

A G E N D A

Planning Committee

Date: **Friday, 9th January, 2009**

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, GFM Dawe, 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 14th November, 2008.

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| 5. CHAIRMAN'S ANNOUNCEMENTS | To receive any announcements from the Chairman. | |
| 6. NORTHERN AREA PLANNING SUB-COMMITTEE | To receive the attached report of the Northern Area Planning Sub-Committee meeting held on 19th November and 17th December, 2008. | 11 - 12 |
| 7. CENTRAL AREA PLANNING SUB-COMMITTEE | To receive the attached report of the Central Area Planning Sub-Committee meeting held on 3rd December, 2008. | 13 - 14 |
| 8. SOUTHERN AREA PLANNING SUB-COMMITTEE | To receive the attached report of the Southern Area Planning Sub-Committee meeting held on 12th November and 10th December, 2008. | 15 - 16 |
| 9. LOCAL DEVELOPMENT SCHEME | To consider the third review of the Council's Local Development Scheme. | 17 - 42 |
| | Wards Countywide | |
| 10. DCSW2008/2020/O - PROVISION OF 6 AFFORDABLE (DISCOUNTED MARKET HOUSING) DWELLINGS, BIO-DISC TREATMENT PLANT AND USE OF EXISTING ACCESS, 6 ATTACHED SINGLE GARAGES, ETNA, ORCOP HILL, MUCH DEWCHURCH, HEREFORDSHIRE, HR2 8EW | For: Mr K Jones per Brian Griffin P&CC Ltd, The Cottage, Green Bottom, Littledean, Gloucester, GL14 3LH

To consider an application which has been referred to the Committee because the Southern Area Planning Sub-Committee was mindful to approve it contrary to recommendation. | 43 - 54 |
| | Ward: Pontrilas | |
| 11. DCCW2008/2101/F - VARIATION OF CONDITION 1 OF PLANNING PERMISSION DCCW2007/1229/F TO ALLOW FOR DOT.COM OPERATIONS ON SUNDAYS BETWEEN THE HOURS OF 9.00AM AND 4.30PM AT TESCO STORES LTD, ABBOTSMEAD ROAD, BELMONT, HEREFORD, HEREFORDSHIRE, HR2 7XS | To consider an application which has been referred to the Committee because the Central Area Planning Sub-Committee was mindful to refuse it contrary to recommendation.

For: Tesco Stores Limited per DPP LLP, 14 Windsor Place, Cardiff, CF10 3BY

Ward: Belmont | 55 - 60 |

12. **DCNE2008/2955/F - PROPOSED SUBDIVISION OF DWELLING INTO TWO UNITS WITH TWO ADDITIONAL CAR PARKING SPACES. 2 STANLEY HILL COURT, STANLEY HILL, BOSBURY, LEDBURY, HEREFORDSHIRE, HR8 1HE** 61 - 68

For: Dr. G. & K. Swinburne per Gibson Associates, Bank House, Bank Crescent, Ledbury, Herefordshire, HR8 1AA

To consider an application which has been referred to the Committee because it is from a Member of the Council.

Ward: Hope End

13. **DATES OF FORTHCOMING MEETINGS**

Special Meeting on THURSDAY 12 February 2009 for Reeves Hill wind Turbine application;

20 February 2009

3 April 2009

15 May 2009

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- 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.
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COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

BROCKINGTON, 35 HAFOD ROAD, HEREFORD.

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HEREFORDSHIRE COUNCIL

MINUTES of the meeting of Planning Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Friday, 14 November 2008 at 10.00 a.m.

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

Councillors: ACR Chappell, PGH Cutter, GFM Dawe, KS Guthrie, JW Hope MBE, B Hunt, RI Matthews, PM Morgan, JE Pemberton, AP Taylor, DC Taylor, WJ Walling, PJ Watts and JD Woodward

In attendance: Councillors JG Jarvis

53. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors H Davies, DW Greenow and G Lucas.

54. NAMED SUBSTITUTES (IF ANY)

The following named substitutes were appointed:-

Councillor KG Grumbley for Councillor GW Greenow.
Councillor R Mills for Councillor G Lucas.

55. DECLARATIONS OF INTEREST

There were no declarations of interest made.

56. MINUTES

RESOLVED: That the Minutes of the meeting held on 26th September, 2008 be approved as a correct record and signed by the Chairman, subject to the inclusion of the name of Councillor Mrs JD Woodward in the list of those present.

57. CHAIRMAN'S ANNOUNCEMENTS

Reeves Hill Wind Turbine Planning Application

The Chairman was of the view that the recent site inspection to Reeves Hill and Corwen had proved to be most informative. The Head of Planning and Transportation said that the forthcoming briefing for Members on 27th November about wind turbines would be very helpful in providing background information regarding the planning application when it went to the Planning Committee on 9th January.

58. NORTHERN AREA PLANNING SUB-COMMITTEE

RESOLVED: That the report of the meetings held on 24th September and 22nd October, 2008 be received and noted.

59. CENTRAL AREA PLANNING SUB-COMMITTEE

RESOLVED: That the report of the meetings held on 1st October and 5th November, 2008 be received and noted.

60. SOUTHERN AREA PLANNING SUB-COMMITTEE

RESOLVED: That the report of the meeting held on 15th October 2008 be received and noted.

61. WEST MIDLANDS REGIONAL SPATIAL STRATEGY: PHASE TWO REVISION

The Planning Policy Manager presented the report of the Head of Planning and Transportation about a proposed response to the updated Phase Two Revision of the Regional Spatial Strategy, in the light of the proposed revised housing allocations published on 7 October 2008. He advised that the current version of the RSS was issued by the Government in 2004 and was followed by a phased review. The first phase, which dealt with the Black Country, had been completed and the second phase had reached an advanced stage. It dealt with housing, employment, the role of town centres, waste and some aspects of transport. The third and final phase had begun in November 2007 and covered rural services, gypsy and traveller sites, culture, minerals and environment policies. The Regional Assembly had worked closely with regional stakeholders in preparing the Phase Two Revision, and strategic planning authorities such as Herefordshire Council had submitted advice to the Assembly in 2006. Consultation was undertaken on Spatial Options which were considered by Cabinet in February 2007. A preferred option had been approved by the Assembly's Regional Planning Partnership in October, and submitted to the Secretary of State in December. It was reported to Planning Committee on 23 May 2008 and considered by Cabinet on 29 May 2008. Cabinet had offered general support to the Revisions subject to a number of issues regarding the infrastructure requirements of Hereford if growth was to be achieved; the peripheral expansion of market towns, housing targets and growth; retail floor space requirements; office development; waste policies and transportation issues. These matters were set out in the report of the Head of Planning and Transportation.

It was noted that throughout the process of preparing the revisions, the Government had been concerned about the need for a greater amount of affordable housing. It had taken advice from the National Housing and Planning and Advice Unit (NHPAU). The NHPAU had studied population and household formation trends at national and regional levels and had concluded that more housing was required. The Regional Office for the West Midlands had commissioned a study by Nathaniel Lichfield Partners (NLP) into the options for delivering a higher housing allocation, together with the impact that this would have within the regions. The NLP report had concluded that it was possible to deliver higher levels of housing without undermining the urban renaissance strategy for the Region. The examination in public into the Phase 2 Revision would not now commence until 28 April 2009 and that the proposals included an additional 1,200 dwellings for Herefordshire which would be allocated to the rural areas. Consultees had been given until 8 December 2008 to finalise their comments about the Phase 2 Revisions. The Phase 2 Revisions, included the revised figures and formed the starting point for the Council's Local Development Framework. and It was therefore essential to define the Council's position on the RSS document and the NLP study to establish a basis for the Core

Strategy spatial options.

The Committee noted the concerns of the Planning Policy Manager about the proposed distribution of the increased housing allocation between Hereford and the rest of the County. The Phase 2 Revisions had introduced a new requirement that half of the new housing should be directed to Hereford. This equated to a significant increase in the rates of development for Hereford, being an increase of 54% on the Herefordshire Unitary Development Plan and 50% on what had been achieved in the recent past. Outside Hereford, the position was reversed with the rates of development proposed to fall. Past completion levels and UDP rates of development were significantly higher than those being proposed. This had raised the issue about whether sufficient provision would be made outside the City, bearing in mind the need to accommodate for the growth of the market towns and sustainable settlements in the rural areas. The Planning Policy Manager was of the view that the approach of the Cabinet had been a comprehensive and coherent response to the challenges facing the spatial development of the region up to the year 2026. He also felt that the Council should maintain its broad support for the Phase 2 Revision as submitted. He was concerned however that the NLP proposals threatened the consensus which had been achieved so far and may cause significant problems in parts of the region. Although the potential additional of 1,200 houses to the rural was not objected to, the main concern for Herefordshire remained the infrastructure necessary to accommodate the proposed level of housing growth. However, elsewhere in the region the proposed increase in housing numbers suggested by NLP remained a matter of concern and he therefore felt that it would not be appropriate to express support for the latest proposals in their entirety.

The Committee discussed the details of the proposals and the Planning Policy Manager explained a number of issues and answered questions from Members, including the likely impact of the proposed additional 1200 houses. Councillor B Hunt had some concerns about the effect on the market towns but the Planning Policy Manager did not feel that the proposed number across rural Herefordshire and the market towns would have a detrimental effect. In answer to a question from councillor GFM Dawe, the Planning Policy Manager said that Policy CF2 included the proposed outer distributor road amongst other issues such as higher education, retail, water treatment and the future of Hereford. Councillor GFM Dawe expressed his opposition to the proposals for the outer distributor road.

Councillor J Jarvis the Cabinet Member (Environment and Strategic Housing) said that he had considerable concerns about the way in which proposals were being put forward for the development of rural communities and that there were a number of concerns about the options which had been put forward by NLP. In his view the original quotas for housing should be adhered to. The Committee discussed the alternatives which could be moved forward. Councillor KG Grumbley proposed that the wording in the recommendation within the report could be changed from "not to object to the allocation of 1,200 additional dwellings" to "welcome the allocation of 1,200 additional dwellings". Councillor J Jarvis was of the view, however, that if this was incorporated, there may be a danger that more housing could be allocated to Herefordshire if other Councils successfully objected to their allocations. The proposal was put to the vote and the amendment to change the wording was lost. It was decided that the recommendation as set out in the report should be approved. Councillor GFM Dawe voted against the resolution.

RESOLVED: That it be recommended to Cabinet that the following representations be made:

- (i) to re-affirm previous representations made in May 2008 to

confirm general support for the Phase Two Revision with the reservations already set out;

- (ii) not to object to the allocation of 1,200 additional dwellings in the rural areas during the plan period to 2026 as proposed in the Nathaniel Lichfield Study; and,**
- (iii) to express concern that the increase in housing allocations suggested in the Nathaniel Lichfield Partnership study for the Region may have adverse consequences for the overall regional strategy.**

62. ANNUAL MONITORING REPORT 2007 - 2008

The Team Leader Strategic Planning presented the report of the Planning Policy Manager about the Annual Monitoring Report 2007 – 2008. He said that The Planning and Compulsory Purchase Act 2004 had introduced new provisions and requirements for development planning. The regular review and monitoring of Development Plans through mandatory Annual Monitoring Reports (AMR's) was a fundamental feature of the new planning system. AMR's were based on the period from 1st April to 31st March and had to be submitted to the Secretary of State by no later than the following 31st December. He advised that the AMR' were required to assess the impact of the Councils planning policies and framework

The Committee considered the contents of the AMR and the Team Leader Strategic Planning highlighted the main features and outlined the extent to which the objectives of the Herefordshire Unitary Development Plan (UDP) policies were being met. He advised the Committee of the key findings which had revealed the following:-

- (I) housing – between 01-02 and 04-05 completions were below the rate anticipated. Recent releases of UDP sites had resulted in an increase in the rate of housing completions in the County with 829 dwellings being completed in 2007-8 (gross). The levels of housing supply in the County had suggested that the UDP housing target was likely to be achieved by 2011, however, the downturn in the housing market may well impact upon the rates of completions in the next few years. The percentage of housing completions on previously developed or brownfield land at 73% (606) had again exceeded regional and national targets. In terms of affordable housing, 141 units were completed in 07/08, an increase over the previous year (120 units). Moreover, the number of planning permissions for affordable housing and such housing likely to be delivered on allocated UDP sites suggested that the rate of completions over the remaining UDP period would increase. In addition, the preparation of the Local Development Framework provided an opportunity to review the effectiveness of the UDP affordable housing policies;
- (II) employment - The amount of land developed for employment uses over the monitoring period was 8.66ha ha, significantly less than the almost 25ha developed during 2006-7 but still above the average recorded since the 1980's. Around 59% of the completions in the year were located on previously developed (brownfield) land; and
- (III) in the remaining areas of transport, town centres and retail, recreational and leisure, minerals, waste, development requirements, natural historic heritage and renewable energy, findings generally demonstrated that targets were being met or that there had been progress towards meeting

targets or monitoring requirements during the 07-08 monitoring period.

The Committee discussed the main aspects of the report, recognised the importance of developing policies for renewable energy and climate change, and agreed with the approach proposed by the Team Leader Strategic Planning.

RESOLVED THAT:

the Annual Monitoring Report 2007-8 be endorsed and commended to the Cabinet Member (Environment and Strategic Housing) for submission to Cabinet.

63. POLYTUNNELS SUPPLEMENTARY PLANNING DOCUMENT

The Team Leader Local Planning presented a report about the comments which had been received to the draft Supplementary Planning Document (SPD) which had been prepared to provide planning guidance about polytunnel development. He said that it aimed to supplement and expand upon the policies which were contained within the Herefordshire Unitary Development Plan. The document had been under preparation for some time and had involved a considerable amount of consultation and information gathering. The process had started in July 2007 when the Council had published an Issues Report and had sought the views of Parish Councils, statutory undertakers, interested organisations, growers and stakeholders about the form that the document should take. This was followed by structured consultation events with representatives from the farming/growing community and with local individuals and representatives from interested lobby groups. The consultation process followed the Council's Statement of Community Involvement and the comments which had been received had helped to shape the draft SPD.

The draft SPD was endorsed by the Committee in April and approved for consultation purposes by Cabinet in June. Consultation took place from 26th June to 8th August 2008. The Team Leader Local Planning said that a summary of all the comments which had been made to the draft was set out in the report and that an additional letter of representation had been received from a local resident. In summary the request was for the reference to the zone of tranquillity being retained, because the buffer zone would not be as effective. The resident was of the view that a fifty-metre zone did not afford enough protection to a dwelling and should be increased to seventy-five metres from the boundary of a dwelling, which would better follow DCLG advice in respect of delegated powers on the proximity of polytunnels, and that the seventy-five metres would remain a viable piece of land for accepted agricultural use and be a truly useful tranquil buffer zone.

The Team Leader Local Planning advised that the SPD was aimed at assisting all those involved about the requirements and issues to be addressed in any polytunnel development through:

- helping to clarify the forms of development that would require planning permission;
- setting out the planning issues associated with the erection of polytunnels;
- setting out the UDP policies that will need to be addressed;
- make clear the additional information that would need to accompany an

application; and

- set out the Council's pre-application planning guidance.

The draft SPD had prompted many and varied comments from parish councils, residents groups, growers, statutory bodies, support groups, environmental groups, researchers and the local public. Many comments had been made with specific reference and knowledge of current local situations. All the proposed changes were shown in the final version of the SPD at Appendix 1 in the report. All written comments received had been summarised along with a Council's response in Appendix 2. The summary would be included in a full Consultation Statement to be published with the adopted SPD and an accompanying Sustainability Appraisal.

The main changes proposed were:

- redraft Section 2 – Planning Context, to simplify advise and interpretation of when development requires planning permission;
- update to use latest Defra statistics on soft fruit production;
- firm up requirements for applications to consider all/associated development of a polytunnel proposal (whole farm plans);
- redraft section on surface water/water quality/pollution prevention to encourage sustainable drainage systems;
- provide further clarification on table top growing;
- clarify the protection to be afforded to AONBs;
- clarify guidance related to noise and buffer zones; and
- re-order guidelines

The Committee discussed the various aspects of the document and noted the extensive number of comments that had been received. The Head of Planning and Transportation pointed out that in was an extensive and innovative area of work which was already being referred to by the planning inspectorate and would be used by other local authorities. The Chairman thanked the officers for their hard work in preparing such a comprehensive document.

RESOLVED THAT:

the Cabinet Member (Environment and Strategic Housing) be requested to agree the changes to the draft Polytunnels SPD as identified in the report and to the document being adopted as part of the Council's Local Development Framework.

64. DEVELOPMENT CONTROL: HALF ANNUAL REPORT FOR 2008/09

The Committee noted the report of the Head of Planning and Transportation about the Councils Development Control performance in the first six months of 2008/09 and thanked the Officers for their achievements.

65. DCNW2008/1807/F - RETROSPECTIVE APPLICATION FOR CHANGE OF USE (TEMPORARY) OF LAND FROM AGRICULTURAL TO A ONE FAMILY TRAVELLERS SITE INCLUDING THE STATIONING OF ONE CARAVAN AND ANCILLARY STRUCTURE AT LOWER FIELD, ASH FARM, BARNET LANE, WIGMORE, HEREFORDSHIRE, HR6 9UJ

The Central Team Leader presented the report of the Head of Planning and Transportation. He said that at its meeting on 24th September, 2008, the Northern Area Planning Sub Committee was mindful to refuse the application contrary to Council policy and officer advice. He reported the receipt of a letter from the applicant's agent which stated that no other person was living on the site, except for occasional visitors, and the applicant had given assurances that a "party" which had been held there in August would not be repeated. The agent also referred to similar cases elsewhere in the country where "gypsy" status could be deemed to be a special circumstance when making a planning decision. He also reported that a letter (e-mail) of objection had been received from J Fieldhouse, Pear Tree Farm. The grounds were that it would cause a nuisance (reference is made to a "rave" held in the summer to which many people were attracted and which caused noise disturbance), the site was unsanitary and unsightly and there was concern that more people would move onto it to the detriment of the village. The Central Team Leader outlined the planning issues regarding the application and the need for such pitches within the County, at present there was a shortfall of some eighty-three pitches. He drew Members' attention to a previous enforcement appeal for an adjoining site which had been allowed. He said that whilst the Committee should consider the application on its merits, the appeal was a material consideration.

In accordance with the criteria for public speaking, Mr Bailey spoke in objection to the application and Mr Baines, the applicant's agent, spoke in support.

Councillor LO Barnett, the Local Ward member, said that the application would have been rejected if it had been for a house and she questioned the validity of a policy which allowed the siting of caravans in the open countryside. She was of the view that there was a need for such pitches within the County but felt that the application site was in the wrong location and that it would have a detrimental effect upon the village and surrounding countryside. She felt that such an application would be perfectly acceptable in the right location and pointed out successful sites which had been approved in Pencombe and in Aymestrey. She added that the site in question benefited from one of the best views in Wigmore and that a more suitable location needed to be found.

The Chairman drew attention to paragraphs 6.2 and 6.7 of the report which clearly set out that the application fulfilled all the planning policy and legal requirements for approval. Councillor KG Grumbley was of the view however that the Inspector had granted the original application as an exception to policy and that a stand could now be taken by refusing this application because of the adverse impact it would have on the local community and setting. The Central Team Leader reiterated that in the absence of any suitable alternative sites, it would be difficult to defend a refusal given the planning policy issues involved and the previous approach of the Inspector.

The Committee considered all the aspects of the application and the implications of the Councils planning policies regarding such sites. Whilst noting the views of the Officers and the Inspector, it was felt that there were several issues involved with the application which could successfully support it being refused. The Committee adjourned at 12:00 pm for the grounds for refusal to be prepared. On reconvening at 12:10 pm the Committee wished to discuss certain issues regarding enforcement and it was therefore resolved that the press and public should be excluded from the meeting for the duration of those discussions. At the conclusion of those discussions the press and public were readmitted to the meeting

RESOLVED THAT:

the application be refused for the following reasons:

- (i) **having regard to Herefordshire Unitary Development Plan Policies H7 and H12 the proposal is considered to be unacceptable. The Local Planning Authority does not consider that the proposal is located within a reasonable distance of local services and facilities and does not constitute a small site.**
- (ii) **in the absence of appropriate foul drainage arrangements or water supply, the proposed development is considered to be contrary to Policies DR4 and CF2 of Herefordshire Unitary Development Plan**

66. DCCE2008/2464/L - INTERNAL REPAIRS AND IMPROVEMENTS TO A LISTED BUILDING. CASTLE CLIFFE, 14-16 QUAY STREET, HEREFORD, HEREFORDSHIRE, HR1 2NH

The Central Team Leader presented the application and said that Listed Building Consent was sought for minor external and internal alterations to the property as follows:

1. repositioning of existing foul drainage pipes on the northern elevation.
Lower Ground Floor;
2. use of the lower ground floor as a kitchen including installation of new floor to the utility and installation of gas fired stove.
Ground Floor;
3. removal of existing modern partitioning and kitchen units within the current kitchen to create an open lounge, installation of wood burning stove and removal of modern door to provide an access to lower ground floor.
First Floor; and
4. removal of existing bathroom from bedroom 2 and creation of new bathroom within
bedroom 1.

He said that further information and an amended plan had been received from the applicants. The amendment sought to retain the ground floor partitioning in the landing area and details of the proposed cowls, flue lining and stove details were also provided. He also said that Hereford City Council had no objection to the proposals and was of the view that the additional information and the amendment were considered to be acceptable. He advised that the consultation period had expired and the application could now be determined.

RESOLVED THAT:

Listed Building Consent be granted subject to the following conditions and any further conditions considered to be necessary by the officers.

1 D01 (Time limit for commencement (Listed Building Consent))

Reason: Required to be imposed by Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2 D06 (External finish of flues/cowls)

Reason: To ensure that the work is carried out in accordance with the details that are appropriate to the safeguarding of the special architectural or historical interest of the building and to comply with the requirements of Policy HBA1 of Herefordshire Unitary Development Plan.

3 D11 (Repairs to match existing)

Reason: To ensure that all of the works arising from the approved scheme are of an appropriate form in the interest of safeguarding the special architectural or historical interest of the building and to comply with the requirements of Policy HBA1 of Herefordshire Unitary Development Plan.

INFORMATIVES:

1 N15 - Reason(s) for the Grant of PP/LBC/CAC

2 N19 - Avoidance of doubt - Approved Plans

67. DATES OF FORTHCOMING MEETINGS

09/01/09; 20/02/09 and 03/04/09.

The meeting ended at 12.30 p.m.

CHAIRMAN

PLANNING COMMITTEE

9 JANUARY 2009

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

Meetings held on 19 November 2008 and 17 December 2008

Membership:

Councillor JW Hope MBE (Chairman)

Councillor PJ Watts (Vice-Chairman)

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

PLANNING APPLICATIONS

1. The Sub-Committee has dealt with the planning applications referred to it as follows:-
 - (a) applications approved as recommended - 9
 - (b) number of public speakers – 9 (1 parish/town council representatives, 3 objectors and 5 supporters)

PLANNING APPEALS

2. The Sub-Committee received information reports about 4 appeals received, and 10 determined (7 dismissed and 3 withdrawn).

**JW HOPE MBE
CHAIRMAN
NORTHERN AREA PLANNING SUB-COMMITTEE**

- **BACKGROUND PAPERS – Agenda for meetings held on 19 November 2008 and 17 December 2008.**

REPORT OF THE CENTRAL AREA PLANNING SUB-COMMITTEE

Meeting held on 3 December 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 once since the last report and dealt with the planning applications referred to it as follows:-
 - (a) applications approved as recommended - 3
 - (b) applications minded to refuse, contrary to recommendation - 2 (1 referred to Planning Committee)
 - (c) site inspections agreed - 1
 - (d) number of public speakers - 16 (4 parish, 8 objectors, 4 supporters)

PLANNING APPEALS

2. The Sub-Committee received information reports about 4 appeals that had been received and 5 appeals that had been determined (3 dismissed, 2 withdrawn).

JE PEMBERTON
CHAIRMAN
CENTRAL AREA PLANNING SUB-COMMITTEE

- **BACKGROUND PAPERS – Agenda for the meeting held on 3 December 2008**

PLANNING COMMITTEE

9 JANUARY 2009

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

Meetings held on 12 November 2008 and 10 December 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 - 5
 - (b) applications minded to approve, contrary to recommendation - 1 (referred)
 - (c) applications deferred pending further information - 1
 - (d) number of public speakers - 2 (1 supporter, and 1 objector)

PLANNING APPEALS

2. The Sub-Committee received information reports on 4 appeal received and 3 appeals determined (1 Upheld and 2 Dismissed).

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

- **BACKGROUND PAPERS – Agenda for the meetings on 12 November 2008 and 10 December 2008.**

LOCAL DEVELOPMENT SCHEME

Report By: Planning Policy Manager

Wards

Countywide

Purpose

1. To consider the third review of the Council's Local Development Scheme.

Financial Implications

2. The work programme set out in the Scheme is based on the availability of external funding for the Local Development Framework (LDF) via Growth Point and the Housing and Planning Delivery Grant from 2008/9 onwards.

Introduction

3. The Planning and Compulsory Purchase Act 2004 introduced new provisions and requirements for development planning. One of the requirements placed on local planning authorities is to publish a statement of how their forward planning work will be organised over a three-year period – known as the Local Development Scheme. The Scheme must be revised and rolled forward as necessary.
4. This Committee considered the first Scheme in 2004 and since then there has been a programme of annual reviews, linked to completion of the Annual Monitoring Report (AMR). Both the Scheme and the Annual Monitoring Report are approved by Cabinet, prior to submission to Government Office. Planning Committee received the most recent AMR at its meeting on 14th November 2008.
5. The Scheme has been reviewed in response to a number of factors and a copy of the revised document is attached for Committee's initial consideration.

The revised Scheme

6. The revised Scheme has been prepared to reflect the following factors:
 - The need to roll the Scheme forward a year and include revised proposals for local development documents, taking account of advice from Government Office (GO) and the Planning Inspectorate (PINS) as experience of implementing the new system is accrued.
 - The adoption of the UDP in March 2007, and the need to "Save" those policies which will need to continue in effect until the new Local Development Framework is completed
 - The need to address the emerging provisions in the current Phase 2 review of the Regional Spatial Strategy (RSS), notably new housing development for

the period up to 2026, responding to the higher level of house building required by Government. There is also continuing recognition in the RSS of the role of Hereford as a “settlement of significant development” (replacing the previous designation of Hereford in the RSS as one of five sub-regional foci for development).

- The need to take forward the partnership for growth with Government set out in the identification of Hereford as a ‘New Growth Point’, by addressing the delivery of housing growth in and around the City. The levels of growth will be confirmed through the current RSS review process.
 - Changes brought about by the revised Local Development Regulations (in June 2008) and the new Planning Act 2008 (in November 2008) especially with regard to the revised status of Supplementary Planning Guidance (which no longer forms part of the Local Development Scheme), the potential introduction of the Community Infrastructure Levy and new statutory requirements regarding good design and policies to combat climate change.
 - The increased emphasis being placed by GO and PINS on the development of a “sound” evidence base to underpin the LDF. Considerable work is underway across a range of topics in this regard, and this must be completed or progressed to certain stages in order to support the development of various LDF policy documents.
4. Note that preparation of this year’s Local Development Scheme has had to be held back to allow for the legislative changes in the Planning Act 2008, which received Royal Assent in the last week of November 2008.
5. The revised Scheme includes the following principal amendments:
- The Scheme now provides for just three Development Plan Documents: the Core Strategy, a Hereford Area Plan and a Market Towns and Rural Areas Plan
 - The Core Strategy is moving forward following the “Developing Options” consultation in the summer of 2008, with a view to preparing the submission document during 2009/10. Its timetable has had to be revised to take account of the delay to the Regional Spatial Strategy – which will not reach Examination in Public stage until April to June 2009 and will not be adopted before mid 2010. It is currently anticipated that the Core Strategy after that, during 2011.
 - Hereford Area Plan will be required for Hereford and its immediate environs, taking forward the City’s Growth Point status and RSS proposals for the City in an integrated manner and including the delivery of housing, employment and retail growth in a balanced fashion. It is intended to bring this forward for adoption following the adoption of the Core Strategy.
 - An equivalent allocations document will be required for the rest of the County and therefore a Market Towns and Rural Areas Plan is proposed. This will be the third DPD in the sequence, also to be adopted after the Core Strategy and the Hereford Area Plan, thereby recognising the needs created by the focus of growth on Hereford.

- In the light of the above the proposed target dates for adoption of the three DPDs are as follows:
 - i. Core Strategy – target adoption date 2011
 - ii. Hereford Area Plan – target adoption date 2012
 - iii. Market Towns and Rural Areas Plan – target adoption date 2013

- Following the Planning Act 2008, SPDs are no longer included in the Local Development Scheme. This does not mean that all work on SPDs will cease. Indeed it is proposed that a new Supplementary Planning Document is introduced (currently with the working title of a Design Code for Herefordshire) to update the Design and Development Requirements SPG 2004 and bring it up to date with the latest guidance on climate change, design and the relationship to Parish Plans and Village Design Statements. This will form an integral part of the “Place Shaping” agenda at the site-specific level. It is also anticipated that, once the associated regulations have been published, work can also commence on a Community Infrastructure Levy Charging Schedule with the intention that it be adopted as soon as possible after the Core Strategy is adopted in 2011.

- 5. As work on establishing the Local Development Framework is underway, the UDP will continue to provide an overall policy framework. It will be necessary to apply to Government Office to allow relevant UDP policies to be ‘saved’ beyond March 2010 (when the three year transitional period expires), where these are needed to enable effective planning control and have not yet been superseded by elements of the new system. Work on the saved policies will commence in the summer of 2009.

- 6. Following approval by Cabinet, the revised Scheme must be submitted to Government Office with a four-week period for comment before it can come into effect. The date for the Scheme coming into effect is subject to possible variations arising from this process.

- 7. It is worth noting the various risk factors to achieving the Scheme’s programme:
 - The availability of staff resource
 - Funding being available to support the timely and necessary development of the evidence base
 - The extent to which national and regional housing requirements are subject to change as the RSS review process continues
 - Linked to this, the RSS review proceeding to timetable
 - Further secondary legislative changes following the Planning Act 2008.

RECOMMENDATION

THAT the Committee endorse the Local Development Scheme and recommend its approval to Cabinet by the Cabinet Member (Environment and Strategic Housing).



Herefordshire Council

LOCAL DEVELOPMENT SCHEME

Fourth Review · **January 2009**

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1. Introduction

The Local Development Scheme

This is the Council's Local Development Scheme - a guide to the documents setting out the Council's planning policies.

The Scheme lists existing planning policy documents and explains how the Council will organise and manage its forward planning work over the next three years as it continues to establish a Local Development Framework for Herefordshire.

This edition of the Scheme replaces that published in January 2008. Following the adoption of the Unitary Development Plan in March 2007, the new Scheme reflects the need to respond at the local level to proposals for housing and other growth in the County arising from the Regional Spatial Strategy. These emerging proposals also reflect the Council's continuing participation in the New Growth Point programme, comprising a partnership with Government to ensure the delivery of sustainable growth.

The Scheme will be kept up to date through regular reviews as these are required and to maintain a three year forward programme.

What's in the Scheme

In the Scheme you will find:

- A section explaining some of the terms used in the Local Development Framework system (section 2);
- A section setting out all the documents which form or will form part of the Local Development Framework in the period covered by this Scheme (section 3). The Scheme includes a schedule and profiles setting out the main stages in the preparation of the set of documents which will, together, form the Local Development Framework and replace the Unitary Development Plan;
- A section dealing with Supplementary Planning Guidance, explaining how this will relate to the Development Plan Documents (section 4); and
- A supporting statement, which explains how all these documents work together and how the Council will manage their preparation (section 5).

National, regional and local contexts

The Council's planning policies have been developed within a well-established context at national, regional and local levels.

At national level, the Government's Planning Policy Statements set out policies on key land use matters. The Planning Act 2008 has made significant changes to the arrangements for Local Development Schemes. In particular Supplementary Planning Documents no longer form part of the formal Local Development Scheme whereas, in order to use the new facility of the Community Infrastructure Levy, a Charging Schedule must be included. Various commencement orders for the Act are expected at the beginning of 2009 which will define what work can be done based on the new Act.

At regional level, the Regional Spatial Strategy (RSS) was published as Regional Planning Guidance for the West Midlands (RPG11) in June 2004. The RSS forms part of the statutory Development Plan and initially covered the period to 2021. The RSS is undergoing a phased series of reviews and Phase 2 of the review, which includes housing, employment, centres, transport and waste aspects extends the plan period to 2026. The Phase 2 proposals will be the subject of an Examination in Public in April and May 2009 and form an essential context for Herefordshire's Local Development Framework.

Other regional policy documents, such as the Regional Housing and Economic Strategies, have spatial dimensions and will need to be taken into account. The Regional Economic

Strategy is also under review. The Regional Sustainable Development Framework provides an overall context for the consideration of sustainability issues in plan making.

At local level, the Council's spatial planning policies in the Local Development Framework are being aligned with the priorities set out in the Herefordshire Community Strategy. Joint working through a task group comprising senior Council Members and Partnership representatives ensures an integrated approach. The Local Area Agreement was launched in October 2008 and provides the delivery plan for these strategies. The Local Development Framework has an important role to play in achieving the spatial elements of the outcomes defined in the Agreement.

The Local Development Framework must also reflect and integrate with other local plans and strategies including the Local Transport Plan and the Economic Development and Housing Strategies.

2. The Local Development Framework

This section is a brief guide to some of the main terms used in this Scheme.

The Local Development Framework (LDF) provides for the Council to prepare a series of Local Development Documents (LDDs).

There are several types of LDDs. The most important are Development Plan Documents (DPDs), with a key role in the determination of planning applications. Supplementary Planning Documents (SPDs) are no longer required to be in the Local Development Scheme but draft proposals for the likely programme of SPDs is included in Section 4 below for information. They offer further detail in support of DPD policies and proposals. Finally, there is the Statement of Community Involvement (SCI), which sets out how the Council will involve the community.

These and other terms are explained below.

AMR	Annual Monitoring Report	The Council's annual report to Government on progress in preparing the documents set out in the LDS, and on how far planning policies are being achieved.
CIL	Community Infrastructure Levy	A new provision brought in by the Planning Act 2008 which sits alongside Planning Obligation Agreements and enables development land value to be invested in infrastructure necessary to implement the Core Strategy
CIL – CS	Community Infrastructure Levy - Charging Schedule	The Charging Schedule sets out the basis and amount of CIL and is a document in the LDF although it is not a Development Plan Document as such.
HRA	Habitats Regulations Assessment	An assessment undertaken in accordance with European legislation to assess the impacts of a plan or policy on designated sites of ecological interest.
LDF	Local Development Framework	A portfolio of LDDs which collectively set out the spatial strategy for the Council's area, balancing land use pressures arising from economic, social and environmental demands.
LDD	Local Development Document	DPDs, SPDs and the SCI are all Local Development Documents, collectively forming the LDF.
LDS	Local Development Scheme	The Scheme sets out a 3 year programme for preparing DPDs.
PP	Parish Plans	These are not formally part of the Local Development Framework but are, none-the-less important to the Sustainable Community Strategy and may include issues common to both the SCS and the LDF. Where appropriate SPDs will refer to them.
RSS	Regional Spatial Strategy	Provides a spatial framework to inform the preparation of LDDs and Local Transport Plans by local authorities, and of other strategies and programmes that have a bearing on land use, in order to deliver a coherent framework for regional development.
SA	Sustainability Appraisal	An assessment of the economic, social and environmental impacts of the policies and proposals in DPDs.

SCI	Statement of Community Involvement	Explains to local communities and other stakeholders how and when they will be involved in the preparation of LDDs. Herefordshire's SCI was adopted in 2007.
SCS	Sustainable Community Strategy	Drawn up by local partnerships to show how local areas will address social, economic and environmental issues. The Herefordshire Community Strategy was published in June 2006 and re-launched as a Sustainable Community Strategy in 2008.
SEA	Strategic Environmental Assessment	An assessment of the environmental impacts of the policies and proposals in DPDs.
SPD	Supplementary Planning Document	These give more detail about the policies and proposals in DPDs. Following the Planning Act 2008 they are no longer Development Plan Documents but they are included in the Local Development Framework.
SPG	Supplementary Planning Guidance	These were previously prepared to offer more detailed guidance to the Unitary Development Plan. The remaining SPGs will be superseded by SPDs as the Local Development Framework system is progressed.
VDS	Village Design Statements	These have the same status as Parish Plans but tend to be focussed on local design issues – and can therefore be influential in “Place shaping” at the local level.

3. Local Development Documents

Herefordshire Unitary Development Plan

The Herefordshire Unitary Development Plan (UDP) was adopted in March 2007. The UDP was prepared to ensure consistency with Government Planning Policy Statements. The Plan was also consistent with the Regional Spatial Strategy (RSS) for the period up to 2011 (the end date of the UDP). This particularly applies to the provision of housing overall and the Plan's housing strategy; to the Plan's employment policies, intended to help achieve rural renaissance, and to plan housing, city centre and transport proposals designed to support and reflect Hereford's role within the Strategy. Similarly the Plan's general policies on matters such as design, transport and the environment reflect principles set out in the Strategy. Throughout, the UDP has a strong emphasis on the delivery of sustainable development in the County, reflecting both the RSS and the Community Strategy for Herefordshire.

"Saved" Policies

The UDP has the status of a Development Plan Document. It will be operative as part of the Framework for a three year period from the date of adoption. After the three year period expires in March 2010 only the policies which have been formally "Saved" will continue in effect. During 2009 the formal process of identifying the Saved Policies will take place, taking into account the close links that exist between UDP policies, the RSS and the Sustainable Community Strategy, and the need to ensure effective planning control while successor documents to the UDP are put in place.

Progress on Local Development Documents

A full review of progress over the last year is included within the Annual Monitoring Report for 2007/08. In summary:

- The Core Strategy "Developing Options" consultation took place from June to August 2008 and elicited nearly 1,000 responses from stakeholders around the County.
- Supplementary Planning Documents for Planning Obligations, Polytunnels Development and for the Model Farm development in Ross were adopted.
- The Annual Monitoring Statement for 2007/08 was prepared and submitted.
- The Growth Point bid for funds was renewed
- The Strategic Housing Land Availability Assessment commenced with the initial study published in 2008.
- Continuing work took place to establish the evidence base of the next generation of DPDs

Following changes in the Local Development Regulations (in June 2008) and the Planning Act 2008 (which received Royal Assent at the end of November 2008) revised arrangements will come into effect for Development Planning work. Thus the statutory elements of the Local Development Scheme for 2009 will comprise of the following documents:

1. The Core Strategy
2. The Hereford Area Plan (to include specific allocations for Hereford in its role as a Settlement of Significant Development)
3. A Market Towns and Rural Areas Plan (to include specific allocations for the County outside Hereford and its immediate environs).

The **Core Strategy** will be accompanied by a **key diagram** to indicate general locations for the principal proposals. The other two Plans will include specific allocations and will each be

accompanied by relevant proposals map which has its own status as part of the development plan. The three documents together will deal with the Place Shaping concept. The Core Strategy will deal with Place Shaping at the strategic level, explaining how the County as a whole is expected to be developed up to 2026. The two allocations documents described below will do so at the local level (particularly by defining the detailed allocations of the plan).

Hereford Area Plan. This will give effect to Hereford's status as a New Growth Point, and address the emerging RSS phase 2 review proposals for Hereford as a Settlement of Significant Development. Because the RSS provides specific guidance in terms of the balanced growth requirements at Hereford, a start can be made on this document whilst the Core Strategy is still in preparation. Its early preparation will confirm the feasibility of delivering growth, whilst the area-wide approach will allow the implications of growth proposals in a historic market town setting to be assessed comprehensively, including the identification of the necessary infrastructure. The Plan will seek to ensure that growth is accommodated in a way which recognises, supports and shapes Hereford's 'sense of place'.

Market Towns and Rural Areas Plan. Outside Hereford, the key theme is "Rural Regeneration" and it is very important that the role of the Market Towns and their relationship with surrounding rural areas is developed in a manner consistent with the Sustainable Community Strategy. Consequently a DPD will be needed to set out spatial planning policies required for the market towns and the wider rural areas. Pending its preparation and adoption, the saved policies and proposals of the UDP will provide the basis for detailed planning control in these areas, together with the Core Strategy (once adopted), the RSS and national planning policies.

Documents Outside the Local Development Scheme

The change in the status of SPDs means that they are no longer part of the Local Development Scheme, however, they remain important elements of the Local Development Framework as a whole.

It is proposed that the SPG "Design and Development Requirements" 2004 is updated as a county-wide statement of design standards which are expected of development. This will enable the document to be updated in the light of the new requirements (pursuant to the Planning Act 2008) to give specific consideration to climate change and design quality, to reflect more recent planning practice, and to provide a link between the place shaping elements of Parish Plans/Village Design Statements and the Local Development Framework. In this way the Place Shaping agenda can be delivered at the strategic level by the Core Strategy, at community level by the two allocations DPDs, and at a site specific level in this new SPD. It will take the form of a "Design Code" and apply to the whole county.

Other SPDs concerning historic landscapes, and archaeology and development may also be progressed as resources allow.

The Community Infrastructure Levy Charging Schedule will also be progressed as a document within the Local Development Framework as part of the implementation programme for the Core Strategy.

The Statement of Community Involvement (which was adopted in 2007) is another very important document which, following the Planning Act 2008, is now no longer a Development Plan Document but none-the-less is part of the Local Development Framework. It sets out how the public are engaged with planning processes.

Three year programme for Local Development Documents

The programme of forward planning work for the next three years from April 2009 comprises the following documents in the Local Development Scheme:

- Core Strategy
- Hereford Area Plan

- Market Towns and Rural Areas Plan

And the following other documents outside the Local Development Scheme

- Community Infrastructure Levy Charging Schedule
- Design Code for Herefordshire SPD
- Development Briefs as required for individual sites

The proposed timetable for the Development Plan Documents is set out in detail in the Schedule, Programme and Profiles on the subsequent pages of this document. The programme assumes that work on the Phase 2 review of the RSS, essential to establishing a strategic context for the Council's Core Strategy, proceeds to a conclusion during 2010.

The programme also takes account of the conformity requirements arising under the planning system, particularly in that the Core Strategy needs to be established ahead of other Development Plan Documents; and reflects the need to give priority to the development of the evidence base for the LDF in providing a sound foundation for Local Development Documents.

Proposals Map

The Proposals Map currently comprises the UDP Proposals Maps. The Map will be updated over time as new Local Development Documents are adopted.

Implementation Plan

A specific element of the three main DPDs identified above will be an Implementation Plan to explain how the key policies and proposals are expected to be delivered during the plan period(s).

Parish Plans and Village Design Statements

Parish Plans and Village Design Statements are not part of the Local Development Framework but are very important at a local level. Part of the purpose of the proposed Design Code for Herefordshire is to create a (non-statutory) chain of conformity between the Local Development Framework and Parish Plans and Village Design Guides.

Joint working

It is not envisaged that any formal joint working with other local planning authorities in the preparation of local development documents will be required. Liaison with the Brecon Beacons National Park Authority and Powys will continue in respect of cross boundary planning issues arising at Hay-on-Wye/Cusop. Due regard will be paid to emerging LDFs for adjoining authority areas and to the Wales Spatial Plan in drawing up local development documents.

Schedule of Local Development Documents to be Prepared

Document title	Status	Description	Chain of conformity	Key elements of Stakeholder Involvement	Last round of formal public consultations	Submission to Secretary of State	Adoption
Development Plan Documents which form part of the Local Development Scheme							
Core Strategy	Development Plan Document (DPD)	Sets out the vision and objectives for the LDF, together with the spatial strategy.	Must be in general conformity with the RSS	(Issues and Options – September 2007) (Developing Options: June – August 2008)	August – October 2009	June 2010	March 2011
Hereford Area Plan	Development Plan Document (DPD)	Sets out proposals for the delivery of sustainable housing and other growth at Hereford, including regeneration proposals within the urban area.	Core Strategy	Issues Consultation August – October 2009	September – October 2010	June 2011	March 2012
Market Towns and Rural Areas Plan	Development Plan Document (DPD)	Sets out proposals for the delivery of sustainable housing and other growth in the parts of the County outside Hereford with an emphasis on Rural Regeneration.	Core Strategy	Issues Consultation August – October 2010	September - October 2011	June 2012	March 2013
Documents outside the Local Development Scheme but part of the Local Development Framework							
Design Code for Herefordshire	Supplementary Planning Document (SPD)	Provides further planning guidance place shaping at the community level	Core Strategy	January – February 2010	August – September 2010	N/A	April 2011
Community Infrastructure Levy Charging Schedule	Implementation document for the Core Strategy	Provides clear guidance on securing the means to implement infrastructure projects necessary for the overall strategy	Core Strategy	June – July 2010	October – November 2010	N/A	April 2011

Programme for Development Plan Documents

	2009/10												2010/11												2011/12												2012/13											
	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M
Core Strategy																																																
Issues and Options consultation took place in September to October 2007																																																
Developing Options consultation took place in June to August 2008																																																
Programme from Submission onwards set out to be consistent with advice from Planning Inspectorate (June 2008)																																																
Preparation of key options																																																
Public participation on key options																																																
Preparation of submission DPD																																																
Publication of Submission Document																																																
Submission																																																
Pre-Examination meeting																																																
Examination																																																
Receipt of Report																																																
Adoption																																																
Hereford Area Plan																																																
Evidence gathering and option drafting																																																
Issues and Place Shaping consultation																																																
Preparation of key options																																																
Public participation on key options																																																
Preparation of submission DPD																																																
Publication of submission document																																																
Submission																																																
Pre-Examination meeting																																																
Examination																																																
Receipt of Report																																																
Adoption																																																

Programme for Local Development Documents (continued)

	2009/10												2010/11												2011/12												2012/13											
	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M
Market Towns and Rural Areas Plan																																																
Evidence gathering and Option drafting	█			█			█			█			█			█			█			█			█			█			█			█			█			█			█			█		
Issues and Place Shaping consultation	█			█			█			█			█			█			█			█			█			█			█			█			█			█			█			█		
Preparation of key options	█			█			█			█			█			█			█			█			█			█			█			█			█			█			█			█		
Public participation on key options	█			█			█			█			█			█			█			█			█			█			█			█			█			█			█			█		
Preparation of submission DPD	█			█			█			█			█			█			█			█			█			█			█			█			█			█			█			█		
Publication of Submission Document	█			█			█			█			█			█			█			█			█			█			█			█			█			█			█			█		
Submission	█			█			█			█			█			█			█			█			█			█			█			█			█			█			█			█		
Pre-Examination meeting	█			█			█			█			█			█			█			█			█			█			█			█			█			█			█			█		
Examination	█			█			█			█			█			█			█			█			█			█			█			█			█			█			█			█		
Receipt of Report	█			█			█			█			█			█			█			█			█			█			█			█			█			█			█			█		
Adoption	█			█			█			█			█			█			█			█			█			█			█			█			█			█			█			█		

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Development Plan Document profiles

Core Strategy

Document details

Role and subject	Sets out the vision and objectives for the Local Development Framework, together with a spatial strategy, illustrated on a key diagram, for the period up to 2026 (in line with the current review of the Regional Spatial Strategy).
Geographic coverage	County wide
Status	Development Plan Document
Chain of conformity	Must be in general conformity with the Regional Spatial Strategy

Timetable

Commencement and evidence gathering	September 2006 – August 2007 Evidence base subject to review and updating
Issues and options consultations	September – October 2007
Developing Options consultation	June – August 2008
Public consultation on key options	August – September 2009
Preparation of submission DPD	October 2009 – March 2010
Publication of Submission Document	April 2010
Submission	June 2010
Pre-Examination meeting	August 2010
Examination	October 2010
Receipt of Report	January 2011
Adoption	March 2011

Arrangements for production

Lead service	Forward Planning, Planning Services
Management arrangements	Council to approve Key Options consultation document; consider changes and approve submission DPD and to adopt, all following proposal by Executive.
Resources	In house resources and existing budgets supplemented by Housing and Planning Delivery Grant. Consultancy support in developing aspects of the evidence base.
Involving stakeholders and the community	As defined in the Statement of Community Involvement

Hereford Area Plan

Document details

Role and subject	Sets out proposals for the delivery of sustainable housing and other growth at Hereford, including regeneration proposals within the urban area and infrastructure requirements
Geographic coverage	Hereford and immediately adjoining parts of the County
Status	Development Plan Document
Chain of conformity	Core Strategy

Timetable

Commencement and evidence gathering	June 2008 – August 2009
Issues and options consultation	September – October 2009
Preparation of key options	November 2009 – August 2010
Public participation on key options	September – October 2010
Preparation of submission DPD	November 2010 – May 2011
Publication of Submission document	April 2011
Submission to Secretary of State	June 2011
Pre-Examination meeting	August 2011
Examination	October 2011
Receipt of Report	January 2012
Adoption	March 2012

Arrangements for production

Lead service	Forward Planning, Planning Services
Management arrangements	Council to approve Key Options consultation document; consider changes and approve submission DPD and to adopt, all following proposal by Executive.
Resources	In house resources and existing budgets supplemented by Planning Delivery Grant/Housing and Planning Delivery Grant.
Involving stakeholders and the community	As defined in the Statement of Community Involvement

Market Towns and Rural Areas Plan

Document details

Role and subject	Sets out proposals for the delivery of sustainable housing and other development in the County outside the immediate environment of Hereford, focussing on rural regeneration.
Geographic coverage	Whole of the County not covered by the Hereford Area Action Plan
Status	Development Plan Document
Chain of conformity	Core Strategy

Timetable

Commencement and evidence gathering	June 2009 to August 2010
Issues and options consultation	September – October 2010
Preparation of key options	November 2010 to August 2011
Public participation on key options	September to October 2011
Preparation of submission DPD	November 2011 to March 2012
Publication of Submission Document	April 2012
Submission to Secretary of State	June 2012
Pre-Examination meeting	August 2012
Examination	October 2012
Receipt of Report	January 2013
Adoption	March 2013

Arrangements for production

Lead service	Forward Planning, Planning Services
Management arrangements	Council to approve Key Options consultation document; consider changes and approve submission DPD and to adopt, all following proposal by Executive.
Resources	In house resources and existing budgets supplemented by Housing and Planning Delivery Grant.
Involving stakeholders and the community	As defined in the Statement of Community Involvement

4. Supplementary Planning Documents and Guidance

Supplementary Planning Guidance to the UDP

Supplementary Planning Guidance is no longer prepared under the arrangements for the Local Development Framework. However, there are a number of such documents which remain in use under the transitional arrangements, and which provide supplementary guidance to the UDP. These are:

- Design and development requirements SPG (until it is replaced by the Design Code for Herefordshire)
- Reuse and adaptation of rural buildings SPG
- Biodiversity SPG
- Landscape Character Assessment SPG

In addition, a number of local communities have brought forward Village Design Statements and Parish Plans, which have been adopted as interim SPG to the UDP:

Supplementary Planning Documents

Since 2004 Supplementary Planning Documents (SPD) have replaced Supplementary Planning Guidance (SPG) as a means of setting out the Council's planning policies at the level below that of adopted DPDs.. Notwithstanding their change in status since the Planning Act 2008 they remain Local Development Documents and are material planning considerations when considering proposals for development.

By December 2008 the following SPDs had been adopted and are in effect. They are available on the Council's website.

Title of SPD	Date of Adoption
Land at Former Whitecross School : Development Brief	June 2006
Land at Shobden : Development Brief	September 2006
Edgar Street Grid : Development Brief	November 2007
Planning Obligations	February 2008
Model Farm, Ross-on-Wye, Development Brief	October 2008
Polytunnels	December 2008

5. Supporting statement

How the Local Development Documents work together

The diagram overleaf illustrates how the various documents discussed in this Scheme will work together to provide a Local Development Framework for Herefordshire.

Evidence base

The Council has a sound basis of evidence to use in developing its Framework. Much of this has been built up and refined over a period of time, while in other subject areas specific studies have been commissioned and are underway. The evidence base comprises the following principle resources and technical studies:

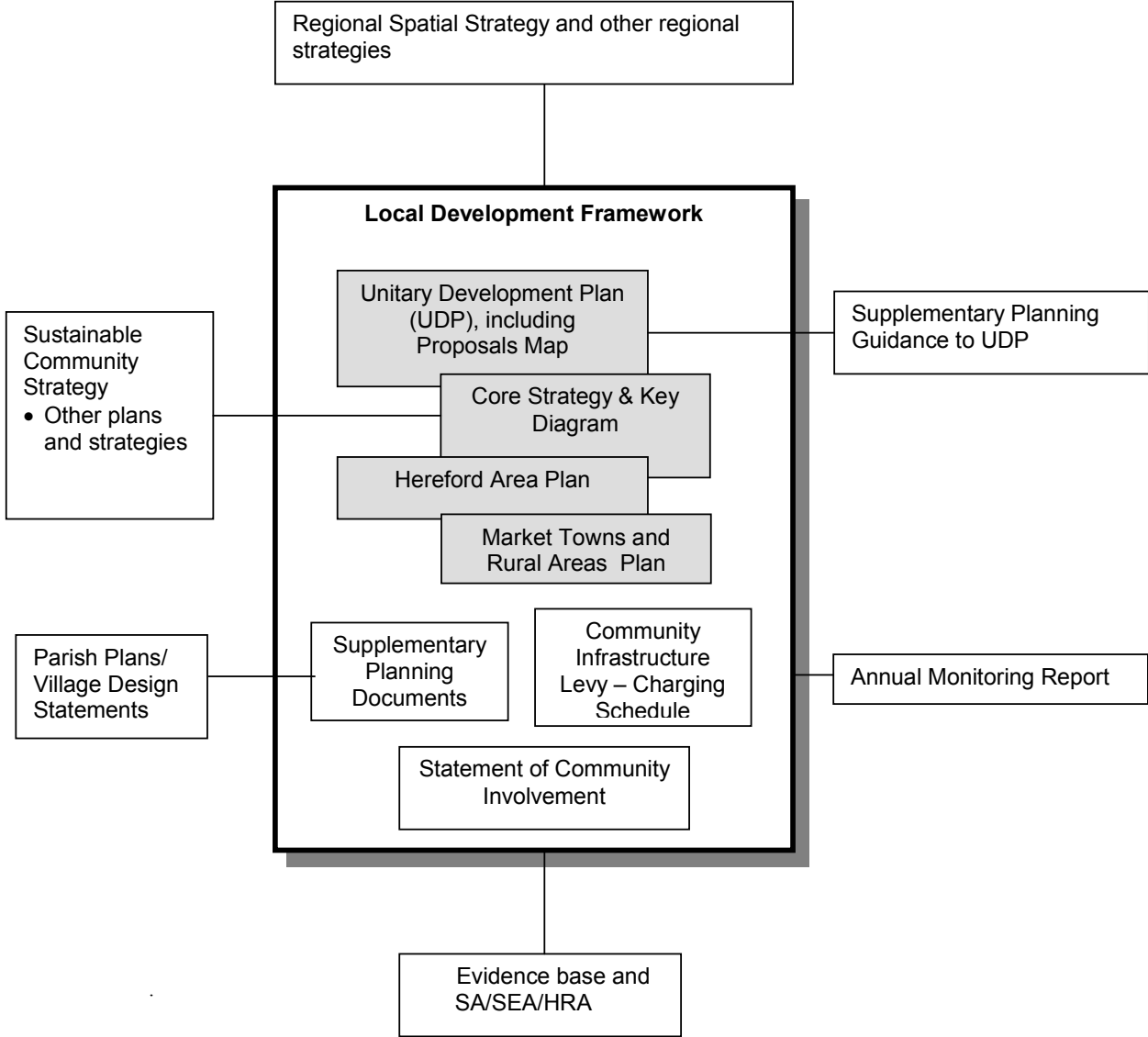
Title	Current edition	How the evidence base will be managed
Annual Monitoring Report (incorporates housing and employment land studies)	2007-2008 (submitted December 2008)	Annual review
Housing Needs Studies	County wide study 2005, followed up by studies for individual settlements as resources permit	Rolling programme of studies based on settlements
Strategic Housing Land Availability Assessment	Study in preparation – first phase published in 2008 with further studies to be published in 2009.	Monitored through annual housing land study and periodic review
Sub-regional Housing Market Assessment	Main Study complete – but further work anticipated in respect of viability (and related) issues - using consultants	Periodic review
Water Study, comprising assessment of water supply, treatment, infrastructure and flooding (PPG25 Strategic Flood Risk Assessment)	Strategic Flood Risk Assessment completed in 2008. Water Cycle Study in preparation using consultants	Periodic review
National Land Use Database (NLUD)	2006 submission to national database	Annual review
Employment Land Review	Study in preparation using consultants	Periodic review
Retail study (PPS6 Assessment)	Study in preparation using consultants – due for completion in 2009	Periodic review
Green Infrastructure Study	Study in preparation using consultants – expected study completion in 2009	To be developed into a Green Infrastructure Strategy (subject to Growth Point funding)
Open space study (PPG17)	Initial study completed – further work being developed to create a strategy – expect completion during 2009	Periodic review
Hereford Multi Modal Model Study - Transportation Assessment for Hereford and environs	Previous studies being reviewed and updated with new survey data from 2008.	To be completed during 2009.

Title	Current edition	How the evidence base will be managed
Minerals and Waste Study	Consultants due to report by March 2009	Annual return to Regional Planning Body
Gypsy and Traveller Accommodation Assessment	Study published in 2008. Latest revisions due to be published during 2009	Annual monitoring of planning decisions
Landscape Character Assessment and Urban Characterisation Assessment	Draft SPG published in 2004 to be undated, Urban Characterisation report due in 2009	Periodic review
Regional monitoring of offices, retail, hotels/leisure, minerals and waste	Regional Planning Guidance Annual Monitoring report, 2006	Annual return to Regional Planning Body

The evidence base is being further developed as part of continuing work on the Local Development Framework and further studies will be undertaken or commissioned as required. In particular, bids to Government have been made in October 2007 and September 2008 to access New Growth Point funding in a number of areas, addressing transportation, green infrastructure and other environmental issues. This source of funding will allow studies to go forward to assist with the delivery of sustainable housing growth, through the Hereford Area Plan in particular.

The evidence base feeds into and is supplemented by information collected for other Council and Herefordshire Partnership Strategies, including the Housing Strategy and the Economic Development Strategy.

The Local Development Framework for Herefordshire



Development Plan Documents



Local Development Documents

Sustainability appraisal, strategic environmental assessment and Habitats Regulations Assessment

Development Plan Documents have to be prepared with a view to contributing to the achievement of sustainable development – the simple idea of seeking a better quality of life for everyone, now and for future generations. Planning authorities also have to meet the requirements of the European Union Directive on strategic environmental assessment (SEA). Sustainability appraisal (SA) is a systematic and iterative appraisal process, incorporating the requirements of the SEA Directive. The appraisal process has an important role to play in the production of Development Plan Documents, ensuring that policies reflect sustainable development principles by providing information on the potential social, environmental and economic effects of policies.

To ensure that a consistent approach is taken to SA throughout the Local Development Framework process, the Council has prepared a General Scoping Report which defines an overall framework for sustainability appraisal. This will be used as a baseline in all subsequent appraisals to be conducted on Development Plan Documents.

SA is an integral part of the production of DPDs. At specific stages in the process of producing these documents appraisal reports will be produced, for instance, to accompany the submission of DPDs to the Secretary of State.

In addition to SA and to meet the requirements of the European Habitats Directive, the Council will undertake a Habitats Regulations Assessment (HRA) of DPDs where it is determined that they are likely to have significant effects upon the conservation objectives of a site designated as a European site of nature conservation interest (Special Protection Areas) and Special Areas of Conservation. While recognising that SA and HRA are two distinctively separate processes, the Council will undertake them in conjunction with one another in accordance with Government guidance. In accordance with this guidance, outputs for HRA will be clearly distinguishable and reported on separately.

Delivering the Framework

The planning policies set out in the Local Development Framework will be delivered in many ways. The refusal or grant of planning permission, and the use of planning conditions and obligations, will remain one of the most important means by which the Council's planning policies are implemented. However the emphasis on a spatial planning approach - which seeks to reconcile competing demands for land in a planned way – means that working with others has become more important.

Here, the link between the documents comprising the LDF and the Sustainable Community Strategy is all important. The LDF is a key mechanism for delivering the land use aspects of the Plan, but also provides a long term spatial context within which the Sustainable Community Strategy can be progressed.

The need to recognise the link between land use planning policy and the Sustainable Community Strategy has long been recognised in Herefordshire. The UDP is already set firmly within the overall Sustainable Community Strategy approach. These close links will be continued and strengthened as the LDF is established. The SCI for instance builds on existing community consultations undertaken by the Herefordshire Partnership.

Council procedures for approval

The Local Development Framework forms part of the Council's overall Policy Framework as defined in the Constitution. The Executive (Cabinet including the Leader of the Council) has responsibility for proposing elements of the Policy Framework to Council, with the Cabinet Member (Environment and Strategic Housing) having responsibility for planning and land use matters (excluding development control). The following responsibilities for approving different documents within the Framework reflect the varying conformity arrangements, and the fact that documents differ both in the extent to which they define policy and are used in the determination of planning applications.

Development Plan Documents: Council, following proposal by Cabinet

Supplementary Planning Documents: Cabinet Member, following consultation with Planning Committee.

Statement of Community Involvement and Local Development Scheme: Cabinet, following consultation with Planning Committee.

Monitoring and review

The Local Development Framework system incorporates an Annual Monitoring Report – the AMR. This must be compiled on a financial year basis and submitted to the Government Office by the end of the calendar year. The AMR tracks progress against the targets and milestones set out in this scheme for producing LDDs, and the extent to which policies in LDDs are being achieved.

Each year a report will be submitted to the Council's Cabinet via the Planning Committee that will:

- Specify to what extent the timescales set out in the LDS for the production of LDDs are being met
- Review the extent to which policies within LDDs are being achieved, focussing initially on key policy areas where information is available and where national, regional or local targets have been set.
- In particular, the AMR will report on the number of dwellings built in Herefordshire during the period covered by the Report and relate this to relevant LDD policies
- Consider whether any policies need amendment because they are not working as intended or are not achieving sustainable development objectives and, if so, suggest ways to achieve this
- Consider the need to review the LDS in the light of the AMR. The Scheme will be revised each time the list of Local Development Documents changes, either by addition of a new proposed Document or through significant revision to the timetable for the preparation of a Local Development Document.

Monitoring is undertaken within the Forward Planning Team of the Council. In addition, the Herefordshire Partnership carry out a monitoring exercise against the ambitions and aims of the Sustainable Community Strategy. This is published as a regular "State of Herefordshire" Report. Over time, the monitoring of planning policies set out in the AMR will need to be aligned with that carried out on the Sustainable Community Strategy, reflecting the role of the LDF as the key delivery mechanism for those Strategy ambitions with a spatial dimension.

6. Contacts for Further Information

Council's website: www.herefordshire.gov.uk/ldf
Email: ldf@herefordshire.gov.uk
Telephone: 01432 260500
Fax: 01432 383031
Post: Forward Planning Team
Herefordshire Council
P.O. Box 4
Plough Lane
Hereford
HR4 0HX

DCSW2008/2020/O - PROVISION OF 6 AFFORDABLE (DISCOUNTED MARKET HOUSING) DWELLINGS, BIO-DISC TREATMENT PLANT AND USE OF EXISTING ACCESS, 6 ATTACHED SINGLE GARAGES, ETNA, ORCOP HILL, MUCH DEWCHURCH, HEREFORDSHIRE, HR2 8EW

For: Mr K Jones per Brian Griffin P&CC Ltd, The Cottage, Green Bottom, Littledean, Gloucester, GL14 3LH

Date Received: 4th August 2008

Ward: Pontrilas

Grid Ref: 48137, 28175

Expiry Date: 29th September 2008

Local Member: Councillor Mrs J Fishley
Councillor R Smith

Introduction

This application was considered by the Southern Area Planning Sub-Committee at its meeting on the 12th November, 2008. It was resolved to grant planning permission, contrary to the recommendation of the report, subject to a planning obligation under Section 106 of the Town and Country Planning Act 1990 securing a discount on the market value of the dwellings in line with Council policy to ensure its affordability in perpetuity, control over the allocation of the dwellings to local people and appropriate control in relation to the standard of accommodation provided. The circumstances concerning its referral to the Planning Committee are unusual insofar as there was a misinterpretation of the Committee resolution but this was subsequently clarified and has been discussed further with the applicant. The background to the application and the resolution are set out below but in simple terms the applicant is now offering discounted market housing at a 40% discount of the market value.

The application seeks to provide affordable housing in Orcop in the form of two and three bed semi-detached dwellings each with a 90 sq. m floor area. The application was submitted on the basis that the houses would be for open market sale but at a discount to make them affordable. As reported to the Southern Area Planning Sub-Committee, the application proposed that the discount to be offered would be 30% below open market value. This was discussed at some length during the consideration of the application together with the potential for the discount to be set at 40% to restrict the value of the properties further. Notwithstanding this and following further clarification, the Sub-Committee resolution to approve was based upon the desire to secure a scheme that met the Council's affordability requirements. This would entail securing a still greater discount on the market value of the properties (£103,000 for the 2 bed dwellings and £109,000 for the 3 bed dwellings). This additional requirement has been discussed with the applicant but at the time of writing it has been confirmed that he wishes the application to be determined on the basis of the 40% discount on the market value of the dwellings.

At its meeting on 12th November, 2008 the Southern Area Planning Sub-Committee was recommended to refuse the application for the following reasons:

1. The proposal constitutes development in open countryside where there is a strong presumption against new residential development unless there are exceptional circumstances to justify otherwise. The development will not meet an identified local need for affordable housing and does not satisfy the requirements of the rural exceptions policy. The proposal is therefore contrary to Policies H7 and H10 of the Herefordshire Unitary Development Plan and the guiding principles of PPS7 – Sustainable Development In Rural Areas.
2. The proposed development by reason of the layout and elevated position of the site would detract from the character and appearance of this part of Orcop Hill and the surrounding countryside and therefore the proposal is contrary to Policies DR1 and H13 of the Herefordshire Unitary Development Plan.
3. The proposal by reason of its isolated rural location would not be sustainable in terms of reducing the need to travel by private car as required by Policies S1, S6 and DR2 and as set out in Government advice contained in PPS7 – Sustainable Development in Rural Areas and PPG13 – Transport.

In the debate Members considered the findings of the Housing Needs Study for Orcop (January 2003) and identified that a requirement for a total of 18 dwellings (7 affordable and 11 open market) had been established and reference was made to the support of Orcop Parish Council as well as the relevance of the adjacent completed development of 6 low cost market homes which enabled ready access to the proposed site.

The updated report (set out in full below) included details of the prices at which the existing 6 low cost market dwellings had been sold, some of which exceeded the level of affordability derived from using average incomes as a baseline. Concern was expressed that the proposal did not represent affordable housing as defined by the Council's guidance and that it may be possible to find alternative solutions that did, but ultimately it was considered that there was still a need to be met with an increased discount.

The debate largely focussed on the issue of affordability, although it was also clearly expressed that the refusal reasons relating to landscape impact and the sustainability were not supported on the basis of the general character of the area and the availability of local services to the locality.

Orcop is not an identified settlement in the Herefordshire Unitary Development Plan and as such exceptions would be limited to only single dwellings in accordance with Policy H10. It is nevertheless presented as an exception site justified on the basis of the identified need to provide affordable housing. By reference to Housing Needs Survey, the identified need is 7 dwellings and in conjunction with the existing 6 dwellings, this need would be exceeded by the current application. In this context it is considered that there should be no exceptions. Notwithstanding the increased discount discussed by Members, to use the 40% discount as suggested by the applicant will result in the sale price of the houses below the open market price but exceeding what would be affordable to most households in need and furthermore to meet the need more appropriately, a range of tenure types (social rented and intermediate) would be required.

In summary, and following further consultation with the Strategic Housing Manager, a proposal that secured a further discount on the market value as described above would be considered acceptable. The applicant has been given an opportunity to amend the proposal to satisfy the resolution but has not taken up this offer and as such on the principle issue of affordability, the proposal does not satisfy a critical policy. Members are also advised to attach appropriate weight to the issues relating to the landscape impact and

sustainability which remain valid reasons for refusal, particularly in the current scenario where the benefits of providing truly affordable housing fall short of that required by policy.

1. Site Description and Proposal

- 1.1 The proposal site is on the western side of Lyston Lane, a Class III road (C1235) that links Orcop Hill to the A466 road.
- 1.2 Access to the site is via an existing surfaced road that passes the north-eastern side of Etna, a dwelling lived in by the applicant. This roadway, with improved visibility to the north-east, serves six affordable market dwellings (approved pursuant to DCSW2004/0047/O) which are down slope from and to the south-west of the application site. These three pairs of dwellings are subject to a Section 106 Agreement that discounts the market value of the semi-detached properties by 30%. It is proposed that the current proposal would again be subject to a discount of 30% of their market value (this discount has subsequently been increased to 40% of the market value).
- 1.3 This open site was formerly partly covered by two poultry units. This is an outline application and the only matter to be determined at this stage is the means of access. All other matters are reserved for future consideration.
- 1.4 The roadway and the majority of the site lies within the Pontrilas Ward with a much smaller portion adjoining the existing six dwellings recently constructed within the Vallets Ward.
- 1.5 Orcop was identified as a settlement in the South Herefordshire District Local Plan, and the above-mentioned 2004 application was considered in relation to this plan.

Orcop is no longer classified as a settlement within the Herefordshire Unitary Development Plan and in policy terms is regarded as a site within open countryside.

2. Policies

2.1 Government Guidance

- PPS3 - Housing
- PPS7 - Sustainable Development in Rural Areas

2.2 Regional Planning Guidance for the West Midlands (RSS)

2.3 Herefordshire Unitary Development Plan

- Policy S1 - Sustainable Development
- Policy S6 - Transport
- Policy H7 - Housing in the Countryside Outside Settlements
- Policy H10 - Rural Exceptional Housing
- Policy H13 - Sustainable Residential Design
- Policy DR1 - Design
- Policy DR2 - Land Use and Activity
- Policy LA3 - Setting of Settlements

2.4 Supplementary Planning Guidance & Other Material Considerations

Planning Obligations (adopted April 2008)

Herefordshire Housing Needs Assessment 2005

3. Planning History

3.1	Code 11623	2 flock houses, boiler house and agricultural workers bungalow	- Approved August 1961
	SH930279PF	Demolish 2 existing poultry houses and buildings and replace with 2 modern poultry houses, bins	- Approved 21.04.93
	SH971420PF	Extension of time for one year only (conditions 1 – 7) excluding condition 6 agreed on SH930279PF	- Approved 09.12.97
	SS990095PF	Extension of time for 2 years only for planning permission SH971420PF	- Approved 16.03.99
	SW2001/0496/F	Extension of time for 2 years of previous planning permission SS990095PF	- Approved 11.04.01
	DCSW2003/2651/O	Site for 11 dwellings with bio-disc treatment system (affordable housing)	- Withdrawn 28.11.03
	DCSW2004/0047/O	Site for 6 dwellings (affordable market housing), removal of poultry buildings	- Approved 31.08.05 (subject to Section 106/ Planning Obligation)
	DCSW2006/1032/O	Variation on condition 5 of DCSW2004/0047/O	- Approved 05.05.06
	DCSW2006/1534/RM	6 dwellings for affordable market housing	- Approved 18.07.06

4. Consultation Summary

Statutory Consultations

4.1 No statutory or non-statutory consultations required.

Internal Council Advice

4.2 The Traffic Manager states that “visibility is sub-standard, access now needs to be set back 2.4 metres (wing walls hide visibility). Layout of access road not to design specification, must be adopted; access to road not acceptable, needs to be re-aligned.”

4.3 Strategic Housing makes the following observation:

“Strategic Housing does not support the above application for 6 discounted market houses at Orcop Hill. Orcop is classed as an undefined settlement therefore

development is limited to the construction of a single affordable dwelling. Orcop also has a lack of facilities and services, making it an unsustainable location for affordable housing.

Strategic Housing do not consider the units to be affordable with the proposed 30% discount. To be affordable the units would need to be discounted in line with the Supplementary Planning Document, Planning Obligations 2008 – technical data, i.e. a 3 bed would be £109,000.”

Updated comments relating to the existing 6 properties:

4.4 “I have listed below the prices that the original 6 properties were sold for, from Land Registry information:

1 Birch Grove	£113,750
2 Birch Grove	£119,950
3 Birch Grove	£115,000
4 Birch Grove	£145,000
5 Birch Grove	£145,000
6 Birch Grove	£149,950

- The original prices agreed by Councillors with the 30% discount were £113,750 and £140,000. This figure is higher than we (Strategic Housing) wanted as we suggested the SPG figures which at the time were £104,515 and £110,321. Therefore the discounted price should be nearer 40%. The SPG figures that we are currently using are £103,000 and £109,000 therefore we are again looking for a 40% discount. Two low cost market schemes recently completed have been discounted by 40%, they are Risbury and Walford.
- Bradbury Lines low cost market properties were again agreed for a 30% discount and recently we have had to convert them to rented units because they have not been sold. To do this we had to support Housing Corporation funding to convert the units, therefore becoming units with grant assistance.
- The average salary in the County is just over £20,000 so our figures have been calculated for affordability on that basis.
- Unsustainable since the local people stated in the housing need studies that they wanted social housing and low cost purchase up to £90,000.

The Housing Need Study Page 7 para 2 states: "8 people mentioned lack of facilities - shop, post office, children’s playground and some felt there should be no further development without such services"

Mainly smaller 2 bed accommodation was suggested as being needed in the Housing Need study page 8 para 3.

- All the properties as agreed in the original S106 were advertised through Homepoint, in total 51 people placed bids for those properties however, only two applicants returned their information to us to be assessed. We know that we put one person forward with a local connection that was housed.

I now have the names of the households who purchased the properties. I can advise that 3 are from Orcop and 2 are from outside the area, 1 is unknown. Of the three with a connection only one paid the agreed price.”

5. Representations

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

- previous application was based on housing needs assessment identifying a need for 18 emergent and existing households to be provided with suitable housing
- response of over 40 local applicants
- given response for emergent households, this application is made
- six affordable discounted market houses, one adapted for wheelchair use are proposed
- since 2005 draft Regional Spatial Strategy requires an increased rate of house building, both market and affordable housing
- outline application, all matters reserved, save the means of access.

5.2 In the Design and Access Statement submitted the following main points are made:

Amount - 6 two-bedroom discounted market houses (30%) with single detached garage. Semi-detached in cul-de-sac.

- each dwelling approximately 90m squared
- connecting pavement to 6 recently built houses
- Orcop Hill served by minor roads
- site is mainly flat with slight rise to north and west
- bio-disc treatment system would be installed

Orcop Housing Needs 2003

- undertaken by Housing Department between Jan - March 2003. Higher than normal response, i.e. 67% of 379 resident population
- identified greater need than average parish for additional affordable market housing
- need for 11 new dwellings, seven affordable and four market housing for emergent households, and for existing households a need for seven dwellings, no affordable, all market housing
- 18 new dwellings (11 market and 7 affordable)
- previous scheme attracted exceptional response of over 40 local applicants

Planning Policies

- comprises Unitary Development Plan and West Midlands draft RSS. Unitary Development Plan's rural regeneration policy is 'seeking adequate provision of local housing to meet local needs, including affordable housing'.

Layout

- adjoins existing site, appears as part of established group with common access and linking pavements to Orcop.

Scale

- about 6.5m high, garage 3.3m high
- approximately 6.5m x 7m in area

Landscape

- each dwelling will have side and rear gardens
- 3 clumps of trees will be planted; close boarded fencing between properties

Appearance

- to be affordable will be block rendered mortar and tiled roof matching that used on adjacent site

Access

- existing access utilised

General Information

- Orcop Hill dispersed settlement of mostly two-storey brick or stone dwellings
- it has a public house, chapel, telephone box
- four bus stops serve Orcop Hill
- Policy S1 is also relevant
- Orcop is in open countryside under Policy H7, only exceptions for rural businesses and rural exception sites in line with Policy H10 will be permissible
- Policy H10 limits exceptions to one dwelling therefore on face of it proposal contrary to Policy H7
- factors needed to be taken into account are:
 - (i) layout will not harm amenity or amenity of existing occupiers
 - (ii) RSS requires increase in housing provision in a very rural county
 - (iii) PPS7 states local planning authorities need to meet housing requirements in rural areas. PPS3 is committed.
 - (iv) Government's National Housing Advisory Panel recommended a better mix of houses be provided, particularly low cost houses
- Orcop Hill is well served by public transport (bus route 412 Hereford - Orcop) proposed to be expanded
- not ribbon development as it constitutes a constrained block of development within outer boundary of Orcop Hill
- legal agreement would ensure dwellings only sold or rented at 30 per cent of their open market value
- acknowledged site is in open countryside, previous site would have been contrary to Unitary Development Plan, yet demand was considerable
- local community has approached client for further expansion
- one dwelling at least for special needs and one dwelling would be designed for wheelchair user
- 30 per cent discount as previously.

5.3 Much Dewchurch Parish Council make the following observations:

“This application raises questions of what can be regarded as exceptional circumstances, whether further development should be allowed on what is considered to be a Green Field Site, and if approved, will it not set a precedent for further applications for development on the remaining and adjoining land.

Much Dewchurch Parish Council appreciate that there may be a demand for the proposed type of housing from local people which should be addressed, but in this case UDP Policies H7 and H10 would be contravened if permission is granted for the proposed development.”

5.4 Orcop Parish Council make the following observations:

“Orcop Parish Council has no objections to this application. It fully supports and welcomes the proposal for more affordable housing in the area.”

5.5 Llanwarne Parish Council make the following observations:

“This site is not in Llanwarne, it appears to be in Orcop Parish. Llanwarne has no objections.”

5.6 Four letters of representation have been received from:

Mrs V Harcombe, Wenmai Cottage, Orcop Hill, HR2 8SD
 J Manns & S Sayce, 2 Birch View, Orcop, HR2 8SH
 D G Baly, Lodge Farm, Orcop, HR2 8SA
 E A Baly, Lodge Farm, Orcop, HR2 8SA

The following main points are raised:

- cannot see there being any more purchasers when you can only sell one out of six
- can see houses standing empty for some time
- does not sit well. Presence of predominantly stone houses in Orcop
- additional traffic on narrow lane, wear and tear by farm traffic now made worse by more traffic
- where will bio-disc discharge to?
- area highlighted should be for landscaping
- took over a year to sell current houses, four of which could not sell through Home Point scheme
- understand only 3 sold at affordable price
- assured at planning meeting (at which I spoke) no further development
- Orcop has no shop, school; new residents would need to travel probably by car to Hereford, Ross or Monmouth
- high on skyline, visible from Harewood End and large area to east
- also bear in mind site is partly in parish of Much Dewchurch whose inhabitants live several miles away, unaffected by development and not able to see eyesore.

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

6. Officer’s Appraisal

6.1 The main issue is considered to be the principle of developing the site having regard to Government guidance expressed in PPS7, the Regional Spatial Strategy and the policies of the Herefordshire Unitary Development Plan which restricts housing development in the open countryside.

- 6.2 In the supporting information, the applicant's agent correctly confirms that the site is in open countryside, that Orcop is not identified as a settlement and that the proposal is contrary to Policy H7 of the Herefordshire Unitary Development Plan. The previously approved and implemented scheme on the adjacent site was broadly supported by officers as it was considered that it related well to the existing dwellings on the fringe of Orcop Hill, which at the time was still recognised as a settlement under the terms of the South Herefordshire District Local Plan that remained in force as the now adopted Unitary Development Plan progressed towards adoption. Members may recall that the main issue at this time was the need to establish an acceptable discount on the market value of the dwellings. Officers sought this through a Section 106 Agreement that was based upon average income. Ultimately, Members supported a valuation of the six properties which discounted their open market valuation by 30%. The applicant is seeking to repeat this approach with the current proposal.
- 6.3 At the outset, the policy framework has now fundamentally changed from the time of the previously determined application. Orcop is no longer identified as either a main village or a smaller settlement in the Unitary Development Plan and as such this proposal must be considered with regard to Policy H7, which restricts residential development to limited exceptions that include dwellings required to meet the needs of an agricultural, forestry or other identified rural enterprise or rural exception housing compliant with Policy H10. According to this policy, rural exceptions will only be permitted adjacent to identified settlements and will generally only be made once during the Plan period. This fundamental policy objective is not satisfied and furthermore the Strategic Housing Manager objects to the proposal since the originally suggested 30% discount and subsequently proposed 40% discount on the market value of the dwellings will not deliver affordable housing in accordance with Council policy. This is borne out by further information received by the Strategic Housing Manager above, which adds further weight to the originally stated objection and illustrates that 3 of the original 6 dwellings were sold at a higher value than was identified.
- 6.4 The applicant seeks to make a case that other material considerations should be given weight and cites a number of factors which he considers to outweigh those policy objections in the Herefordshire Unitary Development Plan. It is not considered that a small chapel, telephone box and public house and a bus route are factors that outweigh the policy issues set out above. The occupants of the six dwellings would be largely reliant on the need to drive to take children to school, use local shops, Post Office, go to work and go to a GP. This location is not sustainable for further residential development, a fundamental reason why in the review undertaken for the Unitary Development Plan, settlements such as Orcop were no longer considered to be appropriate locations where new residential development should be identified.
- 6.5 It is also considered that the site is not environmentally acceptable in that it extends residential development up slope to a more elevated position relative to the six houses recently built and residential property to the south-east. It is considered that this proposal will result in residential development effectively extending further into open countryside, up slope and away from the fringe of Orcop Hill. This would represent an uncharacteristic and damaging form of development.
- 6.6 In conclusion, whilst it is fully acknowledged that the delivery of affordable housing is an important Council priority, this must not be at the expense of policies aimed at restricting unsustainable forms of development within the open countryside. The

Strategic Housing Manager does not support the type of housing proposed advising that a 40% discount on the market value of the proposed dwellings will not provide housing that will be affordable to local people, which was equally the case in the sale of the properties on the approved site. Accordingly, there is a fundamental policy objection to this proposal and furthermore the additional encroachment of dwellings onto a more elevated and prominent site would be harmful to the character and appearance of the surrounding countryside.

RECOMMENDATION

That planning permission be refused for the following reasons:

- 1. The proposal constitutes development in open countryside where there is a strong presumption against new residential development unless there are exceptional circumstances to justify otherwise. The development will not meet an identified local need for affordable housing and does not satisfy the requirements of the rural exceptions policy. The proposal is therefore contrary to Policies H7 and H10 of the Herefordshire Unitary Development Plan and the guiding principles of PPS7 – Sustainable Development in Rural Areas.**
- 2. The proposed development by reason of the layout and elevated position of the site would detract from the character and appearance of this part of Orcop Hill and the surrounding countryside and therefore the proposal is contrary to Policies DR1 and H13 of the Herefordshire Unitary Development Plan.**
- 3. The proposal by reason of its isolated rural location would not be sustainable in terms of reducing the need to travel by private car as required by Policies S1, S6 and DR2 and as set out in Government advice contained in PPS7 – Sustainable Development in Rural Areas and PPG13-Transport.**

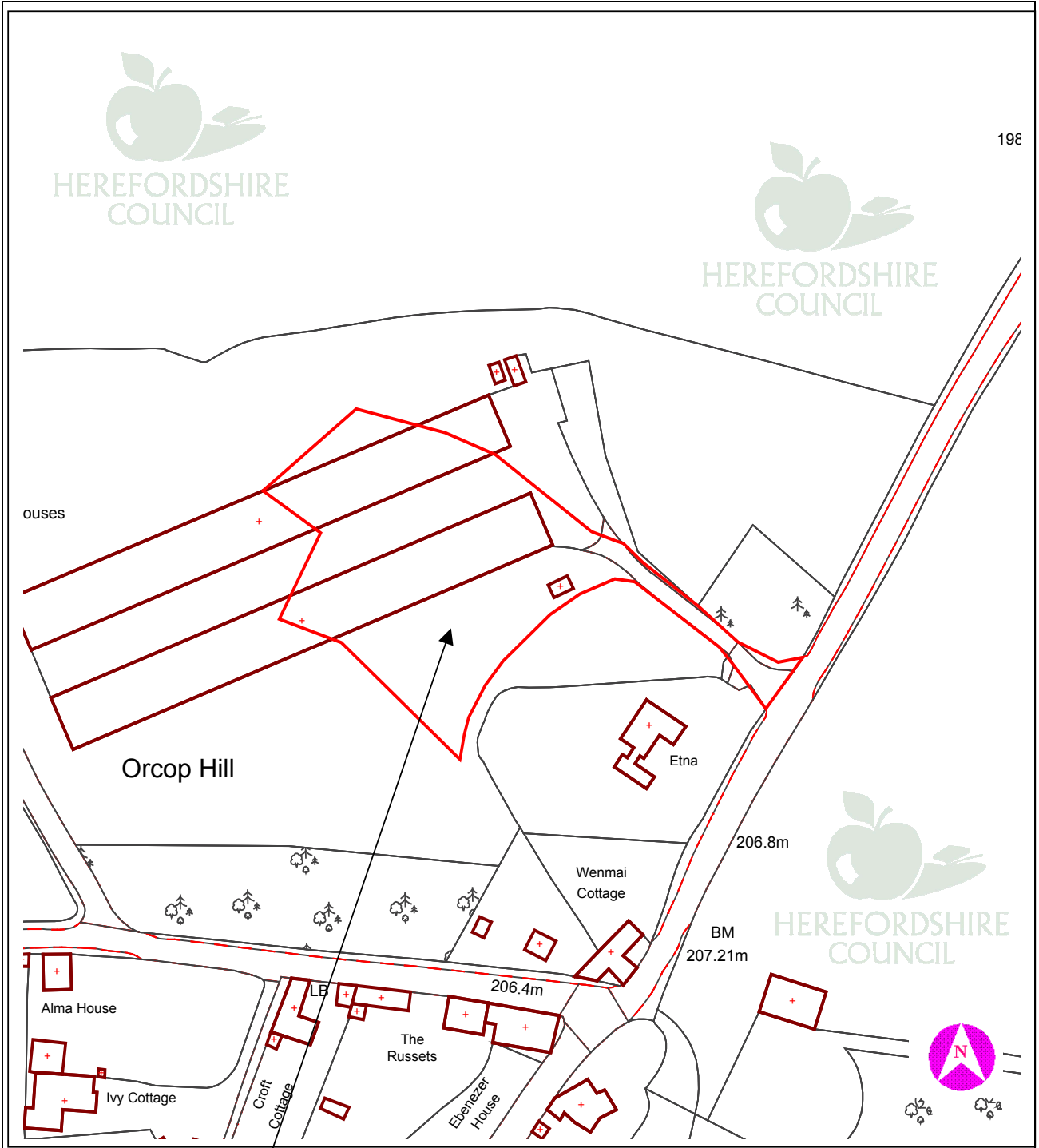
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCSW2008/2020/O

SCALE : 1 : 1250

SITE ADDRESS : Etna, Orcop Hill, Much Dewchurch, Hereford, Herefordshire, HR2 8EW

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DCCW2008/2101/F - VARIATION OF CONDITION 1 OF PLANNING PERMISSION DCCW2007/1229/F TO ALLOW FOR DOT.COM OPERATIONS ON SUNDAYS BETWEEN THE HOURS OF 9.00AM AND 4.30PM AT TESCO STORES LTD, ABBOTSMEAD ROAD, BELMONT, HEREFORD, HEREFORDSHIRE, HR2 7XS

For: Tesco Stores Limited per DPP LLP, 14 Windsor Place, Cardiff, CF10 3BY

Date Received: 15 August 2008 Ward: Belmont Grid Ref: 49325, 38455

Expiry Date: 10 October 2008

Local Members: Councillors H Davies, PJ Edwards and GA Powell

Introduction

This application was considered by the Central Area Planning Sub-Committee on 5th November 2008. Members resolved to refuse the application contrary to recommendation. The decision was accordingly referred to the Head of Planning and Transportation to determine if it should be reported to the Planning Committee for further consideration.

During the debate Members raised a number of issues with regard to the impact of the use. These concerned a failure to maintain the noise barrier and leylandi screen along the boundary, that the noise barrier was inadequate and there was pollution from vehicle engine fumes. There was discussion as to the extent of any previous complaint and to whom they were addressed. A number of suggestions were proposed including a further trial period with additional conditions requiring further noise and attenuation work. However Members concluded that in their view the result of the trial period was that the operation on a Sunday was not acceptable.

Members were advised that the only record of complaint was during the planning application process and not through the trial period. A noise assessment had been considered by the Environmental Protection Manager who had concluded that subject to control over the hours of work there was no objection to the proposal.

Given the defensibility of the application at appeal the matter has accordingly been referred.

1. Site Description and Proposal

- 1.1 The application site comprises the Tesco Supermarket at Belmont, Hereford.
- 1.2 The planning application seeks permission to vary Condition No. 1 of planning permission DCCW2007/1229/F to allow the dot.com operations (home shopping/delivery service) to operate on a permanent basis on a Sunday. Planning permission was granted last year for a temporary trial period (DCCW2007/1229/F). Conditions attached to that planning permission further restricted the operation hours in the yard to 1000 hours - 1630 hours on a Sunday with deliveries not permissible outside the hours of 1100 hours – 1600 hours.

2. Policies

2.1 National Planning Policy:

PPG24 - Planning and Noise

2.2 Herefordshire Unitary Development Plan 2007:

DR13 - Noise

2.3 Belmont Parish Plan

3. Planning History

3.1 There is a detailed and complex planning history associated with the site since the store was given approval under ref: SH881340RM in December 1988. This planning application is to amend a condition attached to planning permission to the dot.com service.

3.2 DCCW2007/1229/F - Variation of Condition 8 of planning permission DCCW2004/1679/F and to allow for dot.com operations on Sundays between the hours of 9am and 4.30pm. Temporary Planning Permission 6th June 2007.

3.3 DCCW2006/0869/F - Variation of Condition 8 of planning permission DCCW2004/1679/F to allow for dot.com operations on Sunday between 9am and 4.30pm. Temporary Planning Permission 3rd May 2006.

3.4 DCCW2004/1679/F - Amendment to planning permission reference CW2001/1848/F to accommodate a re-positioning of the approved bulk store extension (no increase in floor space) together with a free-standing canopy in association with home delivery service. Approved 28th July 2004.

4. Consultation Summary

Statutory Consultations

4.1 Highways Agency: No objections.

Internal Council Advice

4.2 Traffic Manager: No objections.

4.3 Environmental Protection Manager: I have had the opportunity to consider the proposal to allow for dot.com operations on Sundays between the hours of 9.00am and 4.30pm. There is no record of any complaint made to the Environmental Protection team regarding disturbance made by this operation during the trial period and I have therefore no objection to the proposal. I would however suggest that it might be possible to restrict the hours of work to that of the store Sunday opening times i.e. 10.00am until 4.30pm so as to mitigate any impact on neighbours.

5. Representations

5.1 Belmont Parish Council: This Parish Council recognises that Sunday operations have been permitted for some time and this application is to extend Sunday activities in line

with store opening hours. However, whilst there are no objections to the proposals, the Parish Council has concerns that poor site maintenance, gates being left open for long periods of time and vehicles parking on pavements will increase with the additional operating hours. If permission is granted, we would request that the applicants be conditioned to maintain the leylandii hedging to enable it to thicken and to extend the noise attenuating fencing to protect residents in nearby Monkscroft Drive who have been excluded from the noise assessment processes.

5.2 Three letters of objection have been received from:

Mr. E. Hine, 6 Prinkash Grove, Belmont
 Mr. & Mrs. T. Smith, 8 Prinkash Grove, Belmont
 Mr. S.K. Joner, 4 Whitefriars Road, Belmont.

The main points raised are:

1. The conifer trees planted by Tesco have not been trimmed and managed properly on the housing side. The poor management has made them very thin in places.
2. The noise reduction fence should be extended as vehicles come and go through both entrances to the site.
3. The business is already operating longer hours and the noise attenuation fence is not functioning to keep the noise level down.
4. Opposed to further noise and fumes on a Sunday which is put up with Monday to Saturday.
5. Use of metal gate for access.
6. Vans have been pressure washed with added noise.
7. Surely we are entitled to one day a week free of noise.

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

6. Officer's Appraisal

- 6.1 The key issue for consideration in relation to this planning application is the impact on the amenity of adjoining occupiers associated with the Dot.com delivery vehicle.
- 6.2 Two trial periods of 12-month durations have now been operated and during those two periods no complaints have been made to the Council's Environmental Protection Team or Planning Services. The planning application has however resulted in objections being made associated mainly with noise complaints.
- 6.3 Consequently the planning application and its supporting document including the noise assessment report have been reviewed by the Environmental Protection Manager who is satisfied, subject to time constraints, that the proposal is acceptable.
- 6.4 For clarification purposes the Dot.com delivery vehicles are not permitted to leave the premises on a Sunday before 1100 hours and must return before 1600 hours. The condition requested to be amended is to secure the permanent approval of the Sunday operations which have been operating for a trial period over the last two years.
- 6.5 Finally inspection of the noise attenuation barrier revealed two areas which needed to be repaired. This work has now been completed.

Further information on the subject of this report is available from Mr. K.J. Bishop on 01432 261946

6.6 The request to extend the attenuation fence is not justified given the conditions that limit access on a Sunday to the Abbotsmead entrance only and the cutting of the conifer hedge is a civil matter between the land owner.

RECOMMENDATION

That planning permission be granted subject to the following condition:

- 1. **B04 (Amendment to existing permission).**

Reason: For the avoidance of doubt and to comply with the requirements of Policy DR1 of the Herefordshire Unitary Development Plan.

INFORMATIVE:

- 1. **N15 – Reasons for the Grant of PP/LBC/CAC.**

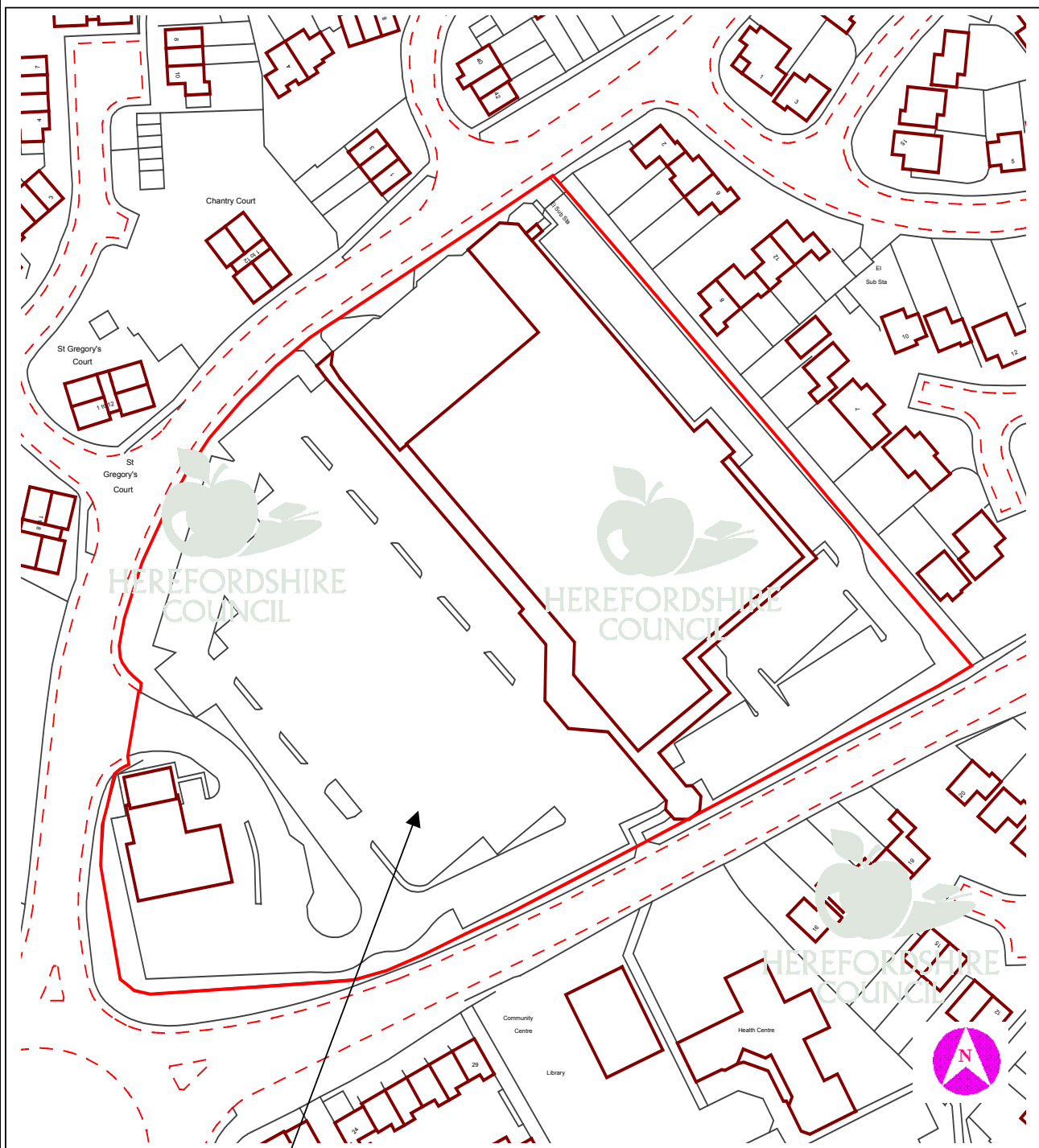
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCW2008/2101/F

SCALE : 1 : 1250

SITE ADDRESS: Tesco Stores Ltd, Abbotsmead Road, Belmont, Hereford, Herefordshire, HR2 7XS

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DCNE2008/2955/F - PROPOSED SUBDIVISION OF DWELLING INTO TWO UNITS WITH TWO ADDITIONAL CAR PARKING SPACES. 2 STANLEY HILL COURT, STANLEY HILL, BOSBURY, LEDBURY, HEREFORDSHIRE, HR8 1HE

For: Dr. G. & K. Swinburne per Gibson Associates, Bank House, Bank Crescent, Ledbury, Herefordshire, HR8 1AA

Date Received: 8th December 2008 Ward: Hope End Grid Ref: 67640, 43955

Expiry Date: 2nd February 2009

Local Member: Councillors R Mills and R V Stockton

1. Site Description and Proposal

- 1.1 The application seeks the subdivision of one of the 3 dwellings at Stanley Hill Court. It is proposed to sub divide the unit, that furthest from the road into a 2 bed and a 3 bed house. It previously had permission for a 5 bed house.
- 1.2 The 3-bed unit, known as Unit 2, would be accessed via an improved former agricultural access onto the B4214, which was formerly approved. Parking for the other unit, Unit 4, would be via the new access created off the C1.152, also formerly approved.
- 1.3 The proposed sub division requires no further external alterations than have already been approved.

2. Policies

S1	-	Sustainable development
S2	-	Development requirements
DR1	-	Design
DR3	-	Movement
H14	-	Re-using previously developed land and buildings
H17	-	Sub-division

3. Planning History

- 3.1 DCNE2007/3731/F – Conversion of former stables and storage building to form 2 holiday units. Approved January 2008;
- 3.2 DCNE2006/3998/F – Reconfiguration of existing dwelling into 3 units and associated works to include new vehicular access – Approved July 2007;
- 3.3 DCNE2005/1719/F – Conversion of existing house and buildings to form 6 units of accommodation – Refused July 2005.

4. Consultation Summary

Statutory Consultations

4.1 None Required

Internal Council Advice

4.2 Transportation Manager – no response at the time of writing report.

5. Representations

5.1 Bosbury P.C. - no observation at the time of writing report

5.2 Any representations received in response to statutory publicity procedure will be reported to committee at the meeting.

6. Officer's Appraisal

6.1 The proposal seeks to create a 2 and 3 bed dwelling from the previously approved 5 bed house. In terms of policy, suitable parking, access and amenity can be achieved. Further more no additional alterations are required to the appearance of the building.

6.2 In line with the SPD on Developer Contributions a Draft Heads of Terms has been agreed, as attached as an appendix to this report.

RECOMMENDATION

- 1) The Legal Practice Manager and Solicitor be authorised to complete a planning obligation under Section 106 of the Town and Country Planning Act 1990 in accordance with the Heads of Terms appended in this report and any additional matters and terms as he considers appropriate.
- 2) Upon completion of aforementioned planning obligation that the officers names in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions:

1 A01 (Time limits for commencement (full permission))

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

2 Non Standard (Non Standard Condition)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no fences, gates, walls, garages, building, extension or dormer windows (other than those expressly authorised by this permission) shall be erected or constructed.

Reason: In order to define the terms of the permission and in the interests of visual and residential amenity.

3 H08 (Access Closure)

Reason: To ensure the safe and free flow of traffic using the adjoining County highway.

4 H03 (Visibility Splays) – (C1152)

Reason: In the interests of highway safety.

5 H03 (Visibility Splays) – (B4214)

Reason: In the interests of highway safety.

6 H05 (Access Gates)

Reason: In the interests of highway safety.

7 H13 (Access, Turning Area and Parking)

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

8 Non Standard (Non Standard Condition)

No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the dwellings are occupied. Development shall be carried out in accordance with the approved details.

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

9 Non Standard (Non Standard Condition)

No development shall take place until there has been submitted to and approved by the local planning authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development and any necessary tree surgery. All proposed planting shall be clearly described with species, sizes and planting numbers.

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

10 Non Standard (Non Standard Condition)

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the

completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 5 year defects period.

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

11 H09 (Driveway Gradient)

Reason: In the interests of highway safety.

Informatives

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

2 N19 - Avoidance of doubt - Approved Plans

3 Non Standard

The attention of the applicant is drawn to the need to keep the highway free from any mud or other material emanating from the application site or any works pertaining thereto.

4 Non Standard

This permission does not authorise the laying of private apparatus within the confines of the public highway. The applicant should apply to Mrs R Rice, Area Manager (North), Thorn Business Park, Rotherwas, Hereford, HR2 6JT Tel: 01432-261776, for consent under the New Roads and Streetworks Act 1991 to install private apparatus within the confines of the public highway. Precise details of all works within the public highway must be agreed on site with the Highway Authority.

5 Non Standard

This planning permission does not authorise the applicant to carry out works within the publicly maintained highway and Mrs R Rice, Area Manager (North), Thorn Business Park, Rotherwas, Hereford, HR2 6JT Tel: 01432-261776, shall be given at least 28 days' notice of the applicant's intention to commence any works affecting the public highway so that the applicant can be provided with an approved specification for the works together with a list of approved contractors.

6 Non Standard

Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.

7 Non Standard

Any work involving the removal or disturbance of ground or structures supporting or abutting the publicly maintained highway should be carried out in accordance with details to be submitted to and approved in writing by the Highway Authority or their agent. Please contact Mrs R Rice, Area Manager (North), Tel: 01432-261776 Thorn Business Park, Rotherwas, Hereford, HR2 6JT

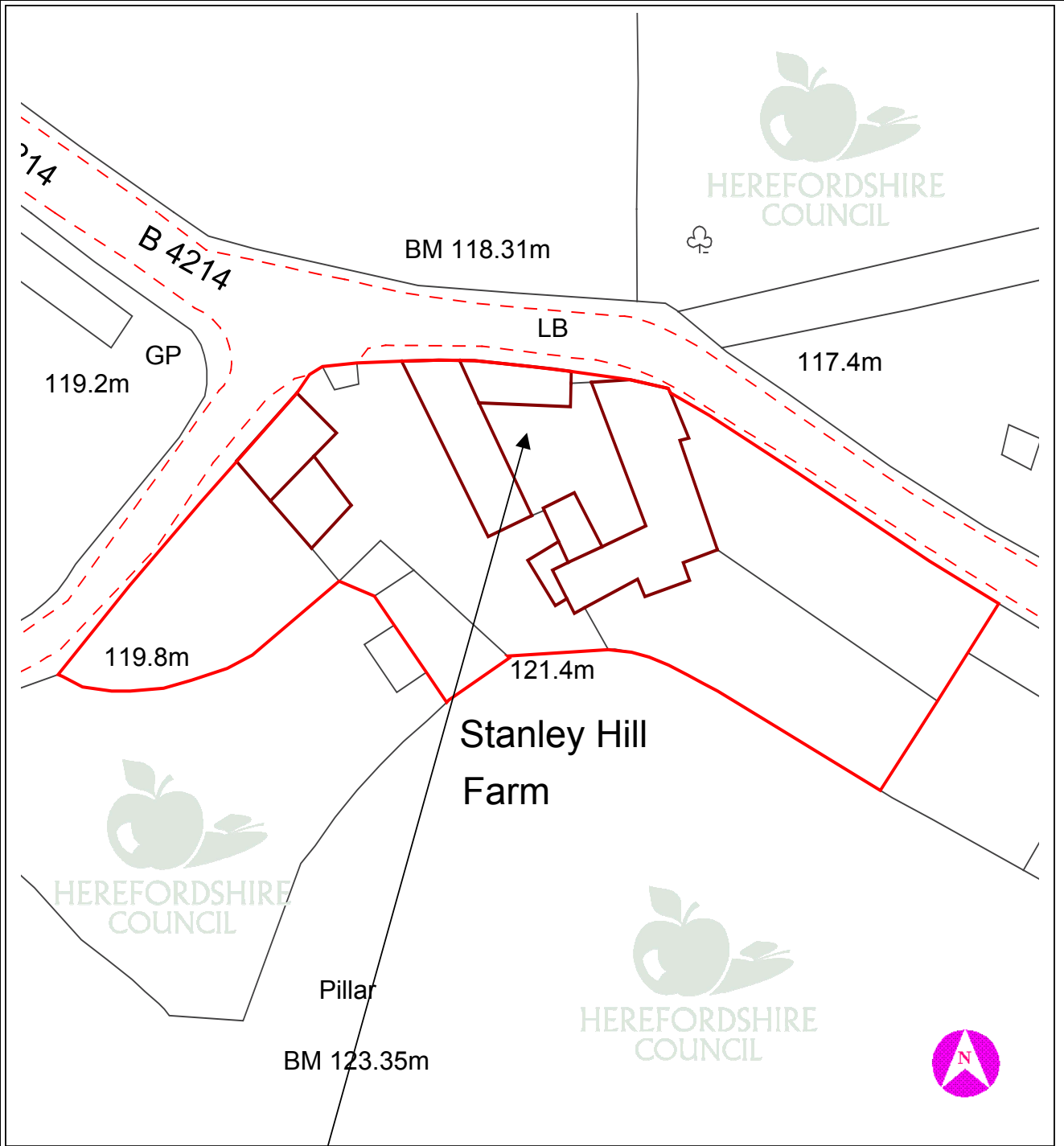
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNE2008/2955/F

SCALE : 1 : 699

SITE ADDRESS : 2 Stanley Hill Court, Stanley Hill, Bosbury, Ledbury, Herefordshire, HR8 1HE

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NE 08 / 2955 / F

DRAFT HEADS OF TERMS
Proposed Planning Obligation Agreement
Section 106 Town and Country Planning Act 1990
Planning Application – [application reference number]

Subdivision of existing 5 bedroom dwelling into 2 units

Unit 2, Stanley Hill Court, Stanley Hill, Bosbury, HR8 1HE

1. The developer covenants with Herefordshire Council to pay £166 towards the cost of new or enhancement of existing open space, play, sport and recreation facilities to be used in the Bosbury Parish or other location as may be agreed in writing with Herefordshire Council on first occupation of the new dwelling.
2. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £949 to provide enhanced educational infrastructure within the Bosbury/Ledbury area on first occupation of the new dwelling.
3. The developer covenants with Herefordshire Council, to pay Herefordshire Council the sum of £350 to provide/enhance sports facilities within the Bosbury/Ledbury area on first occupation of the new dwelling.
4. In the event that Herefordshire Council does not for any reason use the said Contributions in clauses 1, 2 & 3 above for the purposes specified in the agreement within 10 years of the date of each payment, the Council shall repay to the developer the said sum or such part thereof, which has not been used by Herefordshire Council.
5. The developer shall pay to the Council on or before the completion of the Agreement, the reasonable legal costs incurred by Herefordshire Council in connection with the preparation and completion of the Agreement and the administration charge as required by the Supplementary Planning Document, "Planning Obligations", adopted by Herefordshire Council in April 2008.

Drs. G & K Swinburne



