invited stakeholders on 16th June 2008 at Hereford Group Training. 104 stakeholders were invited to view the Developing Options exhibition, give some initial views and ask Forward Planning Officers any questions regarding the possible options. Officers from the Forward Planning team have also given presentations to Herefordshire Association of Local Councils (HALC), of which around 50 parish councillors attended, a number of individual parish councils and groups of parishes when requested, and a number of other interested groups including Herefordshire Environmental Partnership Group, CPRE, Ross Civic Society and the Registered Social Landlord (RSL) Forum to help explain the options and publicise the consultation period.
8. Eight roadshows took place between 1st July and 23rd July 2008 in Hereford, all the market towns and Ewyas Harold within the rural west. A promotional trailer was used for all the roadshows except Bromyard, where the Infocentre hosted the exhibition. A total of 571 people visited one of the roadshows. People were able to view the exhibition, pick up copies of the Options paper, summary leaflet and questionnaire and officers were available to explain the options further and answer any questions. Exhibitions have also been held at the offices of a number of local employers in order to reach people who would not usually be available to attend daytime roadshows. Officers also attended the Edgar Street Grid Master Plan Launch event on 8th July to answer any queries regarding the links between the Core Strategy and the Master plan and publicise the Core Strategy consultation.
9. In order to gain the views of younger people, workshops were undertaken in 2 local High Schools, Whitecross High School in Hereford and John Kyrle High School in Ross-on-Wye. 25 pupils aged from 11 to 18 were asked about how they would like to see Herefordshire develop over the next 20 years and completed a schools questionnaire.

10. The consultation period has been widely publicised using a public notice, press releases, local radio announcements and interviews, posters and newspaper and magazine adverts. An article also appeared in the summer addition of Herefordshire Matters and First Press.
11. Overall the consultation has generated a lot of interest and demonstrated a high degree of public engagement with the process. The responses so far will be analysed and further reports will be brought to this Committee and to Cabinet to develop and agree the preferred option for development in the County for the period to 2026.
12. For the avoidance of doubt, consultation responses received after the formal consultation period end date of 8th August 2008 will also be taken into account in the same way as those received during the formal period of consultation – all in the spirit of continuous public engagement.

Changes To Legislation

13. In June 2008, during the Developing Options consultation period, the Local Development Regulations were changed so that the procedure from this stage forward will be different from that envisaged when the Core Strategy Options document was reported to Planning Committee and Cabinet in May. The key differences are:
 - There is no longer any legal requirement to do a formal consultation at “Preferred options” stage
 - The final version of the Core Strategy needs to be publicised for a six week period, after which it can be submitted to the Secretary of State along with the responses arising from the publicity period. In this way the public can see what the Council’s proposed policies are and make representations in response. Then, as before, the submitted policy would be subject to an independent examination, followed by a binding inspector’s report and then adoption.
 - The tests of “Soundness” have been simplified to just three: Development Plan Documents, such as the Core Strategy must be:
 - i. Justified (i.e. be based on a secure evidence base and have been subject to full public involvement)
 - ii. Effective: i.e. capable of being implemented – along with any necessary infrastructure
 - iii. Consistent with national policy
14. Whilst the theory behind the above changes is to simplify the process it remains essential to maintain the degree of public engagement with the Core Strategy and, therefore, it is intended to continue with consultation arrangements based on those outlined in the current Developing Options paper. LDF Task Group will continue to assist in the analysis and response to the Developing Options Paper, and there will be further reports to and involvement of Planning Committee and Cabinet to the eventual Preferred Option, followed by a further round of public consultation before submitting the final version to the Secretary of State. Further time is required, in any event, to develop the evidence base and to feed in the outcome of changes to the Regional Spatial Strategy, especially any revised housing targets. (These are unlikely to become finalised until the latter part of 2009)

15. The dates of the remaining stages in the preparation of the Core Strategy cannot be confirmed at this stage due to uncertainties about progress with the Regional Spatial Strategy and the various studies needed to develop the evidence base. The intention does, however, remain to submit the Core Strategy document to the Secretary of State during 2009/10 with a view to its adoption during 2010/11, in time to replace the relevant parts of the Unitary Development Plan.

RECOMMENDATION that:

Planning Committee note the initial public response to the Developing Options paper and request further progress reports on the emerging Core Strategy.