

# AGENDA

## Planning Committee

Date: **Friday 4 December 2009**

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Time: **10.00 am**

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

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

For any further information please contact:

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# Agenda for the Meeting of the Planning Committee

## Membership

<b>Chairman</b>	<b>Councillor TW Hunt</b>
<b>Vice-Chairman</b>	<b>Councillor RV Stockton</b>
	<b>Councillor ACR Chappell</b>
	<b>Councillor PGH Cutter</b>
	<b>Councillor H Davies</b>
	<b>Councillor GFM Dawe</b>
	<b>Councillor DW Greenow</b>
	<b>Councillor KS Guthrie</b>
	<b>Councillor JW Hope MBE</b>
	<b>Councillor B Hunt</b>
	<b>Councillor G Lucas</b>
	<b>Councillor RI Matthews</b>
	<b>Councillor PM Morgan</b>
	<b>Councillor JE Pemberton</b>
	<b>Councillor AP Taylor</b>
	<b>Councillor DC Taylor</b>
	<b>Councillor WJ Walling</b>
	<b>Councillor PJ Watts</b>
	<b>Councillor JD Woodward</b>

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**AGENDA**

	<b>Pages</b>
<b>1. APOLOGIES FOR ABSENCE</b> To receive apologies for absence.	
<b>2. NAMED SUBSTITUTES (IF ANY)</b> To receive details any details of Members nominated to attend the meeting in place of a Member of the Committee.	
<b>3. DECLARATIONS OF INTEREST</b> To receive any declarations of interest by Members in respect of items on the Agenda.	
<b>4. MINUTES</b> To approve and sign the Minutes of the meeting held on 23rd October, 2009.	1 - 30
<b>5. CHAIRMAN'S ANNOUNCEMENTS</b> To receive any announcements from the Chairman.	
<b>6. NORTHERN AREA PLANNING SUB-COMMITTEE</b> To receive the attached report of the Northern Area Planning Sub-Committee meeting held on 21st October and 18th November 2009.	31 - 32
<b>7. CENTRAL AREA PLANNING SUB-COMMITTEE</b> To receive the attached report of the Central Area Planning Sub-Committee meeting held on 11th November, 2009.	33 - 34
<b>8. SOUTHERN AREA PLANNING SUB-COMMITTEE</b> To receive the attached report of the Southern Area Planning Sub-Committee meeting held on 28th October and 25th November 2009.	35 - 36
<b>9. ANNUAL MONITORING REPORT 2008-2009</b> To consider the Annual Monitoring Report 2008-2009.	37 - 108

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| <p><b>10. DMCW/092094/O - DEMOLITION OF EXISTING UNIT, CONSTRUCTION OF CIRCA 5574M2 OF B1/B2/B8 INDUSTRIAL/WAREHOUSE UNITS, ASSOCIATED SERVICE YARDS, CAR PARKING AND ACCESS IMPROVEMENTS AT THREE ELMS TRADING ESTATE, BAKERS LANE, THREE ELMS ROAD, HEREFORD, HR4 9P</b></p> <p>For: Advantage West Midlands per Mr Stuart Wenman, P &amp; P West Midlands, Centrix @ Keys, Keys Business Village, Keys Park Road, Hednesford, Staffs, WS12 2HA</p> <p><b>Ward: Three Elms</b></p> | <p>109 - 118</p> |
| <p><b>11. DCNE/092162/F - CHANGE OF USE FROM AGRICULTURAL TO SCHOOL PLAYING FIELD AND ERECTION OF SECURITY FENCING AND GATE AT ASHPERTON PRIMARY SCHOOL, ASHPERTON, LEDBURY, HEREFORDSHIRE, HR8 2SE</b></p> <p>For: MR BANDFIELD per MR ROBERT SCOTT, PROPERTY SERVICES, FRANKLIN HOUSE - H30</p> <p><b>Ward: Frome</b></p>  | <p>119 - 122</p> |
| <p><b>12. DATE OF NEXT MEETING</b></p> <p>To be confirmed</p>  |                  |

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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.
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## **HEREFORDSHIRE 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 23 October 2009 at 10.00 am**

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

**Councillors:** WU Attfield, ACR Chappell, PGH Cutter, H Davies, GFM Dawe, DW Greenow, KG Grumbley, JW Hope MBE, B Hunt, Brig P Jones CBE, G Lucas, RI Matthews, JE Pemberton, DC Taylor, WJ Walling, PJ Watts and JD Woodward

**In attendance:** Councillors PJ Edwards, JP French, RC Hunt, JG Jarvis, PJ McCaull and SJ Robertson

**32. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors KS Guthrie and PM Morgan.

**33. NAMED SUBSTITUTES (IF ANY)**

The following named substitutes were appointed:-

Councillor KG Grumbley for KS Guthrie.

Councillor Brig P Jones for Councillor PM Morgan.

**34. DECLARATIONS OF INTEREST**

In accordance with the Planning Code of Conduct and criteria for public speaking, Councillor SJ Robertson declared a prejudicial interest in agenda item 17 (DCCW0009/1683/F DCDC/091945/G - removal of condition 7 of planning permission DCCW2004/0209/F, proposed dwelling at 2 Lower Orchards, Burghill, Hereford ) spoke for three minutes after the Officer's presentation, then left the meeting.

**35. MINUTES**

**RESOLVED:** That the Minutes of the meeting held on 7th August, 2009 be approved as a correct record and signed by the Chairman, subject to the penultimate paragraph in Minute No. 27 (DCNC2009/0435/CD & DCNC2009/0436/L - proposed removal of existing minor extensions, internal alterations and new extension to form offices and community rooms for rent at Grange Court, Pinsley Road, Leominster) being replaced by the following;

Councillor RC Hunt, one of the Local Ward Members, said that the decision to defer consideration of the application had proved to be a good one because it had given time for the applicants to arrange a public meeting where the project had been fully explained and all the concerns addressed. The black pine, which had already had to have a number of boughs removed and needed further work, would be replaced with a new one. Although the scheme required the removal of most of the Victorian staircase, part of it would be retained and

incorporated into the new scheme and photos of it would be on display in the building. Steps would also be taken to preserve mediaeval stonework forming the 'grotto' situated in the grounds, into the scheme. He had concerns that Pinsley Road should not be used for access purposes because it was too narrow. Careful thought should be given to access and the delivery of materials via Church St when the alterations were being carried out. Overall he felt that the proposals could now be welcomed because all the concerns had been addressed about the building and grounds, together with those raised by local residents.

Councillor JP French, a Leominster Ward Member also felt that the recent meeting had gone a considerable way to more fully explain the proposals. The local residents who would be most affected had been given the opportunity to speak and twelve pages of information had been provided to answer concerns. An explanation had been given about the condition of the black pine, a proposed 5 metre replacement, landscaping, tree planting, the creation of 21 new jobs and the provision of better facilities for visitors and tourists. The proposals would help to ensure the future of the building. Brigadier P Jones, a Leominster Ward Member also now welcomed the scheme because of the assurances given and the fact that it would bring the building back into use, and help to provide employment and tourism. Councillor PJ McCaull, one of the Local Ward Members agreed with the comments that had been made. He felt that the layout and orientation of the scheme would minimise its impact on adjoining residents once the work was completed and although the loss of the black pine was regrettable it did require major surgery and a suitable replacement was to be welcomed. The timber from the tree had also been earmarked to be used within projects in the Town if the proposals were approved.

**36. CHAIRMAN'S ANNOUNCEMENTS**

The Chairman announced the arrangements for the meeting.

**37. NORTHERN AREA PLANNING SUB-COMMITTEE**

**RESOLVED: That the report of the meetings held on 26th August and 23rd September, 2009 be received and noted.**

**38. CENTRAL AREA PLANNING SUB-COMMITTEE**

**RESOLVED: That the report of the meetings held on 19th August, 16th September and 14th October, 2009 be received and noted.**

**39. SOUTHERN AREA PLANNING SUB-COMMITTEE**

**RESOLVED: That the report of the meetings held on 5th August, 2nd September and 30th September, 2009 be received and noted.**



**40. DCCE0009/1595/F DCCE/091717/F - CONSTRUCTION OF A FLOOD RELIEF CULVERT FROM THE YAZOR BROOK AT CREDENHILL TO THE RIVER WYE, INCLUDING AN OFFTAKE WEIR ADJACENT TO CREDENHILL COMMUNITY CENTRE AND AN ENERGY DISSIPATION CHAMBER AND OUTFALL TO THE RIVER WYE ON LAND AT OLD WEIR FARM. AT LAND BETWEEN THE YAZOR BROOK ADJACENT TO CREDENHILL COMMUNITY CENTRE AND THE NORTH BANK OF THE RIVER WYE, SOUTH OF OLD WEIR FARM**

The Principal Planning Officer presented a report about an application for a new flood alleviation scheme to assist with the Edgar Street Grid development and which was aimed at improving the protection for some 115 homes and businesses in Hereford. The scheme was an essential part of the plans to improve the infrastructure in the city to provide for new leisure attractions, jobs, homes and shops. The aim was to significantly minimise the threat to those areas that were subject to regular flooding, particularly in the vicinity of the A49 at Edgar Street, the A438 at Whitecross Road, Merton Meadow car park the County Hospital car park, Millbrook Street and Nolan Road. The scheme involved a two-metre diameter underground culvert, following the natural contours of the landscape and would divert water from the Yazor Brook at Credenhill to the River Wye, when water levels reached a pre-determined trigger point. The water would travel through the mile-long culvert before joining the River Wye to the south east of Old Weir Farm and water flow would be digitally monitored.

He reported on the receipt of the following since the report had been prepared:-

**ADDITIONAL REPRESENTATIONS**

Stretton Sugwas Parish Council raise no objection to the minor amendment to the site area but maintained their objection to the elements of the design south of the A438. They suggested that the design through the dingle should be a more natural solution with flows baffled with boulders and new tree planting including boulders on the River Wye embankment.

They commented that this would be cheaper, less engineered and more natural solution that will cause less disruption to farming operations during construction and reduce HGV movements on the A438.

Councillor RI Matthews, the Local Ward Member, had some concerns about access and egress to the site; the impact of the scheme on The Weir and Weir Farm and how effective the scheme would actually prove to be in alleviating flooding. He also asked about the potential dangers of contamination to the water course from the adjoining land. He also referred to the concerns raised by Stretton Sugwas Parish Council and suggestion that the scheme was over-engineered and that there were cheaper and more practical options available. Councillor GFM Dawe suggested that there was a need to re-visit the scheme in view of the comments and concerns that had been received. Councillors H Davies and JD Woodward noted the benefits that would be offered by the scheme but had reservations that flooding could be increased at Greyfriars, Wye Terrace and other areas.

The Principal Planning Officer outlined the considerable research that had been undertaken by the applicants who had evaluated various alternatives and studied the impact in numerous locations. Extensive research had been undertaken into historical water flows and depths, and several worst case scenarios had been analysed using computer modelling. It was anticipated that the scheme would change the high flood-risk areas from a one in twenty year risk to one in a hundred year or one in a thousand year risk rating. He described the benefits that would be provided in reducing flooding along the course of the Yazor Brook in the City and the monitoring and remedial work that would be provided for, should there prove to be any contamination of sediments

deposited by the outfall. Because of the route that the pipe would follow and the landscaping near the outfall, there would be minimal effect on the historic buildings and landscape. The alternative solution suggested by the Parish council had been considered but was discounted due to adverse ground conditions and lack of ground stability which would have necessitated the requirement for significant engineering works.

Having considered the different aspects of the scheme, the Committee noted the overall benefits and improvements that it would bring and decided that it should be approved, subject to no objections being received from the Environment Agency.

**RESOLVED THAT:**

**the Environmental Statement and associated documents including the consultation and other responses received on the Environmental Statement and the associated documents have been taken into account in making this decision:**

**Subject to no further objections raising additional material planning considerations by the end of the consultation period, the officers named in the scheme of delegation to officers be authorised to approve the application subject to the following conditions and any further conditions considered necessary by officers:**

- 1 A01 Time limit for commencement (full permission)**
- 2 C01 Samples of external materials**
- 3 C06 Stonework laid on natural bed**
- 4 D02 Approval of details**
- 5 E03 Site observation – archaeology**
- 6 E04 Submission of foundation design**
- 7 G01 Earthworks**
- 8 G02 Retention of trees and hedgerows**
- 9 G04 Protection of trees/hedgerows that are to be retained**
- 10 G10 Landscaping scheme**
- 11 G11 Landscaping scheme – implementation**
- 12 G14 Landscape management plan**
- 13 H21 Wheel washing**
- 14 H27 Parking for site operatives**
- 15 No development shall commence until scaled plans of the temporary construction access points on the A438, the engineering details of the culvert construction under the A438 and the means of securing safe crossing of the A438 by construction traffic during the course of the development have been submitted for the approval in writing by the local planning authority. The development shall be carried out in accordance with approved details.**

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

- 16 Prior to commencement of the development a construction traffic management plan including a scaled plan identifying the principle route of construction traffic including the route of all traffic associated with the off-site waste disposal shall be submitted for the approval in writing of the local planning authority. Development shall be constructed and waste material disposed of in accordance with the agreed traffic management agreement.**

**Reason: In the interests of highway safety and to safeguard local amenity and to comply with Policies DR2 and DR3 of the Herefordshire Unitary Development Plan.**

- 17 I16 Restriction of hours during construction.**

- 18 Prior to commencement an Environmental Management Plan shall be submitted for the approval in writing of the local planning authority and shall include measures to minimise the extent of dust, odour, noise, vibration and risk of pollution arising from the construction process as set out, but not limited to paragraphs 13.71 and 14.20 of the Environmental Statement dated July 2009. The construction shall be carried out in accordance with the approved Environmental Management Plan.**

**Reason: To safeguard the residential amenity of surrounding properties and to comply with Policy DR2 of the Herefordshire Unitary Development Plan.**

- 19 K2 Nature Conservation - site protection.**

- 20 I55 Site Waste Management.**

- 21 K4 Nature Conservation Plan – Implementation.**

- 22 The proposed site compounds and temporary haul road shall be in accordance with drawing no. CS02394-TRA-05 Rev P1 and the accompanying briefing notes unless otherwise agreed in writing with the local planning authority.**

**Reason: To safeguard the character and amenity of the locality and comply with Policies DR1 and DR2 of the Herefordshire Unitary Development Plan.**

- 23 Prior to commencement of development, details of the post construction operation and maintenance requirements in the form of a manual including confirmation of the authority/agency with responsibility for future operation and maintenance shall be submitted for the approval in writing of the local planning authority. The Flood Alleviation Scheme shall be operated and managed in accordance with the agreed details and agreement thereafter unless otherwise agreed in writing by the local planning authority.**

**Reason: To minimise flood risk as a result of the Flood Alleviation Scheme failing and to comply with Policy DR7 of the Herefordshire Unitary Development Plan.**

- 24 Prior to the commencement of the development, details shall be provided of the method, location height of waste material to be stored on site and the site for the re-use and/or disposal of waste material off site shall be submitted for**

the approval in writing of the local planning authority. All waste shall be stored and disposed in accordance with the approved details.

Reason: To ensure appropriate storage and disposal of all waste and to comply with policy W11 of the Herefordshire Unitary Development Plan.

25 I18 – Foul and surface water drainage (Site Compounds).

26 Prior to the commencement of the development, the details including scaled plans of the trash screens on the entry weir and security grill on the outfall structure shall be submitted for the approval in writing of the local planning authority. The screens and grills shall be installed in accordance with the agreed details.

Reason: To safeguard the biodiversity of the site and security of the development and to comply with policies and NC1, DR1 and DR2 of the Herefordshire Unitary Development Plan.

#### INFORMATIVES:

1 HN05 Works within the highway

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

3 N19 Avoidance of doubt - Approved Plans

41. DCCE0009/1942/CD DCCE/092343/CD - NEW SINGLE STOREY HEALTH CENTRE. SECTION OF EXISTING SITE BOUNDARY WALL TO BE REMOVED AND THE REST LOWERED. AT STONEBOW UNIT, COUNTY HOSPITAL, UNION WALK, HEREFORD, HEREFORD, HR1 2E

The Head of Planning and Transportation said that the applicants had requested that the Committee should not consider the application because they were investigating alternative schemes within the hospital complex. The Committee was agreeable to this request.

#### RESOLVED THAT:

Consideration of the application be deferred for the time being whilst the applicants are investigating alternative proposals.

42. DCNC2009/0167/F - APPLICATION (PART RETROSPECTIVE) TO ERECT FIXED (NON ROTATING) SPANISH POLYTUNNELS OVER ARABLE (SOFT FRUIT) CROPS GROWN ON TABLE TOPS AT BRIERLEY COURT FARM, BRIERLEY, LEOMINSTER, HEREFORDSHIRE, HR6 0NU

The Principal Planning Officer presented the report of the Head of Planning and Transportation. He reminded the Committee that at a previous meeting the application was deferred on Counsel's advice in order that time could be given for the Officers to consider the additional representations that had been received. The application as originally submitted related to an area of land amounting to 67 hectares of Grade 1 and 2 agricultural land. On 14th August, 2009, an amended application was received which reduced the area to 35 hectares. The revised scheme will mean that the tunnels are to

be fixed permanently in one position rather than rotated as has previously occurred. The planning statement supporting the application advised that there was a willingness to accept a condition precluding the siting of polytunnels on any other field parcels other than those of the application site. He outlined the main points of the application and the views which had been received during the consultation process. He presented the following updates regarding further representations that had been received since the report had been prepared:

### **ADDITIONAL REPRESENTATIONS**

Additional correspondence has been received from Justin Sacks inventor of the LM3 methodology, submitted on behalf of Arrow Valley residents Association (AVRA).

In summary:

1. S&A has failed to rectify previous errors for calculating the local economic contribution of Brierley Court Farm.
2. There is no economic evidence to suggest that the Council should overturn previous decisions rejecting planning permission to S&A's proposals at Brierley Court Farm.
3. S&A has failed to rectify previous errors for calculating the local economic contribution of the farms under consideration.
4. 4My previous two responses have pointed out where S&A has misinterpreted, inadvertently or wilfully, the LM3 methodology and their local economic contribution.
5. The figures S&A continues to present are for their impact as an entire business rather than the impact of Brierley Court Farm only. I have highlighted this error in the previous responses, which S&A has disregarded.
6. Even within S&A's calculation of its overall impact, there remain errors that I have highlighted previously that remain unchanged. For instance, their local spending figures are based on a 'sample of local businesses' rather than their actual suppliers.
7. None of the figures that S&A have submitted in this latest appraisal shed any new light on the economic contribution of Brierley Court Farm to the local economy.
6. There is no economic evidence to suggest that the Council should overturn previous decisions rejecting planning permission of S&A's proposals at Brierley Court Farm.
7. S&A alleges that failure to secure planning permission for Brierley Court Farm would 'force the business to restructure and reduce numbers employed'. There is no economic basis, however, for granting planning permission to a business solely to 'prop up' the business if it relies on production methods considered unacceptable.
8. The Council has already rejected previous planning applications and issued enforcement action, and S&A has presented no new data

concerning Brierley Court Farm that demonstrate why precedent should be overturned in this instance.

9. There is already proof that S&A's restructuring would not necessarily be detrimental to the local economy. The sale of Brierley Court Farm in October 2009 for £3.4 million to a conventional farmer demonstrates that there are other commercially viable uses for land under consideration. The new owner has signalled they will farm Brierley Court Farm conventionally if S&A's planning application is refused.
10. As stated previously, now more than ever, a thorough comparison of options for the land at Brierley Court Farm would be necessary to overturn planning precedent on the basis of business support. Such comparisons may in fact find that S&A contributes less to the local economy than alternative business models.

Correspondence has also been received from Mr Greene as chairman of AVRA. In relation to this application the relevant paragraphs read as follows:

**Ownership** – Brierley Court Farm has been sold. This is fundamental to the way the application is determined in relation to the poplar plantation in particular and the undertaking on not including polytunnels on the other land which will not be in the applicants control. But also in relation to landscaping and habitat management (condition 3 of DCNC2009/0167). The committee report includes a plan showing ownership which DPDS believe to be now incorrect. It is labelled "*land in the ownership of the applicant*" which is clearly incorrect, but it raises the issue of how far the Council has been kept up to date. No consideration at all of the issues raised our DPDS letter of 6<sup>th</sup> October. This has obvious implications for the management agreement for the Poplar Plantation, the restrictions on other land but also conditions generally as DPDS spelt out in the October letter.

**Bias and Consultation** – The failure to understand the consultee's case is demonstrated in para 6.14 and following paras of the report on DCNC2009/0167. The point that AVRA made is that it is not sufficient that there would be economic benefits, but that the Council must understand with some accuracy how great these benefits are before it can balance them against the harm. Those benefits have to be assessed effectively as a net benefit above that which would be achieved by farming without polytunnels.

Furthermore the Council has prepared a Committee report and made recommendations while a document (the revised economic assessment) is still out for public consultation. Since it is accepted that the proposal would have an adverse landscape impact, the economic case and in terms of accommodation would be contrary to policy H7, this must be fundamental to any case to permit the application. Para P62.83 of the Planning Encyclopaedia quotes Webster J that sufficient time must be given to the consulted party to prepare a helpful advice and to for the consulting party to consider it.

Failure to provide the planning obligation under S106 for reasonable consultation.

Condition 3 – Unenforceable because of ownership and because there is no time limit for implementation.

Condition 6 – Impossible to measure whether run off exceeds the stated rate and therefore unenforceable. Works, measures or procedures should be specified.

**Landscape** – leaving aside whether the landscaping offered by the applicant is effective even after 15 years, failure to record that DPDS consider the 15 year landscape assessment period excessive for development which has such extensive effects to consider the reasonableness of a 15 year assessment when the permission is limited to 10 years. It is irrational to base a visual impact assessment on 15 years planting growth for a development with a 10 year life span.

It appears unreasonable to parcel up the land as in paras 4.10 & 6.10. of the report on DCNC2009/1067. A development which can be seen from one type of landscape character will affect that character regardless of whether it is in Principal Wooded Hills, which is not resilient to change, or Principal Settled Farmland, which is.

Correspondence has also been received from AVRA's legal advisors, BrookStreet des Roches LLP. In summary the points it raises in addition to those raised by Mr Greene and Mr Sacks are as follows:

- The Council has not dealt with AVRA's concerns that the application is flawed and incomplete.
- The Council has not acted consistently in relation to enforcement action taken on the site.
- The suggestion by the Council that the initial enforcement action taken in 2007 was to prevent the polytunnels receiving retrospective permission after four years misunderstands the purpose of serving an enforcement notice. The author considers that their purpose is to prevent development that a local authority would not conceive granting planning permission for.
- A further issue arises in relation to the ownership as it would seem that the farm itself is no longer within the sole ownership of the applicant. This has implications on the validity of the Unilateral Undertaking and the proposed conditions.
- The Council has inconsistently reported AVRA's objections by failing to report comments adequately or to consider the issues raised by them.
- Considers that condition 3 is unenforceable due to land ownership issues and a lack of a time limit for implementation.
- Condition 6 is unenforceable as run off rates are impossible to measure.

#### **OFFICER COMMENTS**

It is clear that there is a fundamental disagreement between the applicant and objectors about the application of the LM3 economic model. Notwithstanding this, it falls to your officers to make a judgement based on the information provided.

The economic appraisal has aided officers in making an assessment of the weight to be given to Guideline 1 of the Polytunnel SPD. The reduction in the land take and workers associated with the amended scheme has had an impact on this factor. It remains your officers view that the proposal will have a positive economic impact and that this is an important material planning consideration to which weight has been given when considering the scheme against other factors such as landscape impact.

With regards to ownership issues, the schedules contained within the Unilateral Undertaking not only refer to first and second owners, but also successors in title. Your officers are satisfied that this ensures that its requirements are incumbent upon any future owners. Similarly the conditions are not specific to the applicant and therefore run with the land.

The application has attracted considerable interest from third parties and their representations have been summarised in the report. It deals with all of the relevant issues in details and your officers are satisfied that these have been dealt with comprehensively and in response to the objections received.

The supposition that enforcement notices are served against developments that local authorities would not conceive granting planning permission for is incorrect and there is nothing to suggest that a local planning authority cannot grant planning permission for development on land that it has previously served an enforcement notice on.

There is a need to amend condition 3 to include a time limit for implementation.

### **CHANGE TO RECOMMENDATION**

Condition 3 to be amended to read as follows:

Within three months of the date of this permission, a full habitat management and enhancement scheme (based upon the Outline Landscape and Ecological Management Plan dated December 2008) shall be submitted to and approved in writing by the local planning authority. This shall include mitigation and protection measures for protected species and a timetable for their implementation. The scheme shall be implemented in accordance with the approved timetable and continued thereafter unless otherwise agreed in writing by the local planning authority.

In accordance with the criteria for public speaking, Mr Greene and Mrs Jackson of AVRA spoke against the application and Mr Snow spoke in favour on behalf of the applicants.

Councillor RC Hunt one of the Local Ward Members said that the scale and massing of the original proposal had proved to be very controversial locally because of its detrimental visual impact for a considerable distance from the site. He felt that the considerable reduction of the polytunnels and accommodation coupled with screening and the removal of the plastic sheeting for four months of the year was welcome. It was essential however that if approval was granted, all the conditions were properly enforced. Councillor PJ McCaul the other Ward Member also welcomed the reduction and attempt to locate the operation in the lowest part of the site rather than on higher ground. He noted that the method of fruit production was necessary to meet demand but felt that the process was equally suited to a concrete surface and questioned the need to use prime agricultural land which would be better used for the production of traditional crops. He also agreed that the conditions needed to be properly enforced.

Councillor JP French, one of the Leominster Ward Members, also felt that the course of the application had proved to be lengthy and controversial. She welcomed the approach of the new company and outlined the problems that had previously arisen with issues around the accommodation for seasonal workers and the hours worked. Agriculture was relied upon to preserve the countryside but was also a place of work. She also welcomed the reduced land and the proposed tree screening. She requested that condition No.2 should also require the polythene to be cleared from the land between



each growing season during the period 31st October to 1st March. She also welcomed the proposals for greater pedestrian safety. A friendship centre had previously been established to welcome the seasonal workers and she felt that it was important to continue to develop community relations. If the application was approved she also suggested that there was a need for the establishment of a local reference group involving Members to enable any issues to be aired.

Councillor Brigadier P Jones, another of the Leominster Ward Members supported the application with its reduced area and Councillor Greenow commended the applicants for listening to the views of the local community and objectors and making every effort to minimise the effect of the scheme. He drew particular attention to contribution that this type of growing had made to the domestic production of fruit and had reduced the need for importing. Councillor Chappell pointed out that the use of polytunnels was common place in agriculture now and considered the proposals to be an important part fruit production. Councillor PGH Cutter agreed with the views of Councillor French about the need to make every effort that seasonal workers were integrated into the local community during their stay. He noted that the objectors had indicated that they would be seeking a judicial review if the Committee decided to grant permission and had some sympathy for them but felt that the application should be approved. The Interim Head of Legal and Democratic Services drew attention to the fact that judicial review was not a material planning consideration in reaching a decision on the application. Councillor RI Matthews noted that the applicants had gone so far in allaying the concerns that had been raised but felt that there was still a long way for the applicants to go before the impact of the proposals on local residents and the community was reduced. He felt that a reduced scheme on smaller pockets of land would be more appropriate.

The Head of Planning and Transportation summarised the merits of the application and the Unitary Development Plan issues that related to it. The proposals had changed considerably from the first application and needed to be considered on their own merits in the light of the Councils planning policies. The changes were fully explained in the report and updates. He was confident that there would be the capacity to ensure that the planning conditions within the recommendation and suggested during the debate were enforced and would ensure the appropriate monitoring was undertaken.

Having considered all the issues relating to the application, the Committee was satisfied that it should be approved with the amendments proposed to the planning conditions. It was also agreed that there should be a liaison group established as suggested by Councillor French.

## **RESOLVED THAT**

**Subject to the completion of the Unilateral Undertaking as submitted by the applicant in accordance with the provisions of Section 106 of the Town & Country Planning Act 1990 in relation to the provision of a Woodland Management Plan, an undertaking not to develop any Raised Crop Protection Structure or Poly tunnel on any other land in their ownership at Brierley other than that applied for and appropriate linkages between the use of land for polytunnels and the use of land for worker's accommodation the officers named in the Scheme of Delegation to Officers be authorised to approve the application subject to the following conditions and any further conditions considered necessary by officers.**

### **1 F20 (Temporary permission and reinstatement of land) (10 years)**

**Reason: In order to clarify the terms under which this permission is granted and in accordance with Policies DR1, LA2 and E13 of the Herefordshire Unitary Development Plan.**

- 2 The polythene shall be removed by 31st October each year and not replaced until or after 1st March in the following year unless otherwise agreed in writing by the local planning authority.

Reason: In order to protect the visual amenity of the area in accordance with Policy LA2 of the Herefordshire Unitary Development Plan.

- 3 Within three months of the date of this permission, a full habitat management and enhancement scheme (based upon the Outline Landscape and Ecological Management Plan dated December 2008) shall be submitted to and approved in writing by the local planning authority. This shall include mitigation and protection measures for protected species and a timetable for their implementation. The scheme shall be implemented in accordance with the approved timetable and continued thereafter unless otherwise agreed in writing by the local planning authority.

Reason: To ensure the protection of European and nationally designated sites and to comply with Herefordshire Council's Unitary Development Plan Policies NC2 and NC3. To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats, & C) Regulations 1994 (as amended) and Policies NC1, NC5, NC6 and NC7 of Herefordshire Council's Unitary Development Plan. To comply with Herefordshire Council's Policies NC8 and NC9 in relation to Nature Conservation and Biodiversity and to meet the requirements of PPS9 Biodiversity and Geological Conservation and the NERC Act 2006.

- 4 No polytunnels shall be erected within 2 metres of the centre line of a public right of way or 3 metres in the case of a bridleway.

Reason: In order to protect the Public Right of Way in accordance with Policy T6 of the Herefordshire Unitary Development Plan.

- 5 The Public Right of Way shall be maintained strictly in accordance with the submitted drawings L09, L10A, L10B, L11A and L11B unless otherwise agreed in writing by the local planning authority.

Reason: In order to protect the Public Right of Way in accordance with Policy T6 of the Herefordshire Unitary Development Plan.

- 6 All surface water shall be limited to the relevant Greenfield run-off rate, with attenuation for the 1% plus climate change storm event, in accordance with the Flood Risk Assessment dated July 2009, unless otherwise agreed in writing by the local planning authority.

Reason: To prevent flood risk and ensure sustainable disposal of surface water run-off and to conform with Policy DR7 of the Herefordshire Unitary Development Plan.

- 7 H30 (Travel plans )

Reason: In order to ensure that the development is carried out in combination with a scheme aimed at promoting the use of a range of sustainable transport initiatives and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.

- 8 G10 (Landscaping scheme )

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

**9 G11 (Landscaping Scheme – implementation)**

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

**10 Amended Plans 14<sup>th</sup> August, 2009.**

**INFORMATIVES**

**1 N19 - Avoidance of doubt - Approved Plans**

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

**3 HN25 - Travel Plans**

**4 HN26 - Travel Plans**

**43. DCNC2009/0168/F - PROPOSED CHANGE OF USE FROM AGRICULTURAL TO A SITE FOR THE ACCOMMODATION OF SEASONAL AGRICULTURAL WORKERS IN MOBILE HOMES AND DEMOUNTABLE PORTABLE BUILDINGS AND SPORTS PITCH ON LAND AT BRIERLEY COURT FARM, BRIERLEY, HEREFORDSHIRE HR6 0NU**

The Principal Planning Officer explained that as with the previous application, this one was deferred on Counsel's advice at a previous meeting in order to allow time to consider the additional representations received. The report had been updated to take account of these matters. He advised that the number of proposed units had been reduced in relation to the reduced area for polytunnels approved in the previous application. He said that if the polytunnels were removed, the accommodation and related facilities would also be removed. He explained where the units would be located on the land in relation to the polytunnels and the landscaping and screening that would be undertaken by the applicants. He also advised that the Committee should take into consideration the cumulative impact of the two applications. He also drew attention to proposed planning condition No.5 which would impose limitations on the number of units of accommodation which would total no more than 250 with 500 seasonal workers occupying them. He presented the following updates:

**ADDITIONAL REPRESENTATIONS**

Correspondence received from Mr Greene as chairman of AVRA. In relation to this application the relevant paragraphs read as follows:

change of use when works are clearly contemplated (DPDS letter March 2009). Not addressed or reported properly. It is clearly not enough to say the application is flawed and incomplete without saying somewhere in the report why DPDS/AVRA are wrong. Since Counsel has considered the earlier report, one would have expected his view on the change of use to have been reported.

**Bias and Consultation** – Failure to report comments adequately or to consider the issues raised in them – for instance the report on the nature of the application. Equally the comment made about the nature of application

DCNC2009/0168 is repeated in relation to the polytunnels. The Council have clearly not understood or considered the objections.

**Failure to Review the Search for Alternative Accommodation** – This was an element of the Secretary of State decision in 2004 – that less objectionable alternatives for accommodation had not been properly considered. The applicant submitted a case that it had done so now and this is reported in the committee report on DCNC2009/0168 para 6.3 – 6.11. With the halving of the required workforce the exercise needs to be reviewed but this has not been done.

In relation to the proposed conditions Mr Greene comments as follows:

Condition 2 – inadequate. “Employed at Brierley Court Farm” is insufficiently precise – anybody living in accommodation could be considered to be employed at Brierley regardless of where they are working on the day.

Condition 3 – insufficiently precise “in the opinion of the local planning authority” gives a vetting procedure to the LPA contrary to para 32 of circular 11/95 and gives no indication to the applicant (or anybody else) when the use might be considered to have ceased. A proper definition of the polytunnel use ceasing is required in the condition, but this is just poor drafting and considerably more care is needed to include a proper definition at this stage.

Condition 5 – does not mean what the Council thinks it means, because of the ownership change. Another camp could be built on the fields not leased back and used by S & A Davis. It needs an entire rethink and includes in S106 obligation for the reasons set out in DPDS letter of Oct.

Condition 6 – This should have been sorted out in the 7/8 months the application has been running or before the application was submitted. There is no guarantee that the necessary works could be carried out on highway land or without needing other land.

Condition 7 – Is unenforceable. It is impossible to measure whether the run off has exceeded Greenfield rates + 1% for climate change and circular 11/95 para 42 applies. Any resolution of surface water drainage is likely to require engineering operations as recognised in the condition. (PD rights will not apply because the land will not be in agricultural use and the works would be required for accommodation not agriculture). The Council cannot allow development without a planning application and following the regulations and the GDPO.

Condition 8 – The application is for change of use but refers to buildings, common areas and parking areas. The management plan would take out of the public domain, matters which should be considered in public as part of the application such as lighting and noise. Such conditions were considered in relation to the earlier appeals, but the proposal was rejected in part precisely because of these impacts.

Correspondence has also been received from AVRA’s legal advisors, Brook Street des Roches LLP. In summary the points it raises in addition to those raised by Mr Greene are as follows:

- The Council has not dealt with AVRA’s concerns that the application is flawed and incomplete.

- The Council has inaccurately reported Leominster Town Council's consultation response. The author believes that the Town Council objected to the application due to a lack of information.
- The comments made by Mr Greene in relation to conditions are replicated in this letter.

### **OFFICER COMMENTS**

With regards to ownership issues, the schedules contained within the Unilateral Undertaking not only refer to first and second owners, but also successors in title. Your officers are satisfied that this ensures that its requirements are incumbent upon any future owners. Similarly the conditions are not specific to the applicant and therefore run with the land.

The comments in relation to the conditions are noted and amendments/alterations are proposed below.

### **CHANGE TO RECOMMENDATION**

Condition 2 – after the word 'employed' add 'in agriculture'

Condition 3 – after the application reference number remove the words 'in the opinion of the local planning authority'

Condition 5 – to be re-worded to read as follows:

This planning permission relates solely to the land hatched blue on Drawing No 1856/29A. Notwithstanding the provisions of Schedule 2 Part 5 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 other mobile homes, caravans or demountable portable buildings shall be placed on land within Brierley Court Farm as identified in blue on Drawing No 1856/29A. Those other mobile homes or demountable portable buildings currently located on land lying to the west of the application site (hatched blue) shall be permanently removed within 12 months of the date of this permission.

Condition 6, 7 and 8 remain unchanged

The following spoke in accordance with the Council's criteria for public speaking:  
Councillor Westwood of Leominster Town Council;

Mr Sladen of AVRA spoke against the application; and

Mr Greg spoke in favour on behalf of the applicants.

Councillor PJ McCaul, a local Ward Member welcomed the reduction in numbers of the pods and agreed with the views of the Town Council that occupancy should be limited to two persons to each unit. He drew attention to the considerable concerns about the welfare issues that had previously arisen for seasonal workers and trusted that these would be greatly improved under the new arrangements. Councillor JP French, one of the Leominster Ward Members, also had concerns about the need to improve the welfare conditions for the workers. She felt that this was important to address by the new owners and management. There was also an issue about ensuring that the accommodation would not be suitable for children and that workers would need to be aware of this. She also noted that the company had undertaken some advertising for

workers locally but felt that more effort should be put into this by them. She asked for consideration to be given to the pods being finished in a more suitable colour than yellow so that they would blend more into the landscape.

Councillor Brigadier P Jones, another Ward Member also welcomed the reduction in units and also shared the concerns of other Members about the welfare issues and the problems that had arisen when workers were due to return home but had been obliged to leave their accommodation early. Councillor RI Matthews was of the view that it was not appropriate to provide such temporary accommodation in the countryside and that workers should be accommodated in the nearby settlements and transported into the site. Councillor GFM Dawe opposed the proposal because he considered the accommodation to be inadequate for the workers. Councillor KG Grumbley felt that the proposal would give an element of certainty that had not previously existed together with the ability of the Council to take any appropriate action to ensure that the conditions were complied with.

Having considered the various aspects of the application, the Committee decided that it should be approved together with the suggested changes to the conditions and the Council being provided with monthly details about the occupancy of the pods.

#### **RESOLVED THAT:**

**Subject to the completion of the Unilateral Undertaking as submitted by the applicant in accordance with the provisions of Section 106 of the Town & Country Planning Act 1990 in relation to the provision of a Woodland Management Plan, an undertaking not to develop any Raised Crop Protection Structure or Polytunnel on any other land in their ownership at Brierley other than that applied for and appropriate linkages between the use of land for polytunnels and the use of land for worker's accommodation the officers named in the Scheme of Delegation to Officers be authorised to approve the application subject to the following conditions and any further conditions considered necessary by officers.**

**1. F21 (Temporary permission (mobile home/caravan) ) (10 years)**

**Reason: To enable the local planning authority to retain effective control over the site and to re-assess the need for on-site workers accommodation and to conform with Policy H7 of the Herefordshire Unitary Development Plan.**

**2. The occupation of the pods shall be limited to persons employed in agriculture at Brierley Court Farm, Brierley and shall be limited to providing accommodation for up to 500 workers at any one time, and subject to a maximum number of 250 units of accommodation at any one time.**

**Reason: Planning permission has only been granted for the farming requirements of Brierley Court Farm and to conform to Policy H7 of the Herefordshire Unitary Development Plan.**

**3. In the event that the polytunnel development approved by application (DCNC2009/0167/F) ceases to be operational the use of land hereby approved shall cease. Subsequent to this and within 12 months of the local planning authority indicating to the applicant that the adjacent polytunnel land has ceased to be operational all buildings and structures on the site shall be removed and the land restored to its former condition.**

**Reason: The local planning authority would not have granted planning permission for this use unless it was required in relation to the adjoining polytunnel development.**

4. **Prior to the commencement of development, the colour of the accommodation pods and service units shall be agreed in writing with the local planning authority and so maintained.**

**Reason: To protect the visual amenities of the area and to ensure that the development conforms with Policy DR1 of the Herefordshire Unitary Development Plan.**

5. **This planning permission relates solely to the land hatched blue on Drawing No 1856/29A. Notwithstanding the provisions of Schedule 2 Part 5 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 other mobile homes, caravans or demountable portable buildings shall be placed on land within Brierley Court Farm as identified in blue on Drawing No 1856/29A. Those other mobile homes or demountable portable buildings currently located on land lying to the west of the application site (hatched blue) shall be permanently removed within 12 months of the date of this permission.**

**Reason: In order that the local planning authority can consider the visual impact of the addition of any further temporary seasonal workers accommodation in the interests of visual amenity and to conform with Policy LA2 of the Herefordshire Unitary Development Plan.**

6. **No development shall commence until the applicant has submitted to and has been approved in writing by the LPA a survey of the B4361 between its junctions with the companies service access and Southern Avenue, Leominster. The survey shall include details of:**

- a) **the alignment of the road**
- b) **the risks to pedestrian safety associated with the alignment of the road**
- c) **the measures necessary to overcome the identified risks to pedestrian safety.**

**No units of accommodation hereby approved shall be occupied prior to the completion of the measures set out in c) above of this condition. To this effect the applicant will supply to the Council details of both the completion of the works necessary for pedestrian safety and the date on which the first unit of accommodation is occupied.**

7. **All surface water shall be limited to the relevant Greenfield run-off rate, with attenuation for the 1% plus climate change storm event, in accordance with the Flood Risk Assessment dated July 2009. Details of the methods to be introduced for attenuation storage shall be submitted to and approved in writing by the local planning authority before the use hereby approved is first commenced.**

**Reason: To prevent flood risk and ensure sustainable disposal of surface water run-off and to conform with Policy DR7 of the Herefordshire Unitary Development Plan.**

8. **Prior to the commencement of the use hereby approved a management plan for the operation of use (to include maintenance of buildings and common areas, litter collection and disposal, the control of amplified music, lighting,**

car parking arrangements) shall be submitted to and approved in writing by the local planning authority. The operation and use of the site shall thereafter be in accordance with the approved management plan.

**Reason: In the interests of amenity of nearby residents and to ensure compliance with Policy E13 of the Unitary Development Plan.**

**9. Amended Plans 14 August 2009**

**Informatives:**

- 1. N15 - Reason(s) for the Grant of Planning Permission**
- 2. N19 - Avoidance of doubt - Approved Plans**

**44. DCNC2009/0166/F - RETROSPECTIVE APPLICATION TO RETAIN PRIVATE PACKAGE SEWAGE TREATMENT PLANT ON LAND AT BRIERLEY COURT FARM, BRIERLEY, LEOMINSTER, HEREFORDSHIRE, HR6 0NU**

The Principal Planning Officer introduced the report of the Head of Planning and Transportation about an application for a sewage treatment plant to serve the accommodation for seasonal workers on the Brierley Court Farm site.

Councillor PJ McCaull asked if the pipe-work to the plant could be placed underground and the Principal Planning Officer said that this would be addressed by the licence that the applicants would need to obtain from the Environment Agency if planning permission was granted. Councillor WJ Walling asked about the Environment Agency being consulted and the Principal Planning Officer said that this was not necessary because the applicants had to obtain a licence directly from them in respect of the plant. Councillor RI Matthews asked what had changed since planning permission had been refused for previous applications. The Principal Planning Officer said that permission was now essential to provide for the seasonal worker accommodation which had been approved.

Having considered the various points raised about the application, the Committee decided that it should be approved.

**RESOLVED THAT:**

**planning permission be granted subject to the following condition:**

- 1 F20 (Temporary permission and reinstatement of land ) (10 years)**

**Reason: The provision of the sewage treatment works is only considered to be acceptable as a temporary expedient in conjunction with the applicant's identified need to provide on site workers accommodation and to conform to Policy CF2 of the Herefordshire Unitary Development Plan.**

**INFORMATIVES:**

- 1 N15 - Reason(s) for the Grant of Planning Permission**
- 2 N19 - Avoidance of doubt - Approved Plans**



**45. DCCW0009/1990/CD DCCW/092151/CD - AMENDMENT TO PLANNING CONDITION 2 OF CW2000/1575/F, TO ALLOW PARKING FOR CHRISTMAS PARK & RIDE SERVICE AT HEREFORD RACECOURSE, ROMAN ROAD, HOLMER, HEREFORDSHIRE, HR4 9QU**

A report was presented by the Senior Planning Officer about an application to vary an existing planning permission allow the vehicular hard standing off Roman Road entrance to Hereford Racecourse for the parking of vehicles in connection with a public Christmas Park and Ride service which will operate during November and December 2009. The following had been received since the report had been prepared:

a local resident has confirmed that an accident occurred at the junction of Aylesbrook - Roman Road on 15th October 2009 and at least 2 or 3 other accidents have happened in the preceding two to three weeks.

The Transportation Manager had reviewed the additional information and does not change his recommendation on the application.

In accordance with the Council's criteria for public speaking, Mrs Smart a local resident, spoke in objection to the application.

Councillor SJ Robertson, an adjoining Ward Member, said that Holmer Parish Council had raised no objection to the application. She said that there were however concerns about an increase in the number of accidents in Roman Road as the volume of traffic travelling along it had been steadily increasing. She also suggested that there was a need to look at the provision of a roundabout and upgrading the pedestrian crossing. She felt that although the proposal should reduce traffic into the City, it would increase traffic in Roman Road

The Head of Planning and Transportation said that the application should be viewed in the context of a straightforward variation of a previous permission for a relatively short period of time. The objectors had raised some valid areas of concern regarding the cumulative use of the land for other purposes and this was being carefully monitored by the officers.

Having considered the points raised, the Committee decided that the application should be approved.

**RESOLVED THAT:**

**Subject to no further objections raising additional material planning considerations by the end of the consultation period, the Officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions and any other conditions considered necessary by Officers:**

- 1 B04 Amendment to existing permission (CW2000/1575/F and 1 November 2000).**
- 2 The land shall be limited to the parking of vehicles only on:
  - a) days when race meetings are being held and/or**
  - b) any Saturday or Sunday on or between 7 November 2009 and 3 January 2010**and for no other purpose**

**Reason: In order to define the terms under which this permission is granted.**

**Informatives:**

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

**46.        DCCW0009/1950/CD DCCW/092345/CD - REPLACEMENT BMX TRACK AND RE-  
INSTALEMENT OF EXISTING TRACK TO PARKLAND AT LAND TO THE REAR OF  
102-140 WESTFALING STREET, HEREFORD, HR4 0JF**

The Senior Planning Officer presented a report about an application to refurbish and upgrade the existing Bicycle Motocross (BMX) track to provide improved recreational facilities, which would involve engineering operations to create new earth jumps and burms. The refurbished track would occupy a more compact area, allowing for the western section of the existing track to be re-instated to general open amenity space. He provided the following updates:

**ADDITIONAL REPRESENTATIONS**

Further letter from local resident who supports small car park but requires assurance that their parking will not be impacted or that on 'event days' provision is made for residents parking and that the decorated metal fencing is retained.

**OFFICER COMMENTS**

Condition 6 covers the event days and retention of the decorated fencing is not identified to be removed.

In accordance with the Council's criteria for public speaking, Fran White the Parks Development Manager, spoke in support of the application.

Councillor JD Woodward, one of the Local Ward Members, commended the application because it provided a popular amenity which was unique in her Ward.

**RESOLVED THAT:**

**Subject to no further objections raising additoinal material planning considerations by the end of the consultation period, the Officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions and any other conditions considered necessary by Officers:**

1.            **A01 Time limit for commencement (full permission)**
2.            **G09 Details of Boundary treatments**
3.            **H13 Access, turning area and parking**
4.            **I16 Restriction of hours during construction**
5.            **I32 Details of floodlighting/external lighting**
6.            **The BMX track hereby permitted shall only be used for informal recreational purpose. No organised events including races, competitions or**

**demonstrations shall take place without the prior written approval of the local planning authority.**

**Reason: To define the terms of the planning permission and to safeguard the amenity of the established residential area to comply with Policies DR1, DR2, DR3 and TC5 of the Herefordshire Unitary Development Plan 2007.**

**Informatives:**

- 1. N08 Advertisements**
- 2. N10 Council contract**
- 3. N19 Avoidance of doubt - Approved Plans**
- 4. N15 Reason(s) for the Grant of PP/LBC/CAC**

**47. DCNE0009/1841/F - PROPOSED ERECTION OF 15 METRE WIND TURBINE AND ASSOCIATED WORKS AT LEADON COURT, FROMES HILL, LEDBURY, HEREFORDSHIRE, HR8 1HT**

The Interim Head of Legal & Democratic Services reiterated the situation about personal and public interest in respect of applications from Councillors.

A report was presented by the Senior Planning Officer about an application for a wind turbine with a total height of some 19.82 metres. The mast would be a galvanised steel/silver in colour and the blades a matt black. The rated output of the turbine would be 15kW and likely to generate 30,000 kWh per year. The Community Sustainable Energy Programme put a standard useful life expectancy of 20 years on such wind turbines. The Senior Planning Officer said that the environmental impact of the application was acceptable on all grounds. In answer to a question from Councillor WJ Walling he said that there was evidence of bat roosts in the area and that the turbine area would be closely monitored to determine if it had any impact on foraging corridors.

**RESOLVED THAT:**

**planning permission be granted subject to the following conditions:**

- 1 A01 Time limit for commencement (full permission)**
- 2 An annual report detailing any bat or bird fatalities associated with the domestic wind turbine hereby permitted shall be submitted to the Local Planning Authority for a period of three years after the installation of the wind turbine. Monthly checks shall be made from 1<sup>st</sup> May to 31<sup>st</sup> October in each calendar year as a minimum and the report shall include dates, times, location and condition (dead or injured, and type of injury where identified) of all bats and birds found within a 5 metre radius of the domestic wind turbines.**

**The landowner shall afford access at all reasonable times to any ecologist nominated by the Local Planning Authority for monitoring purposes, between May and September each calendar year for a period of 3 years from completion of installation.**

**Reason: To provide information on bats and birds affected by domestic wind turbines to Herefordshire council for research purposes, in the interests of biodiversity and to meet the requirements of PPS9 Biodiversity and Geological Conservation and the NERC Act 2006. To comply with Herefordshire Council's UDP Policies NC5 and NC6 in relation to Nature conservation and Biodiversity and to meet the requirements of PPS9 Biodiversity and Geological Conservation and the NERC Act 2006.**

**3**

**The wind turbine hereby permitted shall be removed from the land within six months of it no longer being required for harnessing wind energy or no longer fulfilling its purpose due to it having reached the end of its useful life.**

**Reason: To safeguard the open countryside from structures that no longer have a useful function / purpose.**

**INFORMATIVES:**

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

**N11A Wildlife and Countryside Act 1981 (as amended) - Birds**

**N11B Wildlife & Countryside Act 1981 (as amended) & Cons (Nat. HaB Bats)**

**48. DCCW0009/1683/F DCDCC/091945/G - REMOVAL OF CONDITION 7 OF PLANNING PERMISSION DCCW2004/0209/F, PROPOSED DWELLING AT 2 LOWER ORCHARDS, BURGHILL, HEREFORD, HEREFORDSHIRE, HR4 7SD**

A report was presented by the senior Planning Officer about an application to remove a planning condition which prevented the extension of the dwelling or sheds and greenhouses in the garden without the grant of a specific planning permission.

In accordance with the provisions of the Council's Constitution, Councillor SJ Robertson, the Local Ward Member, spoke in favour of the application then withdrew from the meeting.

In accordance with the Council's criteria for public speaking, Mr Dutton a local resident, spoke in objection to the application and Mr James the applicants agent, spoke in favour.

It was noted that the applicant had been under the impression that his sheds, which were modest structures and not obtrusive, did not need to seek permission for them.

The Committee did not consider there to be an adverse impact on the local amenity and that the application could be granted.

**RESOLVED THAT:**

**That planning permission be granted:**

**Informative:**

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

**49. DCNC2009/0748/F - CHANGE OF USE OF LAND FROM AGRICULTURE TO A ONE FAMILY TRAVELLER SITE, INCLUDING STATIONING OF ONE MOBILE HOME, TWO TOURING CARAVANS AND DAY/WASHROOM - PART RETROSPECTIVE AT THE PADDOCKS, NORMANS LANE, STOKE PRIOR, LEOMINSTER, HEREFORDSHIRE, HR6 0LQ**

The senior Planning Officer presented the report of the Head of Planning and Transportation regarding a planning application for the change of use of agricultural land to a traveller site for one family. The development Control Manager said that the application had been referred to the Committee because the Northern Area Planning Committee was mindful to refuse it contrary to the Council's planning policies and Officer advice. The Sub-Committee had concerns about the suitability of the site, its location and the eligibility of the applicant to meet traveller status. The Sub Committee had also questioned the need for the site because there were vacant pitches on authorised Council sites and the applicant has previously confirmed (in 2006) that there was no need to reside on the site. As such, for these reasons the proposal was in conflict with Policy E15 – (Protection of Green Field Land) of the Herefordshire Unitary Development Plan. The Sub-Committee was advised that the application needed to be considered under Policy H12 (Gypsies and other Travellers) of the Herefordshire Unitary Development Plan.

In accordance with the criteria for public speaking, Councillor Brown spoke against the application on behalf of Humber, Stoke Prior & Ford Group Parish Council; Mr Hubbard spoke in objection to the application and Mr Baines spoke in support.

The Development Control Manager said that together with Policy H7, the circumstances, requirements and location regarding the application enabled it to be acceptable. Councillor KG Grumbley, the Local Ward Member, was of the view that the development was unauthorised and said that it was also the second retrospective application by the occupants. He said that he could not support the development as he felt there was insufficient need for it. He drew attention to the fact that the existing travellers' pitches provided in the County by the Council were under-occupied and he said that he was not satisfied that the occupants of the site fulfilled the criteria for travellers. He therefore proposed that planning permission should be refused as he regarded it as an unnecessary development on green field land; there was no need; it was contrary to ODPM Circular 1/2006; there was more on the site than covered by the application; and that the proposal was contrary to sustainability requirements.

Councillor B Hunt was of the view that no further evidence had been offered which would support the application since it went to the Northern Area Planning Sub-Committee. In addition to the points raised by Councillor Grumbley, he was concerned at the lack of conditions in the report in respect of water supply and sewage disposal. Concerns were also raised about the erosion of the bridleway due to the applicant gaining vehicular access over it to the site; the uses that the land may be put to and why an exception should be made for the benefit of travellers which did not apply to others. The Senior Planning Officer said that visits to the site by the Officers had not revealed any uses of it other than agriculture and that the bridleway was not a planning issue. The Head of Planning and transportation referred to the planning policies that had already been set out under which the application could be granted. He reiterated that these were designed to specifically meet the requirements of travellers and gypsies and that the Officers were satisfied that the supporting documents provided by the applicant had confirmed that the applicant had met all the required criteria. He added that the application site also met the requirements for becoming a travellers' site because it was close enough to relevant amenities. He also did not feel that ODPM Circular 1/2006 was relevant to the application. The site was relatively small and met the criteria for scale and setting and was well screen and included amenity, work and storage.

The Interim head of Legal and Democratic advised that the Officers had provided a number of grounds and tests for the application to be approved and that the Committee needed to carefully weigh the material planning considerations that needed to be taken into account. Having carefully considered all the facts in respect of the application, the Committee noted the planning policy issues involved but had reservations about a number of matters of concern relating to the application including the number of people occupying the site, access, water supply, sewerage arrangements and overall condition.

## **RESOLVED**

**that the application be refused for the following reasons:**

- (i) there is no need for this site:**
  - (a) the Council has 9 other vacant sites in the County**
  - (b) the applicant stated that he had no need to further develop the site, particularly for residential use as he was happy with operating it from where he then lived, therefore this is unnecessary development of greenfield land contrary to Herefordshire Unitary Development Plan Policy E15;**
- (ii) the application is contrary to ODPM Circular 1/2006 which states that mixed uses are not permitted on exception sites;**
- (iii) the application is invalid as there are or have been more than the applicant, his partner and three children living on the site;**
- (iv) permanent permission is contrary to planning policies H11 and H13 in respect of environmental and sustainability aspects; and**
- (v) sub-standard amenity levels**

**50. DCSE0009/1676/F DCDS/091843/F - PROPOSED DORMITORY ACCOMMODATION WITH DINING AND RECREATIONAL UNIT IN ASSOCIATION WITH CONTINUED USE OF LAND AS A CHILDREN'S NURSERY SCHOOL AND KIDS CLUB, TOGETHER WITH APPROVED LEISURE, RECREATIONAL, EDUCATIONAL AND CULTURAL USE (DIVERSIFICATION OF EXISTING USE) AT CATS NURSERY SCHOOL, LEYS HILL, WALFORD, ROSS ON WYE, HEREFORD, HR9 5Q**

A report was presented by the Southern Team Leader about an application for additional facilities at an established business. The application had been referred to the Committee because the Southern Area Planning Sub-Committee was mindful to refuse it contrary to the Officer's recommendation. The Sub-Committee had expressed concerns in relation to the perceived incompatibility of the children's nursery and health and spa facilities with particular reference to the potential risk to children associated with unrestricted access by adults and the sale of alcohol. It was considered that this was contrary to Policy DR2 of the Herefordshire Unitary Development Plan. In addition there were concerns about highway safety implications regarding difficult access onto the B4324. The proposal involved a commitment to reduce the number of nursery children from the potential 30 that the premises is currently licensed for to 10. This reduction would offset any traffic generated by the dormitory accommodation which was also likely to generate traffic outside the times when the nursery traffic would be at its peak. This together with the formalisation of a Travel Plan was considered acceptable by the Traffic Manager. The Head of Planning and Transportation was concerned that the reasons for refusal might not be defensible if challenged by way of an appeal.

The Southern Team Leader said that the applicants had provided details of their existing Ofsted licence, demonstrating that the necessary authority had been obtained in relation to the operation of the nursery. The applicant had also explained that the proposed dormitory building was intended to provide overnight accommodation for families and groups using the health and spa facilities. The applicants had also explained that the diversification was a response to changing Government legislation which threatened the viability of the children's nursery. The enhanced health and spa facilities were seen as an important tourism opportunity by the applicants.

The receipt of the following updates was reported:

### **ADDITIONAL REPRESENTATIONS**

It has been brought to the attention of your officers that the site boundary for was incorrectly drawn along the southern boundary. A suitably amended showing a revised site boundary drawing has been received.

The Environmental Health Officer has raised no objection to the dormitory accommodation.

A further objection has been received from Mrs VC Stoddard, Creeds Cottage, Leys Hill. The letter does not raise any further objection to those reported under paragraph 5.3

A further letter from the applicant has been received:

- the Spa is pre-booked registered guests only. Nursery children are never permitted to use the Spa;
- CATS Nursery (OFSTED Registered) is a safe, secure environment. Security measures include gated access, a locked door and parental/guardian sign in procedures. The nursery is closed evenings and weekends;
- the dormitory will be pre-booked and registered spa groups only;
- all use of the gated and fenced tennis court is pre-booked. Nursery children are supervised at all times by OFSTED and CRB approved staff during the day. Guests are restricted to evenings and weekends.
- the swimming pool is exclusively for pre-booked guests. No nursery children are allowed;
- parents escort their children to and from the car park. Sleeping policemen are installed for safety and there are clearly visible parking bays and a segregated children's walkway;
- the performance area at the end of the proposed dormitory will be used as an outdoor fitness and table tennis area. It is not a stage;
- there is no interaction between adult guests and nursery children anywhere;
- all of our healthy group Spa Packages are pre-booked. The parties have exclusive use of the Spa and registration forms are completed by the group leader. If they request a theme for their booking we will happily oblige with a 60/70's spa experience or a salsa dance session;

- we are a health spa and do not hold an adult entertainment license and will not book stag parties;
- groups of 8-12 ladies (sometimes called a hen party) who have exclusive use of the health spa because it is a healthy alternative. The Spa is not available as a venue only;
- teen Queen parties (12-17 year old girls). They have exclusive use of the spa in parental approved age related activities. Parents accompany them to the health spa where they are registered and greeted by qualified CRB approved teachers, lecturers and beauty therapists who fully supervise the agreed programme;
- prohibited drugs. There is a zero tolerance policy in place. We have been an educational, recreational, fitness and leisure establishment for 22 years. We hold an unblemished record;
- we are qualified personal license holders and are fully aware of the licensing laws. A premises license has been applied for because we serve wine with a meal and we donate a bottle of champagne to some groups;
- this empirical information is a professional response to the child protection issue discussed at the Sub Committee meeting on Wednesday 30 September 2009.

Letter of support from Mr S Mitchell, The Firs, Welsh Newton Common

The objections centred on two issues: that of 'risk to children' and 'the highway safety implications of the proposal'.

- the presence of adults adjacent to the nursery premises where the children are subject to close and personal supervision already exists.
- dormitory wing would allow the option for an overnight stay for clients who may already be using the leisure facility anyway and would of course be outside nursery hours.
- shared use of premises is hardly a new concept. Most authorities encourage it in the interest of a cost effective service to the council tax payer.
- many supermarkets are providing crèches within the supermarket itself to allow parents to shop while their children enjoy supervised play activities and hospitals often set aside play areas for children.
- Regarding the issue of highway safety, I do understand that this may be of concern to those in the area, but I believe that the concern is misplaced, particularly as the proposals and the recommendations set out by your officers would ensure that the likely traffic on Leys Hill Rd would be less than the existing development already allows.

To object to the proposals would deny CATS the reasonable flexibility that any small business and employer needs to remain viable, and would jeopardise the continuance of what I believe to be a very attractive and socially responsible community service, with detrimental consequences for both employment and amenity in the area.



A petition in support of the application with 98 signatures has also been received together with a further 6 letters from local residents expressing their support for this proposal.

In accordance with the criteria for public speaking, Mrs Saxon a local resident spoke in objection to the application, and Mrs Mitchell, the applicant, spoke in support.

Councillor JG Jarvis expressed concerns about potential noise arising from the evening activities and the potential traffic hazards that would arise at the road junction near to the premises. The local parish councils objected to the proposal and the new facilities would be some 41% larger than the existing premises.

The Head of Planning and Transportation said that the objector had spoken very clearly about the planning policies she had concerns about in respect of the application. The applicant had explained the business aspects and the need for the business to diversify. The business had been in existence for some 23 years and with the economic downturn the applicant had been forced to reduce staff from twelve full-time to six part-time. There were material planning considerations and he reiterated his view that the application should be approved and that it would be difficult to sustain a refusal if challenged.

Councillor JE Pemberton enquired about the compatibility of the proposal with the nursery. The Southern Team Leader advised that a 'before and after' school service was provided by the applicants and that the other activities did not impinge upon this. Councillor GW Greenow felt that the proposals were leading to a vibrant business which needed to expand. Councillor PGH Cutter did not feel that the concerns raised justified a refusal.

Members discussed the application and having considered all the points raised, decided that it should be approved.

**RESOLVED THAT:**

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

- 1 A01 Time limit for commencement (full permission)**
- 2 C01 Samples of external materials**
- 3 G04 Protection of trees/hedgerows that are to be retained**
- 4 I51 Details of slab levels**
- 5 H30 Travel plans**
- 6 I33 External lighting**
- 7 Prior to the first use of the dormitory accommodation hereby approved, the applicant shall provide registration details of the nursery limiting the number of children attending to no more than 10 at any one time and it shall thereafter be restricted in accordance with these details.**

**Reason: To maintain appropriate control over the trips generated by the use and ensuring the safe and free flow of traffic on the highway so as to conform with Policy DR3 of the Herefordshire Unitary Development Plan.**

**Informatives:**

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

**51. REGIONAL SPATIAL STRATEGY : INSPECTORS' PANEL REPORT – SEPTEMBER 2009**

The Planning Policy Manager reported that the Examination in Public (EIP) into Phase 2 of the Regional Spatial Strategy (RSS) took place during April to June 2009, and the Panel of Inspectors involved published their "Panel Report" on 28th September. The Report would be submitted to the Secretary of State who although is not bound to accept the recommendations is likely to do so. Final amendments will be made to the RSS by the end of 2009 with the intention of completing the formal process during 2010. Once this process is complete, the local planning authorities in the West Midlands Region will be obliged to ensure that their planning policies (in emerging Local Development Frameworks) are in compliance with the new RSS. The main features of the Report are:

- Herefordshire's housing target for the period 2006 to 2026 has gone up from 16,600 to 18,000;
- within that overall target the Hereford City (and immediate environs) allocation has gone up only 200, from 8,300 to 8,500 – this is not significant over a 20 year period;
- the allocation to the rest of the County (including the Market Towns) has increased more significantly, from 8,300 to 9,500 – this is intended to increase supply in rural areas to improve affordability;
- the approach to employment allocations has been revised – whilst the five year "reservoir" of 37 hectares has been maintained unchanged, the gross figure over the 20 year period has been recommended for an increase from 111 hectares to 148 hectares – but this figure takes no account of "recycling" of employment land where employment sites are redeveloped for employment use;
- the retail allocation has stayed unchanged at 40,000 sq metres of retail floor space to 2021 with a further 20,000 for 2021 to 2026;
- a revised housing "trajectory" has reduced the number of dwellings per year to be constructed in the period to 2011 but progressively increases it after then (this will have important consequences as we move into the "Delivery" phase);
- all the above figures are now "Targets" and are not to be regarded as either minimum or maximum figures;
- whilst no specific policy is introduced in respect of the Outer Distributor Road the supporting text makes it clear that one will almost certainly be required;
- any relief road proposed for Leominster is regarded as a local matter and not included in the RSS because it is not strategic enough in the Regional context;

- the practical difficulties of dual tracking the railway line between Hereford and Malvern are such that it was not considered practical to make a policy commitment to this;
- amongst the general policies there is a requirement for local planning authorities to do Strategic Flood Risk Assessments and Water Cycle Studies (both of which Herefordshire has been doing anyway);
- there is also the introduction of a “Merton” style rule to require developments above a certain threshold to ensure that at least 10% of the energy needs come from renewable sources; and
- the consequences, under the Habitats Regulations, for water quality and quantity in the Rivers Lugg and Wye were not fully resolved and further work will have to be done at County level to ensure that the new development does not have an adverse effect on the biodiversity of these rivers – this is mainly an issue of ensuring adequate water supply and treatment. There will, however, be restrictions in the “Pilleth Water Resource Zone” which affects part of the County.

**RESOLVED THAT;**

**The report be received and noted,**

**52. LOCAL DEVELOPMENT FRAMEWORK UPDATE REPORT OCTOBER 2009**

A report was presented by the Planning policy Manager about developments on the Local Development Framework. He said that the 2004 reforms to the planning system obliged each Local Planning Authority to replace its Development Plans with a Local Development Framework. In the case of Herefordshire, that meant replacing the Unitary Development Plan with Development Plan Documents set out in the Local Development Scheme. There were to be three such documents at the centre of the Local Development Framework: the Core Strategy which sets out the overarching development strategy for the County; and two documents to set out detailed allocations - the Hereford Area Plan and the Market Towns and Rural Areas Plan. The Core Strategy is due to be the subject of a final round of public consultation early in the New Year.

The Core Strategy has to look forward to the year 2026 and has, at its heart, the vision and objectives with that in mind; in addition to the Regional Spatial Strategy the Core Strategy must also sit comfortably with the Council’s Sustainable Community Strategy for which the Herefordshire Partnership Board has responsibility. Thus the new planning system required that the Core Strategy:

- complies with the regional policies (as set out in the Regional Spatial Strategy);
- is backed up with evidence for the choices it makes;
- has had the full involvement of the local communities it is intended to serve; and
- meets other legal tests such as a the need for a Sustainability Assessment and a Habitat Regulations Assessment;

7. The policies in Herefordshire's Core Strategy will need to cover such issues as the distribution of new housing, employment and commercial development, policies to cover the location of "social infrastructure" such as schools and health facilities, and deal with such generic matters as transportation, minerals, waste and climate change. In order to take these issues forward the Council has published a series of evidence studies and background papers on the website. The evidence base will soon be substantially complete. Notable recent additions to the reports on the website include the Multi Modal Model (Transportation Study), the Water Cycle Study and the Strategic Housing Land Availability Study.

The stage has now been reached to undertake the final public engagement in the process – this will be the "Placeshaping" Consultation which will help the Council to refine its policy choices. The Placeshaping Consultation documents will be the subject of Member Briefings in the next few weeks and will be reported to Cabinet on 26th November to seek formal approval for public consultations in January, February and March 2010. Once the Placeshaping Consultation Results have been analysed the Council will then prepare the Core Strategy itself, initially to publish as a document for submission to the Secretary of State. This is expected to happen towards the end of 2010.

**53. DATE OF NEXT MEETING**

The meeting ended at 4:40 pm

**CHAIRMAN**

PLANNING COMMITTEE

4 DECEMBER 2009

## REPORT OF THE NORTHERN AREA PLANNING SUB-COMMITTEE

Meetings held on 21 October and 18 November 2009

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### Membership

#### Councillors:

**JW Hope MBE (Chairman)**  
**PJ Watts (Vice-Chairman)**

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

### PLANNING APPLICATIONS

1. The Sub-Committee has met twice since the last report and dealt with the planning applications referred to it as follows:-
  - (a) applications approved, as recommended -9
  - (b) applications refused, as recommended - 1
  - (c) applications deferred - 1
  - (d) tree preservation orders approved - 1
  - (e) number of public speakers - 11 (2 Parish Councillor, 7 supporters, and 2 objectors)

### PLANNING APPEALS

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

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

- **BACKGROUND PAPERS - Agenda for the meetings held on 21 October and 18 November 2009**



PLANNING COMMITTEE

4 DECEMBER 2009

## REPORT OF THE CENTRAL AREA PLANNING SUB-COMMITTEE

Meeting held on 11 November 2009

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### 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, MD Lloyd-Hayes, RI Matthews, AT Oliver, SJ Robertson, 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) number of public speakers - 2 (1 objector, 1 supporter)

### PLANNING APPEALS

2. The Sub-Committee received an information report about one appeal that had been received and one that had been determined (appeal dismissed).

**JE PEMBERTON  
CHAIRMAN  
CENTRAL AREA PLANNING SUB-COMMITTEE**

- **BACKGROUND PAPERS - Agenda for the meeting held on 11 November 2009.**





PLANNING COMMITTEE

4 DECEMBER 2009

## REPORT OF THE SOUTHERN AREA PLANNING SUB-COMMITTEE

Meetings held on 28 October and 25 November 2009

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### Membership

#### Councillors:

**PGH Cutter (Chairman)**  
**MJ Fishley (Vice-Chairman)**

**CM Bartrum, H Bramer, BA Durkin, MJ Fishley, AE Gray, JA Hyde, JG Jarvis, G Lucas, PD Price, RH Smith, DC Taylor and JB Williams.**

### PLANNING APPLICATIONS

1. The Sub-Committee has met twice since the last report and dealt with the planning applications referred to it as follows:-
  - (a) applications approved, as recommended - 6
  - (b) applications refused, as recommended - 2
  - (c) applications refused, contrary to recommendation - 2
  - (d) number of public speakers - 15 (9 supporters and 6 objectors)

### PLANNING APPEALS

2. The Sub-Committee received information reports about eight appeals that had been received and five that had been determined (two allowed and three dismissed).

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

- **BACKGROUND PAPERS - Agendas for the meetings held on 28 October and 25 November 2009**



**ANNUAL MONITORING REPORT 2008-2009****Forward Planning Manager****Wards**

Countywide

**Purpose**

1. To consider the Annual Monitoring Report 2008-2009.

**Financial Implications**

2. None.

**Introduction**

3. The Planning and Compulsory Purchase Act 2004 introduced provisions and requirements including the regular review and monitoring of development plans through mandatory Annual Monitoring Reports (AMRs).
4. Annual Monitoring Reports are required to assess the implementation of the Local Development Scheme; and the extent to which policies in the Local Development Documents are being achieved. The Council's AMR prepared to meet the requirements of the planning system is attached to this report. The AMR assesses the extent to which the objectives of UDP policies are being achieved and contains a comparator with last years AMR. AMRs are based on a period running from 1<sup>st</sup> April to 31<sup>st</sup> March and submitted to the Secretary of State no later than the following 31<sup>st</sup> December.
5. The AMR covers all annual monitoring study findings and will enable a coherent and consistent approach to be taken in the assessment of the extent to which policies within the UDP and subsequent Local Development Documents are being achieved.

**Structure and Content of the AMR 2008-2009**

6. In establishing the content of this AMR, the aim has been to continue with the structure of previous years to maintain consistency. The AMR largely follows the thematic division of the chapters in the UDP. It is divided into core subjects such as housing, employment, retail etc, for which there is available monitoring data. Objectives for each topic areas are identified and appropriate policies linked to these are set out. Where the UDP expresses a specific requirement to be met, this is identified as a target against which progress can be measured.
7. There are a number of instances where it is not possible to identify specific targets against which to measure how policies of the UDP are being implemented. This is because certain objectives do not lend themselves to target setting in the context of the UDP alone. In many cases the Plan is one

means of helping to achieve wider social or environmental aims and the application of a specific target is neither appropriate nor informative.

8. Indicators are used to measure the performance of policy aims against a target, or where there is no identified target; performance is measured against an objective. Each indicator is cross-referenced with those relevant policies of the UDP that are the key tools used to achieve the objectives and targets.
9. Throughout the report there are sections of analysis that interpret the monitoring results and compare the results of this AMR with those of previous years. It also identifies where data is currently lacking, an update on monitoring achievements to date and identifies where future monitoring could be enhanced to improve measurements of policy implementation.
10. A contextual section providing the background of regional planning guidance (the Regional Spatial Strategy) is contained within Appendix 2 of the document. It also provides statistical information that establishes a profile for Herefordshire.

### **AMR Findings**

11. The overall assessment on whether the UDP objectives are being met in respect of the topic areas are provided in an executive summary. The monitoring results provide useful data for an annual assessment to be made, in many areas monitoring has been undertaken since 2004 been monitored and trends are only now emerging. However, in respect of housing and employment detailed monitoring has been undertaken over many years and clear trends apparent.
12. Housing – For the UDP since 1996 some 10,395 new dwellings have been completed in the county (this amounts to 85% of the UDP target of 12,200 new dwellings). Between 2001-2 and 2004-5 completions were below the rate anticipated. However, between 2005-6 and 2007-8 there was an increase in the rate of housing completions in the county with completions at levels which suggested the UDP housing target would be achieved by 2011. The downturn in the housing market over the recent past has impacted upon housing completions with 689 being completed in the last 12 months (a fall of around 20% from the 829 completed in 2007-8), the slow down in the market may well continue for the next few years and therefore the UDP housing target may not be fully achieved. The percentage of housing completions on previously developed or brownfield land at 80% (550) has again exceeded both regional and national targets. In terms of affordable housing, 208 units were completed in 2008-9 an increase over the previous year (141 units) which is the highest level recorded in the monitoring process. In addition, the preparation of the Local Development Framework provides an opportunity to review the UDP affordable housing policies and a number of options for this are set out in the Place Shaping Paper which will be published in January.
13. Employment - The amount of land developed for employment uses over the monitoring period was 10.22ha, above the average recorded since the 1980's. Around 63% of the completions in the year were located on previously developed (brownfield) land.
14. 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 show that there has been progress towards

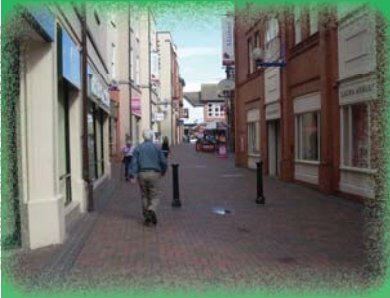
meeting targets or monitoring requirements during the 2008-09 monitoring period. The AMR also indicates that for the reporting period a total of 97 planning applications were approved subject to a Section 106 agreement. The total potential monetary value of those contributions was £3,939,493.00 and provides a breakdown of agreed planning obligations at parish level and details the community infrastructure that those contributions will support. This is the first year that details of the value of contributions have been included within the AMR.

**RECOMMENDATION**

**THAT the Committee endorse the Annual Monitoring Report 2008-2009 and recommend its approval to Cabinet by the Cabinet Member (Environment and Strategic Housing).**



# Shaping Our Place 2026



Local Development Framework



# Annual Monitoring Report 2008/2009

December 2009







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## EXECUTIVE SUMMARY

This Annual Monitoring Report (AMR) produced for Herefordshire, in accordance with the Planning and Compulsory Purchase Act 2004. The AMR includes:

- contextual information for Herefordshire;
- a progress update on the implementation of the Local Development Scheme;
- an assessment on the extent to which policies in the UDP are being achieved;
- a comparative study from previous AMRs;
- updates on monitoring limitations; and
- new or continuing monitoring limitations and actions required.

The report covers the period 1<sup>st</sup> April 2008 to 31<sup>st</sup> March 2009. Figure 1 below shows the overall progress of UDP policies during the reporting period and includes a comparison with previous years.

<b>Key:</b>
☺ = Policy achieving target
☹ = policy making good progress towards achieving target
☹ = policy not achieving the target

**Figure 1: Progress towards achieving UDP policy targets**

UDP Objective	Description	Progress towards the relevant policies				
		08/09	07/08	06/07	05/06	04/05
H(1)	To fulfil the requirements for additional dwellings to satisfy local household growth, including those needing affordable housing, as well as migration into Herefordshire, collectively forming the allocation set out in Regional Spatial Strategy (RSS)	☹	☺	☺	☺	☹
H(2)	To provide the re-use of previously developed land and buildings for housing purposes, in preference to the use of Greenfield land	☺	☺	☺	☺	☺
H(3)	To promote the more efficient use of land for residential developments	☹	☹	☹	☹	☹
H(4)	To fulfil the needs for additional affordable dwellings in the county	☹	☹	☹	☹	☹
H(5)	To promote a sustainable pattern of development by ensuring that sufficient new housing is made available in sustainable locations primarily within urban areas and the larger rural settlements	☺	☺	☺	☺	☺

UDP Objective	Description	Progress towards the relevant policies				
		08/09	07/08	06/07	05/06	04/05
E(1)	To ensure a balance of employment opportunities throughout the county, through the provision of a portfolio of employment sites to reflect the differing development needs of businesses and to give a choice in terms of size, location, quality and use class	☺	☺	☺	☺	☺
E(2)	To encourage the use of previously developed land for employment purposes in preference to greenfield land	☺	☺	☺	☹	☺
E(3)	To avoid the loss of existing employment land and premises to other uses	☺	☺	☹	☺	☺
T(1)	To promote a sustainable pattern of residential development by ensuring that sufficient new housing is made available in sustainable locations primarily within urban areas and larger rural settlements, taking account of relative accessibility by public transport and the availability of services	☹	☺	☹	☹	New Indicator – no data for 04/05
TCR(1)	To ensure that central shopping and commercial areas continue as the main focus of shopping, employment, services and facilities in Hereford and the market towns, where they are well served by public transport and readily accessible by the community as a whole by means other than the private car. To safeguard and improve local village centres that are readily accessible by walking and cycling	☹	☺	☹	☹	☹
RL(1)	To promote opportunities for new and improved recreation, leisure and sports facilities in sustainable locations	☺	☹	☹	☹	☹
M(1)	To ensure the continued supply of primary extraction aggregates for the local construction industry and to satisfy the wider aggregate needs arising in the region	☺	☺	☺	☺	☺
M(2)	To ensure the use of secondary aggregates and recycling	☹	☹	☹	☹	☹

UDP Objective	Description	Progress towards the relevant policies				
		08/09	07/08	06/07	05/06	04/05
W(1)	To achieve a more sustainable waste management process by using the BPEO methodology and taking into account the principles of the waste hierarchy, the proximity principle and regional self-sufficiency	☺	☺	☺	☺	☺
NHH(1)	To conserve and enhance the natural heritage of the county and avoid, wherever possible, adverse environmental impacts of development. To minimise any unavoidable adverse environmental impacts by means of measures to mitigate or compensate for any loss or damage, including restoration or enhancement, provision of replacement features and future management	☹	☹	☹	☹	☹

## Section 1: INTRODUCTION

### Legislative Requirement for Production of Annual Monitoring Reports

- 1.1 From 2005 there has been a requirement for local authorities to produce an AMR each year, based on a period running from 1<sup>st</sup> April to 31<sup>st</sup> March. Each AMR must be submitted to the Secretary of State no later than the following 31<sup>st</sup> December.
- 1.2 AMRs are required to assess:
  - (a) the implementation of the Local Development Scheme (LDS); and
  - (b) the extent to which policies in the Local Development Documents are being achieved.

### Herefordshire AMR 2009 Content and Format

- 1.3 This AMR is concerned with the assessment of policies contained in the UDP, adopted in March 2007. Given that the UDP will cease to be a saved plan in March 2010, future monitoring will be aimed at assessing progress towards LDF targets. A revision to the LDS was completed in January 2009 and a further revision to the LDS, which updates the list of documents to be included in the LDF, will be published early in 2010.
- 1.4 This AMR follows the same format as last years report, incorporating changes in accordance with best practice.

### Limitations of the Annual Monitoring Report

- 1.5 As the AMR is monitoring the UDP rather than the Local Development Framework (LDF) it does not have “smart policy objectives or targets”. Smart policy objectives will need to be established to monitor the LDF.
- 1.6 Throughout this report updates have been given on deficiencies in the monitoring information. Where such gaps in data are identified, the AMR continues to set out steps that could be taken to improve future data collection. As the evidence base being established for the LDF is developed it will provide useful and accurate data to measure policies and therefore, deficiencies in information and data are likely to reduce.

## Section 2: LOCAL DEVELOPMENT FRAMEWORK PREPARATION

### Monitoring the Local Development Scheme

#### Introduction

- 2.1 This section reports on progress in achieving the timetable and milestones set out in the Council's Local Development Scheme (LDS) operative from January 2008.
- 2.2 Each proposed Local Development Document identified in the LDS is listed below, with a brief review of progress in meeting the milestones and timetable in the reporting period, 2008/2009. Where slippage in the original timetable is identified, this is explained further in Appendix 3 and includes an indication of the revised programme. Timetable revisions will be incorporated in the annual review of the LDS.

#### Summary of progress

- 2.3 Figure 2 below summarises the achievement of the Local Development Scheme, January 2009. All of the documents achieved their milestones. The Historic Landscapes SPD which was included in the 2008 SPD is not being taken forward and has been removed from the table below.

**Figure 2: Local Development Scheme 2009 Achievements**

<b>Key:</b> ☺ = LDS timetable target achieved ☹ = LDS timetable target missed ☺ = LDS timetable target achievement uncertain	
<b>Document</b>	<b>2008/2009</b>
Core Strategy	☺
Hereford Area Action Plan DPD	☺
Archaeology and Development SPD	☺



## Section 3: HOUSING

### **Objective H(1)**

To fulfil the requirements for additional dwellings to satisfy local household growth, including those needing affordable housing, as well as migration into Herefordshire, collectively forming the allocation set out in Regional Planning Guidance

#### 3.1 UDP Policies relating to Objective H(1)

- S3 Housing (strategic policy setting out the housing provision figures and general aims and objectives of housing policies)
- H2 Hereford & the market towns: housing land allocations
- H5 Main villages: housing land allocations
- H6 Housing in smaller settlements
- H9 Affordable housing
- H10 Rural exception housing

#### 3.2 Target H(1)

Meet UDP requirement of 12,200 dwellings to be provided within the period 1996-2011.

#### 3.3 Core Indicators H(1)

Housing trajectory showing;

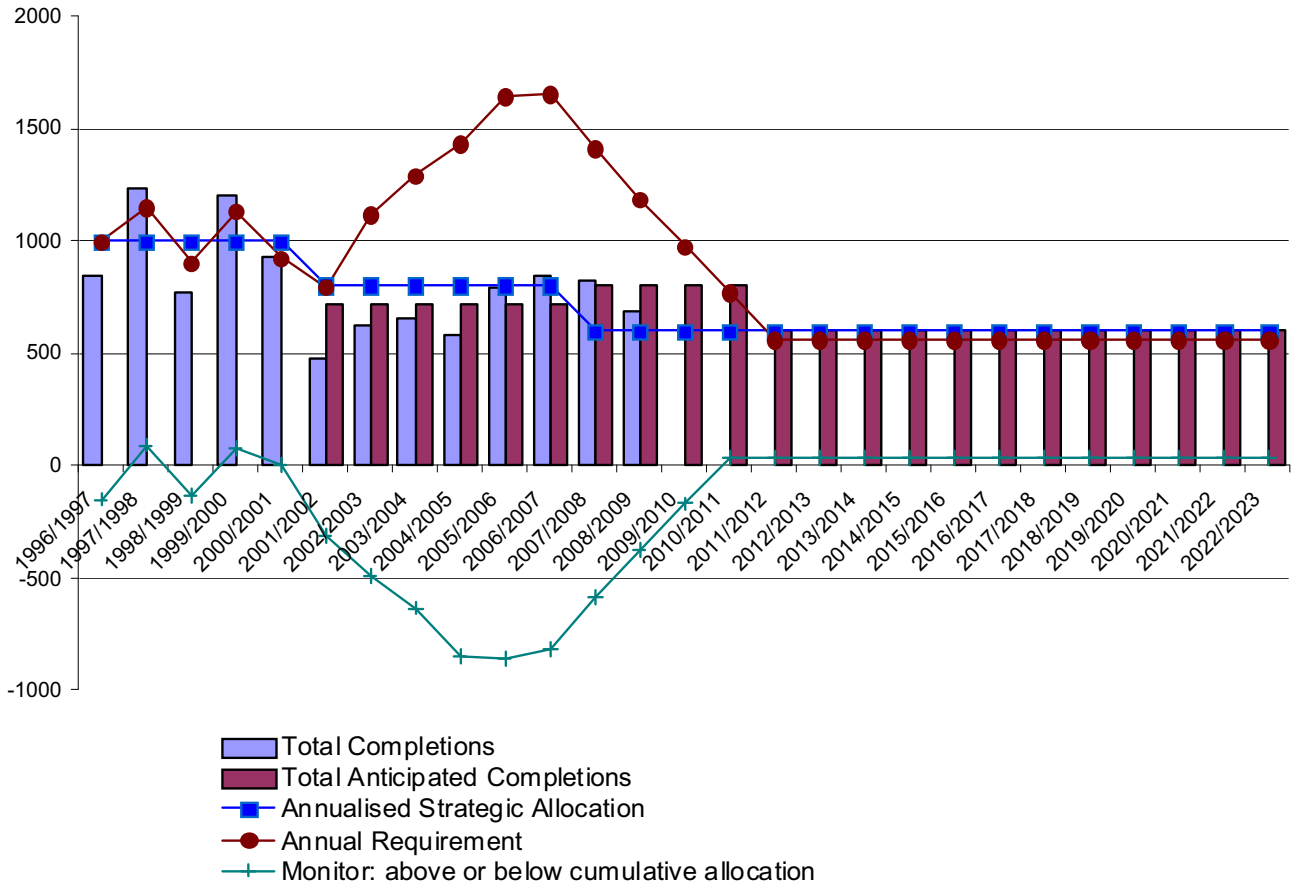
- Net additional dwellings since the start of the UDP period (1996)
- net additional dwellings for the current year
- projected net additional dwellings over a 10 year period
- the annual net additional dwelling requirement
- annual average number of net additional dwellings needed to meet overall housing requirements, having regard to performance in previous years.

3.4 Figure 3 shows the housing trajectory as at the beginning of April 2009. It shows the actual housing completions that have taken place during the UDP period between beginning of April 1996 and end of March 2009. The graph also shows the annualised strategic allocation up to 2023. This rate is based upon the annual average rate of housing provision for Herefordshire as set out in Table 1 of the Regional Spatial Strategy (RPG11, June 2004). This will be the last year the trajectory will reflect the UDP targets. In future years the graph will change to reflect the Local Development Framework of Herefordshire Council which is likely to be within the context set by the housing requirements contained within RSS phase 2 Panel Report for Herefordshire. This requirement equates to 900 dwellings per annum. Appendix 4 sets out the 5-year housing supply situation for Herefordshire in accordance with the requirements of PPS3 and the RSS Panel Report and accords with the information set out in the Herefordshire Strategic Housing Land Availability Assessment (SHLAA).

3.5 The graph shows that the rate of housing completions between 2001/2 and 2004/5 was below that required to achieve UDP housing targets. The recent release of a number of UDP sites resulted in an increase in the rate of

housing completions in the County during 2005 through to 2007-8. However, during this reporting period 689 dwellings were completed in Herefordshire. This is below the anticipated completion target of 808. This shortfall is not unexpected due to the current economic climate.

**Figure 3: Housing Trajectory 1996-2023**



(Source: Herefordshire Council 2009)

**Objective H(2)**

To promote the re-use of previously developed land and buildings for housing purposes, in preference to the use of greenfield land.

**3.6 UDP Policies relating to Objective H(2)**

- S3 Housing
- H2 Hereford & the market towns: housing land allocations
- H5 Main villages: housing land allocations
- H6 Housing in smaller settlements
- H8 Agricultural & forestry dwellings and dwellings associated with rural businesses
- H14 Re-using previously developed land and buildings

**3.7 Targets H(2)**

There is a UDP target to achieve 68% of new dwellings on previously developed land and buildings over the period 2001-2011 (policy S3). In

addition there is a national target to achieve 60% of new housing on previously developed land (PPS3).

3.8 Core Indicator H(2)

The percentage of new and converted dwellings on previously developed (brownfield) land.

3.9 Figure 4 provides a breakdown of this year's housing completions, indicating those on previously developed land. It shows that the proportion of new dwellings built on previously developed land is substantially higher (80%) than that required by national targets (60% of new housing on previously developed land).

**Figure 4: Housing Completions**

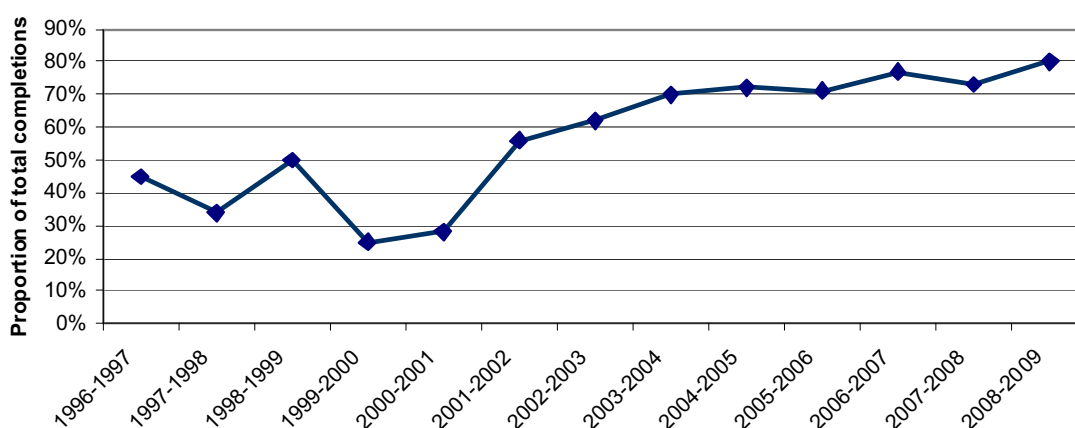
	Actual Completions 07-08	Proportion of Total 07-08	Actual completions 08-09	Proportion of Total 08-09
Former Residential	220	27%	<b>203</b>	<b>30%</b>
Former Employment	86	10%	<b>22</b>	<b>3%</b>
Other Brownfield	300	36%	<b>325</b>	<b>47%</b>
<b>Total Brownfield</b>	<b>606</b>	<b>73%</b>	<b>550</b>	<b>80%</b>
<i>Greenfield</i>	223	27%	<b>139</b>	<b>20%</b>
<b>Total Completions</b>	<b>829</b>	<b>100%</b>	<b>689</b>	<b>100%</b>

(Source: Herefordshire Council Housing Land monitoring 2009)

3.10 Local Indicator H(2)

The annual percentage of total completions occurring on previously developed land since the commencement of the UDP period (1996).

**Figure 5: Percentage of Completions on Previously Developed Land (1996-2009)**



(Source: Housing Land monitoring 2009)

3.11 Figure 5 shows that the growth in the proportion of dwellings completed on previously developed land has increased significantly since 2001. The Council has exceeded the Government's target since 2002-3 and for the last seven years has achieved the UDP target of 60%. In addition to the completions, there were 3466 commitments as at April 2009, 2014 of which are on previously developed land (58%).

**Objective H(3)**

To promote the more efficient use of land for residential developments.

3.12 UDP Policies relating to Objective H(3)

- S3 Housing
- H2 Hereford & the market towns: housing land allocations
- H5 Main villages: housing land allocations
- H6 Housing in smaller settlements
- H13 Sustainable residential design
- H15 Density

3.13 Targets H(3)

The UDP, in policy H15, provides the following guideline for minimum new site densities for sites of 1ha or over in Hereford and the market towns:

- Town centre and adjacent sites, between 30 and 50 dwellings per hectare;
- Other sites, at least 30 dwellings per hectare.

3.14 Core Indicator H(3)

The percentage of new dwellings completed at:

- (i) less than 30 dwellings per hectare;
- (ii) between 30 and 50 dwellings per hectare; and
- (iii) above 50 dwellings per hectare

3.15 Figure 6 sets out the density of completions for development in Herefordshire over last three years. It can be seen that the percentage of dwellings built below 30 dwellings, at 41% is a decrease on the previous year (44%). In respect of the target set in policy H15, there were 233 dwellings completed over the reporting period on sites over 1 hectare in the urban areas of Hereford and the market towns. These were built at an average density of 40 per hectare, thus meaning that the UDP target is being achieved.

**Figure 6: Density of Completions**

	2006-07		2007-08		2008-09	
	Number	Proportion of Total	Number	Proportion of Total	Number	Proportion of Total
Less than 30 dwellings /ha	308	37%	312	44%	<b>292</b>	<b>41%</b>
30-50 dwellings /ha	304	36%	200	28%	<b>185</b>	<b>26%</b>
Over 50 dwellings /ha	228	27%	201	28%	<b>235</b>	<b>33%</b>
<b>Total</b>	<b>840</b>	<b>100%</b>	<b>713</b>	<b>100%</b>	<b>712</b>	<b>100%</b>

## Objective H(4)

To fulfil the needs for additional affordable dwellings in the County.

### 3.16 UDP Policies relating to Objective H(4)

- S3 Housing
- H2 Hereford & the market towns: housing land allocations
- H5 Main villages: housing land allocations
- H6 Housing in smaller settlements
- H9 Affordable dwellings
- H10 Rural exception housing

### 3.17 Target H(4)

The UDP, in strategic housing policy S3, sets an approximate figure of 2,300 affordable dwellings to be provided within the County over the Plan period.

### 3.18 Core Indicator H(4)

The number of affordable housing completions during the reporting period.

3.19 Figure 7 sets out the 2008/2009 affordable housing completions broken down into social rented and intermediate housing, the 208 completions for the year represents a considerable increase over the previous year (141) and provides the highest level recorded in the monitoring process. Between 1996 and 2008/09, 1430 affordable homes were completed at an average of 110 dwellings per annum. Although this is less than the rate required to meet the UDP target of 2,300 affordable dwellings by 2011, it is anticipated that the number of affordable housing schemes coming forward will increase as UDP allocations are developed. However, the provision of affordable housing in both urban and rural areas of Herefordshire is an issue of concern and will be subject to continued monitoring.

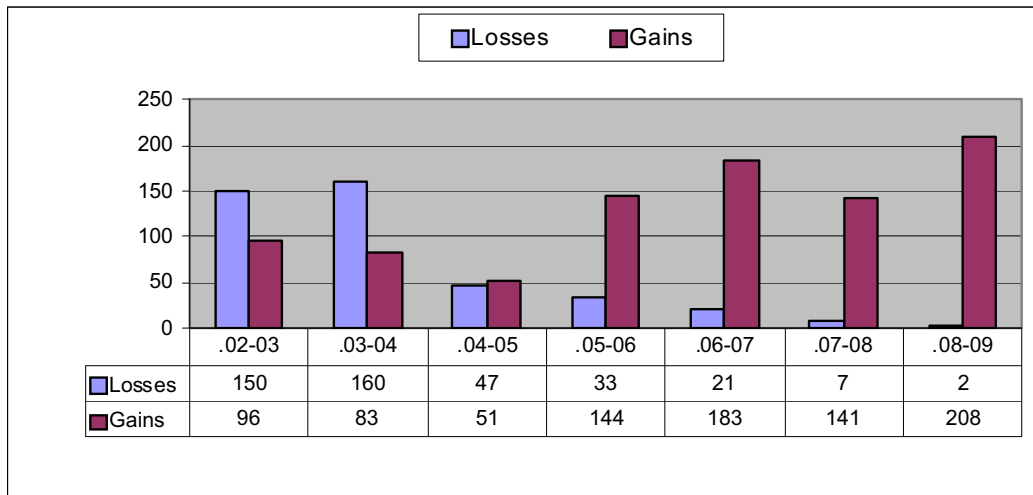
**Figure 7: Affordable Housing Completions 2008/2009**

	<b>Number</b>
Social Rented	125
Intermediate	83
<b>Total</b>	<b>208</b>

*(Source: Herefordshire Council – Strategic Housing Services)*

3.20 The national 'Right to Buy' policy has had an effect on affordable housing numbers in the years since local government reorganisation in 1998. Figure 8 covers available information over the past seven year period and shows that the total loss of affordable homes amounts to 420. Only 2 of which were lost in this reporting period through Right to Buy. In the last five years the gains have outnumbered the losses.

**Figure 8: Affordable Homes – Losses and Gains 2002-2008**



(Source: Housing Strategy Statistical Appendix 2003/04, HFR 2002/03, Strategic Housing Finance Officer and RSL's)

Note: LA/Stock Transfer Company losses in 02/03 include demolition of 15 properties. RSL gains include both rented and shared ownership properties.

### Objective H(5)

To promote a sustainable pattern of development by ensuring that sufficient new housing is made available in sustainable locations primarily within urban areas and the larger rural settlements.

#### 3.21 UDP Policies relating to Objective H(5)

- S3 Housing
- H1 Hereford & the market towns: settlement boundaries & established residential areas
- H2 Hereford & the market towns: housing land allocations
- H4 Main villages: settlement boundaries
- H5 Main villages: housing land allocations
- H6 Housing in smaller settlements
- H7 Housing in the countryside outside settlements

#### 3.22 Target H(5)

Most housing provision (57%) will be concentrated in Hereford and the market towns, then a lesser amount (26%) in the more sustainable main villages, with the third tier of the housing strategy catering for rural housing needs (17%) (policy S3).

#### 3.23 Local Indicator H(5)

The numbers and proportion of housing completions since 1996 in the various locations set out in the UDP settlement strategy.

3.24 The table in Figure 9 shows that over the UDP period, the distribution of housing completions is close to that anticipated in policy S3. Housing completions in Hereford and the market towns are 1% lower than the target, with slightly higher proportions being completed in the rural area. The Plan proposes a target of 12,200 dwellings up to 2011. Figure 9 shows that as at

**Figure 9: Completions (1996-2009) based on the UDP Settlement Strategy**

Location	Actual Completions 1996-2009	Percentage of Total Completions	1996-2011 UDP Target (Policy S3)
<b>Hereford City</b>	<b>2856</b>	<b>27%</b>	----
Leominster	625	6%	----
Ross-on-Wye	653	6%	----
Ledbury	1044	10%	----
Bromyard	425	4%	----
Kington	181	2%	----
<b>Market Towns Total</b>	<b>2931</b>	<b>28%</b>	----
<b>Combined Hereford City &amp; Market Town</b>	<b>5787</b>	<b>56%</b>	<b>57%</b>
<b>Main Villages Total</b>	<b>2672</b>	<b>26%</b>	<b>26%</b>
Smaller Settlements	673	7%	----
Other Rural Areas	1263	12%	----
<b>Combined Smaller Settlements &amp; Rural Areas</b>	<b>1936</b>	<b>19%</b>	<b>17%</b>
<b>County Total</b>	<b>10395</b>	<b>100%</b>	<b>100%</b>

(Source: Herefordshire Council Housing Land monitoring)

### 3.25 Gypsy and traveller sites

The Provision of new Gypsy and Traveller sites is recognised in policy H7, of the Unitary Development Plan (UDP) (March 2007), as one of the exceptional circumstances where development may be permitted outside of a defined settlement if in accordance with policy H12. Historically, this authority has not monitored Gypsy and Traveller site completions and the UDP does not set any targets for the provision of Gypsy and Traveller sites. However, due to the requirement by Central Government to produce a Gypsy and Traveller Accommodation Assessment (GTAA) and the need for the Local Development Framework to set targets for site provision, AMRs will now need to monitor site provision. A GTAA has been completed for the County as part of a wider study (including Shropshire, Telford and Wrekin and Powys). The findings of the GTAA will now be taken forward in setting targets for the LDF. The GTAA identified a need for 83 pitches by 2012. In the last reporting year 2007/2008 a two-family gypsy site was given permission.

3.26 For this reporting year, April 2008 – March 2009, there has been no formal Gypsy or Traveller applications approved. However, there have been enforcement reports on two sites that have been identified as Gypsy or Traveller sites in excess of 10 years and are therefore considered tolerated and immune from enforcement action. These two sites include:

**Figure 10: Gypsy and Travellers Enforcement Report**

Site Address	Number of pitches
Shobdon Quarry site, Shobdon	10
Burghill Road site, Burghill	3

(Source – Gypsy and Traveller Enforcement report 2009)

3.27 Following these figures the pitch need is now 68 pitches by 2012, and a further 26 from 2012 – 2017.

**Figure 11: Current Local Authority Sites**

Site	Pitches (occupied)		Comments
	Res	Transit	
Romany Close, Grafton	9 (8)	0	Newly refurbished
Watery Lane	11 (11)	0	Stable site, few pitches ever available
Madley	0	17 (0)	Disused transit site.
Tinkers Corner, Bosbury	7 (6)	0	
Openfield, Bromyard	14 (2)	0	2 tenants remaining following vandalism. Possibility of refurbishment with fewer pitches
Croft Lane, Luston	10 (8)	0	Site was occupied by New Travellers, now mixed
Pembridge, Turnpike	6 (0)	0	Refurbished following vandalism.

(Source: Herefordshire Council Local Authority site vacancies - updated October 2009)

3.28 Housing Quality

The monitoring for housing quality building for life assessment indicator will be developed through the Local Development Framework. In the meantime this Authority will investigate ways of monitoring Housing Quality for subsequent AMRs depending to some extent upon the availability of resources.

3.29 Shortfalls in Housing Information

There are various improvements that have been made to develop the efficiency of data collection, thereby progress the assessment of development plan policies. The Authority has implemented and installed new software which is envisaged to provide robust and accurate data for the purpose of monitoring and reporting of land use.

3.30 Conclusion

Housing completions and the level of housing available in the County in April 2009 were sufficient to suggest that the housing trajectory is such that the UDP housing target will be achieved by 2011. However, the current downturn in the housing market may well have an impact on the housing trajectory in future years. Levels of housing completions on PDL continue to exceed regional and national targets. In respect of affordable housing in the County the number of completions has increased over previous years but remains below the rate necessary to achieve the UDP target.



## Section 4: EMPLOYMENT

### Objective E(1)

To ensure a balance of employment opportunities throughout the County, through the provision of a portfolio of employment sites to reflect the differing development needs of businesses and to give a choice in terms of size, location, quality and Use Class.

#### 4.1 UDP Policies relating to Objective E(1)

Although most policies in the employment chapter of the UDP could be said to contribute to the achievement of this overarching objective, the following policies are considered to be those most relevant:

- S4 Employment
- E1 Rotherwas Industrial Estate
- E2 Moreton-on-Lugg Depot
- E3 Other employment land allocations
- E7 Other employment proposals within and around Hereford & the Market Towns
- E10 Employment proposals within or adjacent to main villages
- E11 Employment proposals in the smaller settlements & open countryside

#### 4.2 Target E(1)

Provide 100ha of land for Part B employment development in a range of locations throughout the County.

#### 4.3 Core Indicators E(1)

- (i) the amount of land developed for employment by type;
- (ii) the amount of land developed for employment, by type, which is in development and/or regeneration areas defined in the development plan; and
- (iii) employment land supply by type.

4.4 Figure 12 shows the amount of land developed for employment use in the monitoring period 2008-2009, and also provides a breakdown by use class type. The total area of employment land completions in Herefordshire in this reporting period is 12.36 ha and of this the total floorspace is 35,846m<sup>2</sup> – this includes small sites below 0.4 ha. Figure 10 below is consistent with the way that the UDP has been monitored in previous AMRs, however it should be noted that the breakdown of the use class categories mentioned here, differ from that of the regional return.

**Figure 12: Employment Completions 2007-2009 by Type**

	B1a	B1c	B2	B8	Other employment uses	TOTAL
<b>Floorspace (m<sup>2</sup>) of Completions 2008-2009</b>	8066.5	4567.5	18,649.5	4462.5	100	35,846m <sup>2</sup> (12.36ha total area)

(Source: Herefordshire Employment Land monitoring 2009)

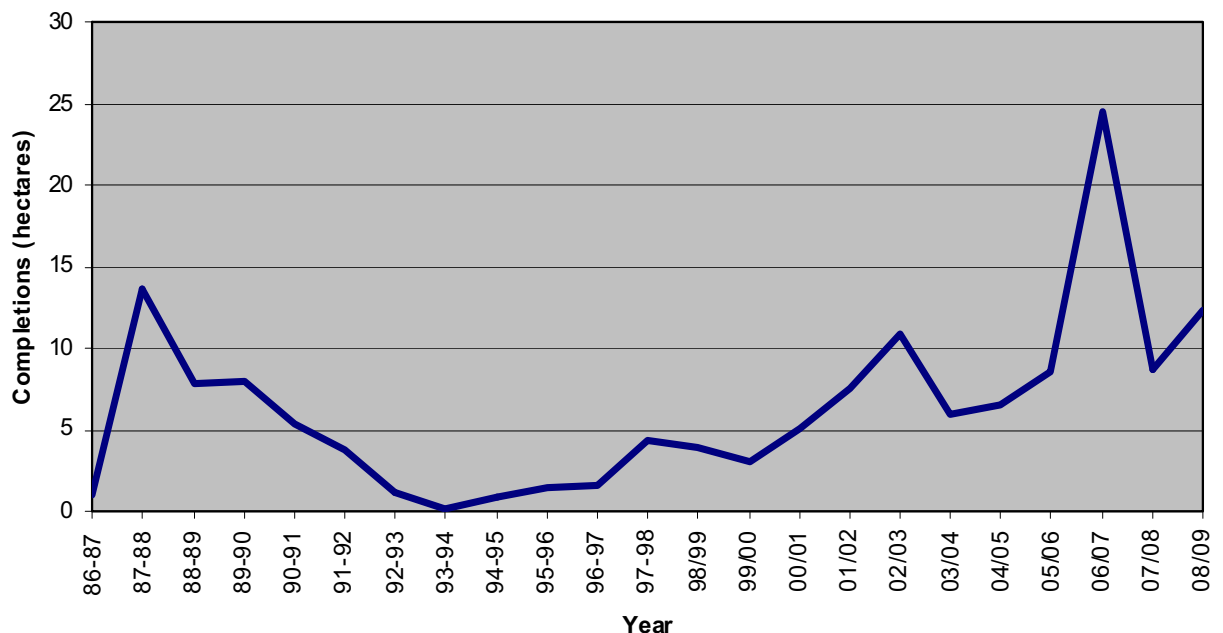
#### 4.5 Local Indicators E(1)

The following local indicators can provide some additional background data that is useful when assessing the way that employment developments have taken place across the County historically and can also be used in the future to compare trends and changes over the later phases of the UDP period.

- (i) Employment completions 1986-2009;
- (ii) Geographical distribution of employment land completions.
- (iii) Current supply of employment land.

4.6 Figure 13 traces the rate of employment completions since the mid-1980's when monitoring commenced. Although it is difficult to explain the fluctuations in the overall rate, it appears that the nature of employment development in Herefordshire is cyclical.

**Figure 13: Completions of Employment Land 1986-2009**



(Source: Herefordshire Employment Land Study 2009)

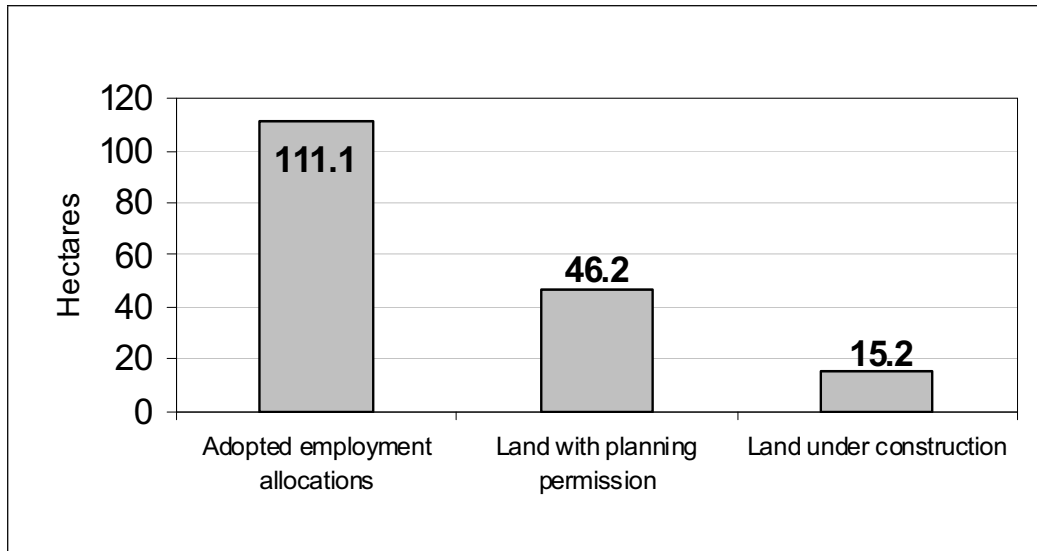
4.7 The Plan's overall development strategy was developed alongside the strategic approaches being undertaken through Objective 2 and the Rural Regeneration Zone. Through these programmes, regeneration activity will be concentrated in key locations with the greatest potential to create sustainable employment growth and maximise employment opportunities, to the benefit of the wider rural areas. There have been a total of 10.22ha (82.7%) of completions in the Rural Regeneration Zone (RRZ) as identified in RPG11 (the RRZ covers most of the County, apart from the urban area of Hereford). During the UDP period (1996-2009) just over 104 ha of employment land have been completed.

#### **Supply**

4.8 Herefordshire currently has some 172.5 ha of land available for employment use on 98 sites. This land is either allocated for employment uses within the UDP (111.1 ha), which benefits from unimplemented planning permissions

(46.2 ha) or is currently under construction (15.2 ha). Figure 14 illustrates these findings. However, the Employment Land Review, undertaken as part of the LDF evidence base, has looked in more detail at the site areas of employment land proposals which may result in a reduced supply figure in the 2010 AMR.

**Figure 14: Current Supply of Employment Land**



(Source: Herefordshire Employment Land monitoring 2009)

4.9 Figure 15 represents a breakdown by use class type, however as many planning permissions are for mixed use developments these are also shown.

**Figure 15: Total Supply of Employment Land by Use Class**

B1/B2	36.55 ha
B1/B2/B8	69.24ha
B1/B8	20 ha
B1a	6.32 ha
B1a/c	0.2 ha
B1c	5.06 ha
B1b	1.8 ha
B2	5.65 ha
B2/B8	15.09 ha
B8	12.59 ha
<b>Total</b>	<b>172.5 ha</b>

(Source: Herefordshire Employment Land monitoring 2009)

## Objective E(2)

To encourage the use of previously developed land for employment purposes in preference to greenfield land.

### 4.10 UDP Policies relating to Objective E(2)

- S4 Employment
- E1 Rotherwas Industrial Estate
- E2 Moreton-on-Lugg Depot
- E3 Other employment land allocations
- E7 Other employment proposals within and around Hereford & the Market Towns
- E10 Employment proposals within or adjacent to main villages
- E11 Employment proposals in the smaller settlements & open countryside
- E15 Protection of greenfield land

### 4.11 Targets E(2)

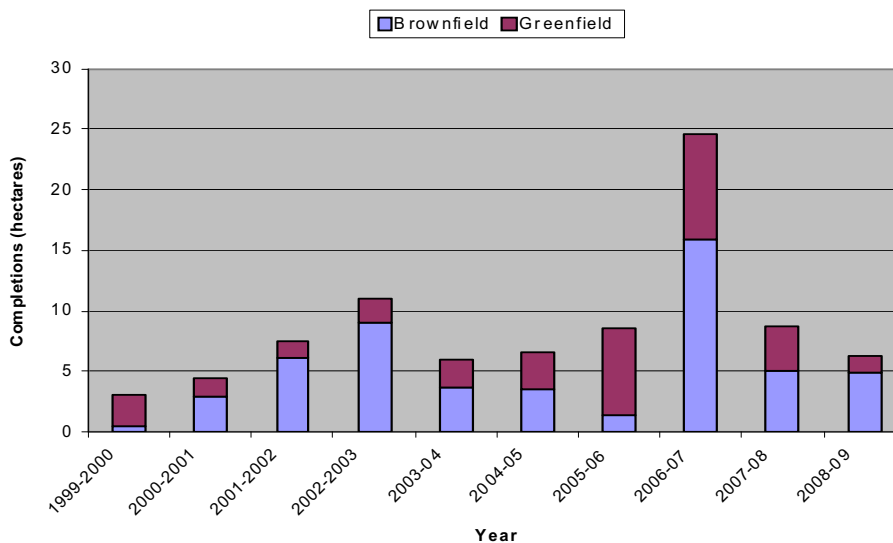
There are no specific targets set out in the UDP for the amount of employment land to be developed on previously developed sites, however re-using previously developed land before greenfield land is central to the aims of sustainable development.

### 4.12 Core Indicator E(2)

The percentage of land developed for employment use by type, which is on previously developed land.

4.13 There is no data on the amount of employment by type on previously developed land for this monitoring period; however information on overall completions is available. 63% of all completed employment development over the past year was on previously developed land as shown in Figure 16.

**Figure 16: Previous Uses of Employment Land Completions**



(Source: Herefordshire Employment Land monitoring 2009)

### **Objective E(3)**

To avoid the loss of existing employment land and premises to other uses.

#### 4.14 UDP Policies relating to Objective E(3)

S4 Employment

E5 Safeguarding employment land and buildings

#### 4.15 Targets E(3)

There are no specific targets set out in the UDP for acceptable amounts of employment land that can or cannot be lost to other uses. However, it is recognised that it is important that both the existing and proposed supply of land and buildings for employment uses is protected for such purposes if the UDP is to successfully maintain and enhance employment opportunities throughout the County.

#### 4.16 Core Indicators E(3)

(i) The losses of employment land in development/regeneration areas and local authority areas.

(ii) The amount of employment land lost to residential development.

4.17 0.79ha of employment land was granted planning permission for other uses during the monitoring period. Of the total 0.79ha loss, 0.14ha was reallocated to residential use, 0.09ha to retail use, and 0.56 ha to Sui Generis.

#### 4.18 Conclusion

Completions on employment land are higher than reported last year and show that the employment land target has now been achieved. As a proportion of the overall total of employment land available in the county, the loss of 0.79ha of land over the monitoring year is not considered significant.

## Section 5: TRANSPORT

### Objective T(1)

To promote a sustainable pattern of residential development by ensuring that sufficient new housing is made available in sustainable locations primarily within urban areas and larger rural settlements, taking account of relative accessibility by public transport and the availability of services.

#### 5.1 UDP Policies relating to Objective T(1)

- S3 Housing
- H1 Hereford & the market towns: settlement boundaries & established residential areas
- H2 Hereford & the market towns: housing land allocations
- H4 Main villages: settlement boundaries
- H5 Main villages: housing land allocations

#### 5.2 Targets T(1)

As set out in the UDP, the anticipated proportions of total dwellings anticipated in the various areas of the County between 1996 and 2011 are:

Hereford City:	29%
Market Towns:	28%
Main Villages:	26%
Rural Areas:	17%

#### 5.3 Core Indicators T(1)

The percentage of new residential development within 30 minutes public transport time of a GP, hospital, primary and secondary school, employment and a major health centre.

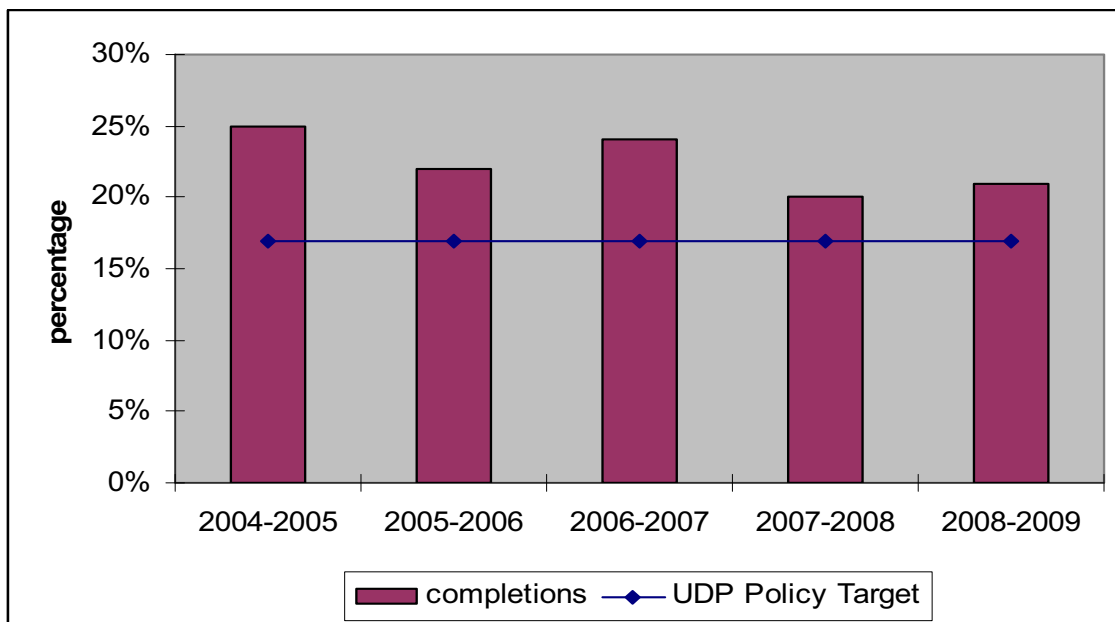
5.4 The UDP housing strategy is centred on the desire to provide new housing in the most sustainable areas of the County. The Plan's general housing policy S3 defines the strategic distribution of the additional housing in the County within the Plan period. A key feature is the determination of a hierarchy of settlements in accordance with the overall development strategy of the Plan. Hereford is the central hub of the County and provides a good range of facilities, followed by the market towns and then the main villages. This latter group was identified according to their size, the availability of public transport links to nearby towns and the number of facilities within these larger villages.

5.5 Whilst information on the precise criteria as set out in the core indicator T(1) may not be gathered, in terms of 30 minutes from a GP etc, it is accepted that the major centres of Herefordshire (Hereford, Leominster, Ledbury, Kington, Ross-on-Wye and Bromyard) provide essential services and new development within the 30 minute rule of these locations and will therefore satisfy the indicator. However, it is also recognised that due to the rural nature of Herefordshire that many primary schools, GPs and other essential services are situated in very rural locations outside of the 30 minute public

transport rule of the main centres and therefore do provide some of the essential services that these more isolated communities require.

- 5.6 The following data has been collected in relation to the hierarchical settlement housing strategy as set out in the Plan and is considered to be similar in its aims of considering how well the UDP polices are achieving sustainable development patterns. Figure 18 provides a mapped representation of completions during the reporting period over a GIS layer of public bus and rail services within 30 minutes of one or more of the main centres of Herefordshire.
- 5.7 The housing chapter of this report reveals that the wider rural areas continue to accommodate more new housing developments than anticipated between 1996-2011. This is represented by application sites plotted outside of the green shaded area of the map (fig 18) which represents public transport route times to Hereford and the 5 market towns.
- 5.8 Figure 17 shows yearly comparisons of housing completions which continue to be built outside of Hereford and the main market towns and is above the UDP policy target of 17%. It is considered the preparation of the Local Development Framework (LDF), will enable the distribution of new development and the policies which control them to be reconsidered.

**Figure 17: Percentage of dwelling completions in smaller settlements and rural areas**



Limitations

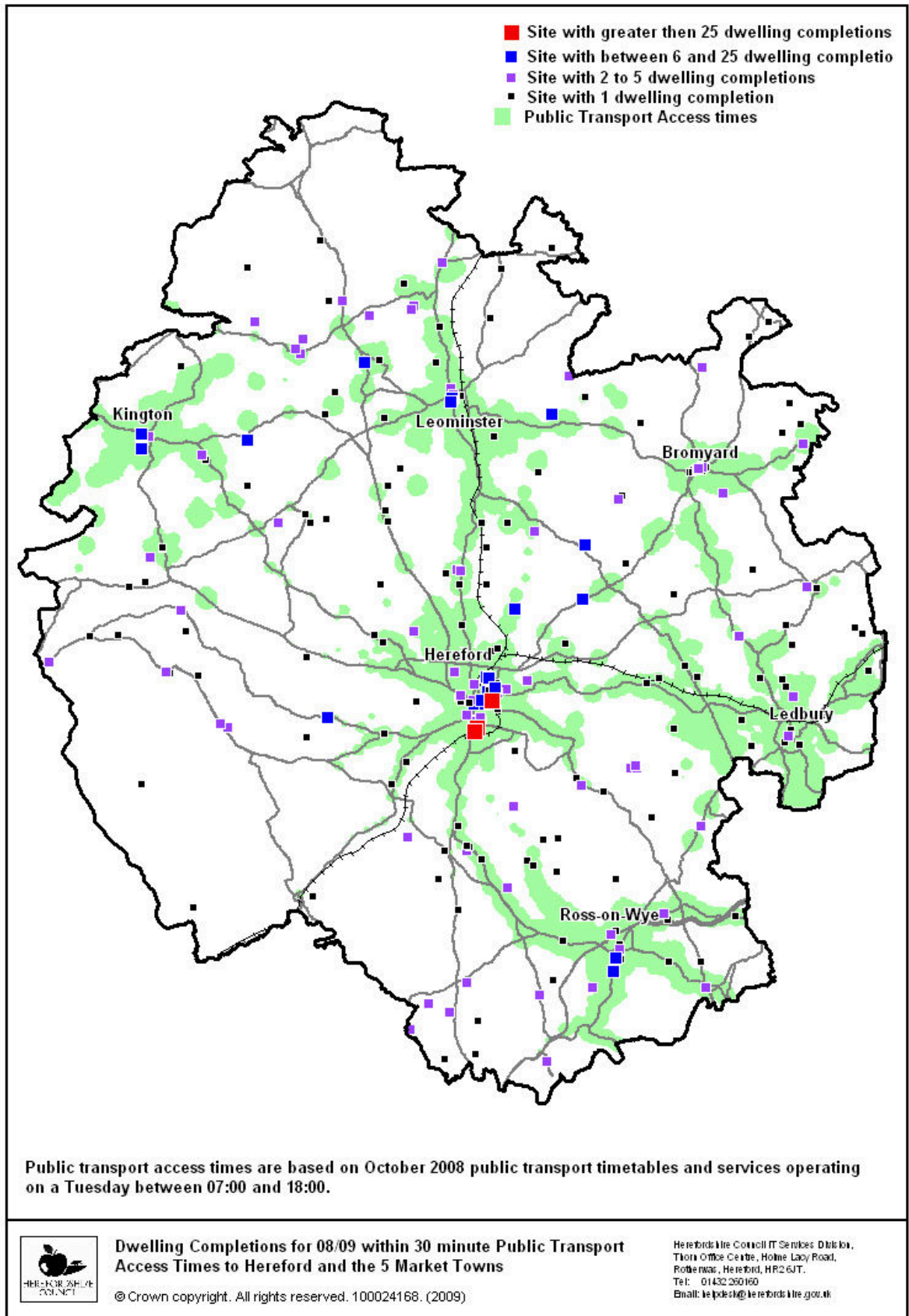
- 5.9 During 2008-09 bus patronage increased by 9.3% from the previous year and is now at its higher level since 2003-04. The largest increase occurred in rural areas with a 12.9% passenger increase which in turn assist in supplying a sustainable mode of travel to the residents in these areas. Nevertheless, policies contained within the UDP regarding location of development must not

### Shortfalls in Transportation Information

- 5.10 The general issue of transportation is being addressed through the LDF which will introduce smart targets and indicators. This in turn will reduce shortfalls in information and gaps in data.



**Figure 18 : Dwelling Completions for 08/09 within 30 Minute Public Transport Time to Hereford and the 5 Market Towns**



## Section 6: TOWN CENTRES AND RETAIL

### Objectives TCR(1)

To ensure that central shopping and commercial areas continue as the main focus of shopping, employment, services and facilities in Hereford and the market towns, where they are well served by public transport and readily accessible by the community as a whole by means other than the private car.

To safeguard and improve local village centres that are readily accessible by walking and cycling.

#### 6.1 UDP Policies relating to Objective TCR(1)

S5	Town centres and retail
TCR1	Central shopping and commercial areas
TCR2	Vitality and viability
TCR3	Primary shopping frontages
TCR4	Secondary shopping frontages
TCR5	Uses outside Class A of the Use Classes Order
TCR6	Non-retail uses
TCR8	Small scale retail development
TCR9	Large scale retail & leisure development outside shopping & commercial areas
TCR10	Office development
TCR11	Loss of existing offices
TCR13	Local and neighbourhood shopping centres
TCR14	Village commercial facilities

#### 6.2 Targets TCR(1)

Although no specific targets are set out in the UDP, its policies are in line with National Policy guidance, the Regional Spatial Strategy and they support the Herefordshire Partnership's Economic Development Strategy. The Plan adopts a strategy to protect and enhance the vitality and viability and maintain the retail and general facilities hierarchy within the County: Hereford, the market towns and local, neighbourhood and village centres. The Plan's guiding principles look to enhance the role of settlements as service centres, improve opportunities for access to services and guide new developments to locations that offer a choice of transport modes.

#### 6.3 Core Indicators TCR(1)

- (i) The amount of completed retail and office development completed within the monitoring period.
- (ii) The percentage of completed retail and office development in town centres.

6.4 For the reporting year of 2008/2009 there were 16,195sqm comparison retail completions. This included the B&Q store (7710sqm), and the former B&Q store (6186 sq m), that has been subdivided into separate units, which are currently vacant and available for let. Although the former B&Q store are included as completions no new floorspace was created. Also within this year

6.5 For this monitoring year 1,118sqm of comparison retail commitments have been identified, as have 1313sqm of convenience retail commitments.

6.6 Conclusion

The vast majority of retail floorspace completed during the year 2008-9 has taken place within Hereford which is consistent with the aims of UDP policies.

## Section 7: Recreation and Leisure

### Objective RL(1)

To promote opportunities for new and improved recreation, leisure and sports facilities in sustainable locations.

#### 7.1 UDP Policies relating to Objective RL(1)

S8	Recreation, sport and tourism
RST1	Criteria for recreation, sport and tourism development
RST5	New open space in/adjacent to settlements
RST6	Countryside access
RST10	Major sports facilities

#### 7.2 Targets RL(1)

There are no specific UDP targets for this type of development, however the Plan acknowledges that recreation, leisure and sports opportunities can contribute to the quality of life of residents and visitors; support local economies and community regeneration, and help the diversification of work opportunities in both urban and rural areas. In providing such facilities the Plan states the importance of balancing the benefits with any adverse effects on local communities, amenity and the environment.

#### 7.3 Core Indicators RL(1)

- (i) Amount of completed hotel and leisure development.
- (ii) Percentage of completed hotel and leisure development in town centres.
- (iii) Percentage of eligible open spaces managed to Green Flag award status.

7.4 The annual hotel and leisure regional monitoring study sets a threshold on leisure permissions on or over 1,000m<sup>2</sup> gross built development, therefore only the larger developments of this kind are monitored, omitting smaller scale developments. Any amendment made by the West Midlands Regional Assembly will be updated in subsequent AMRs as appropriate.

#### 7.5 Core Indicators RL (1)

- (i) Amount of completed hotel and leisure development.

There were no hotel completions in Herefordshire during this monitoring round, which can be partially attributed to the current economic downturn. There were however, fifteen leisure completions; details are given in figure 19 below:

**Figure 19: Hotel and Leisure completions 2008/2009**

<b>Use Class</b>	<b>Planning Application Number</b>	<b>Address</b>	<b>Description</b>
D2	DCCW2008/0681/F	Deerhaven, Wormsley, Hereford, Herefordshire, HR4 8NB	Proposed horse arena
D2	DCSE2008/3004/F	Stable Cottage, Brockhampton, Herefordshire, HR1 4TQ	Change of use from agricultural to cricket pitch
D2	DCNE2008/2313/F	Birch Farm, Ridgeway Cross, Cradley, Malvern, Herefordshire, WR13 5JD	Proposed change of access, proposed manage and replacement stables
D2	DCNW2008/1381/F	Oakcroft, Bircher, Leominster, Herefordshire, HR6 0BL	Proposed horse riding arena
D2	DCNW2008/1301/F	Lower Hurst, Weobley, Hereford, Herefordshire, HR4 8QY	Extension to existing kart track
D2	DCNC2008/2169/F	St. Michaels, Edwyn Ralph, Bromyard, Herefordshire, HR7 4LT	Proposed change of use to equestrian with construction of manage and post-rail fencing
D2	DCCE2008/2892/F	Hereford Sixth Form College, Folly Lane, Hereford, Herefordshire, HR1 1LU	New sports facility to provide external floodlit games courts
D2	DCNC2008/0448/F	Land adjacent to The Woodlands, Risbury, Leominster, Herefordshire, HR6 0NN	Proposed manage for equine exercise being an all weather area.
D2	DCNC2008/1020/F	Nuttage Farm, Bringsty Common, Bringsty, Herefordshire, WR6 5UP	Proposed horse manage
D2	DCNE2008/1886/F	Laddin Cottage, Little Marcle, Ledbury, Herefordshire, HR8 2LB	Equestrian Manage
D2	DCNW2008/2812/F	Part of field no. 8758 Lyonshall, measuring 58m (field) x 40m rear of Queen's Mews x 38m rear of Stores Road	Change of use from agricultural to public recreational open space

D2	DCCW2008/1734/F	Hawkersland Farm, Marden, Hereford, Herefordshire, HR1 3ER	Proposed horse manage (40m x 20m)
D2	DCCW2008/2412/F	Nash Hill, Marden, Hereford, Herefordshire, HR1 3ES	All weather riding arena
D2	DCNE2008/1244/F	Tack Farm Equestrian Centre, Ullingswick, Hereford, Herefordshire, HR1 3JQ	Retrospective planning application for the creation of a surfaced show jumping arena
D2	DCSE2008/2421/F	Land 6 acre at Forest Green, Walford, Nr. Ross on Wye, Herefordshire. (SW of Peacehaven HR9 5RF)	Change of use from agricultural to equestrian

#### 7.6 Core Indicators RL (1)

- (ii) Percentage of completed hotel and leisure development in town centres.

There was one hotel and leisure completion in a town centre location during this monitoring round. This relates to the new sports facility at Hereford Sixth Form College.

#### **Shortfalls in Hotel and Leisure Information**

- 7.7 In the past the local authority has not collected information for hotels below 5 bedrooms or leisure development below 1000m<sup>2</sup> thresholds, which is required for the regional monitoring. However, it is recognised that in order to set targets and monitor the implication of policies in the emerging LDF a more comprehensive approach will be necessary. Therefore, all hotel and leisure development, irrespective of bedroom capacity or floorspace is anticipated to be monitored in future years.

#### **Open Spaces**

- 7.8 Herefordshire Council has completed an initial audit of open space, in line with PPG17 and is now considering the findings. A working group has been set up to take forward these findings into improving the quality and accessibility of open space, sports and recreation facilities across the county.
- 7.9 Herefordshire was split into nine geographical areas for the audit. Within each of these areas, open space, sports and recreation provision has been assessed in terms of quantity and quality, focusing on the settlements as defined in the hierarchical approach set out in the UDP, along with strategic facilities, such as Queenswood Country Park.
- 7.10 The main findings of the audit concern quality and accessibility of the existing provision. Deficiencies in the different types of provision vary across the 9 areas. These findings are to be carried forward through the preparation of 'action plans' and 'strategic priorities' identified both on a countywide level,

and with regard to the nine geographical areas used in the audit. As yet, specific details have not been confirmed.

7.11 Core Indicators RL(1)

- (iii) Percentage of eligible open spaces managed to Green Flag award status.

Herefordshire Council uses the Green Flag standards as a method of rating its sites. In the 2006 audit, Green Flag standards were incorporated into the methodology used by the auditors. The data is currently being scrutinised, although of the site appraisals analysed, 13 of the 66 (20%) facilities classified as 'natural or semi-natural greenspaces' in the PPG17 methodology, met or exceeded the Green Flag standard. In addition, 24 of the 37 (65%) facilities classed as 'parks', met or were above the Green Flag standard.

**Future work**

- 7.12 The audit of open space, sport and recreation has allowed for better and more appropriate use of resources, and informed issues such as planning obligations and section 106 agreements. Development briefs, where appropriate can also take account of these findings and incorporate appropriate open space and facilities. The PPG17 audit will also form the basis of evidence to support the preparation of the LDF.
- 7.13 The council has formally commenced work on a Public Open Space Strategy and associated Action Plans for Playgrounds, Outdoor Sports and Amenity Space. These are due to be published before the next monitoring round.

## Section 8: MINERALS

### Objective M(1)

To ensure the continued supply of primary extraction aggregates for the local construction industry and to satisfy the wider aggregate needs arising in the region.

#### 8.1 UDP Policies relating to Objective M(1)

- S9 Minerals
- M3 Criteria for new aggregate mineral workings
- M5 Safeguarding mineral reserves

#### 8.2 Targets M(1)

Government policy for aggregates provision is essentially that an adequate and regular supply of minerals must be provided, subject to environmental and sustainability considerations. A landbank of permitted reserves of sand and gravel sufficient to meet 7 years production should be maintained; more may be needed for crushed rock.

8.3 Provision should be made in the West Midlands for the production of 162 million tonnes (mt) of sand and gravel and 93mt of crushed rock over the period 2001 to 2016. West Midlands Regional Aggregates Working Party (WMRAWP) policies require that appropriate provision should be made in the region for the supply of nationally and regionally significant minerals.

8.4 The WMRAWP recommends the following sub-regional apportionment for Herefordshire:

- Sand & Gravel: 2.8% of regional production (0.283mt pa for 2001-2016)
- Crushed Rock: 7.3% of regional production (0.424mt pa for 2001-2016)

8.5 The UDP figures for production are based on reserves of sand and gravel through until 2025 and crushed rock to 2044. Information on primary aggregate production for Mineral Planning Authorities (MPAs) is collected annually by each MPA from operating companies on behalf of the WMRAWP. This information is:

- (a) requested annually (by calendar year)
- (b) in arrears (the most recent figures available are for production in 2007 and reported in this AMR)
- (c) provided on a confidential and voluntary basis. All returns are collected by MPAs and forwarded to the RAWP Secretary for agglomeration, in a way that protects commercial sensitivity, for subsequent publication in the RAWP annual reports (most recent report, 2007).

#### 8.6 Core Indicators M(1)

- (i) Production of primary land won aggregates.

The West Midlands Regional Aggregates Working Party (WMRAWP) draft annual report 2007 reports that the latest sale figures for Herefordshire, combined with Worcestershire for confidentiality, are as follows:



- Sand and gravel sales of 194,500 tonnes per annum (about 69% of the annual apportionment)
- Crushed rock sales of 300,000 tonnes per annum (about 62% of the combined annual apportionment for Herefordshire and Worcestershire).

The 2008 WMRAWP survey has yet to be received and results of that report will hopefully be ready for next years AMR.

#### 8.7 Local Indicator UDP policy M3

(i) criteria for new aggregate mineral workings

This section has been added since the previous AMR to highlight new permissions received during the reporting period. There were no new permissions granted within this period.

#### 8.8 Local Indicator UDP policy M5

(i) safeguarding mineral reserves

The WMRAWP annual report states the reserves of minerals in the region and the latest available report for 2007 states that Herefordshire's primary aggregates reserves are as follows:

- |                 |                                 |
|-----------------|---------------------------------|
| ▪ Sand & Gravel | 5.1 million tonnes              |
| ▪ Crushed Rock  | 7.7 million tonnes (estimated)  |
| ▪ Total         | 12.8 million tonnes (estimated) |

*(Source: WMRAWP Annual Report 2007)*

### **Objective M(2)**

To encourage the use of secondary aggregates and recycling.

#### 8.9 UDP Policies relating to Objective M(2)

S9 Minerals

M6 Secondary aggregates and recycling

#### 8.10 Targets M(2)

There are no specific targets and therefore no apportionment set out in the UDP for the use of alternatives to naturally occurring minerals. However, policy M6 states that proposals for the production, processing, treatment and storage of such alternatives should be encouraged.

#### 8.11 Core Indicators M(2)

(i) Production of secondary/recycled aggregates.

Two applications were received in this AMR period in relation to secondary/recycled aggregates, one for soil importation and another for a sewage kiosk.

### **Limitations in Minerals Information**

- 8.12 A local system of monitoring has developed method to assess general production levels. This provides evidence which will aid policy development in future development plan documents. The assessment of the effectiveness of policies using this new information will be more relevant in monitoring the LDF monitoring rather than the UDP.

## Section 9: WASTE

### Objective W(1)

To achieve a more sustainable waste management process by using the BPEO methodology and taking into account the principles of the waste hierarchy, the proximity principle and regional self-sufficiency.

9.1 This objective is broad and overarching, relating to all policies within the waste chapter of the UDP. The UDP sets out a number of additional more specific objectives in paragraph 12.2.2 that are available at the following link: [http://www.herefordshire.gov.uk/docs/Forwardplanning/12\\_WASTE\\_.pdf](http://www.herefordshire.gov.uk/docs/Forwardplanning/12_WASTE_.pdf)

#### 9.2 UDP Policies relating to Objective W(1)

- S10 Waste
- W1 New waste management facilities
- W2 Landfilling or landraising
- W3 Waste transportation and handling
- W7 Landfill gas utilisation
- W8 Waste disposal for land improvement
- W11 Development – waste implications

#### 9.3 Targets W(1)

No specific targets are set in the UDP for the production, treatment or disposal of waste. However, objectives outlined in paragraph 12.2.2 of the UDP provide an overview of how it is intended for waste management to be carried out over the Plan period.

#### 9.4 Core Indicators W(1)

- (i) Capacity of new waste management facilities by type; and
- (ii) Amount of municipal waste arising by management type, and the percentage each management type represents of the waste managed.

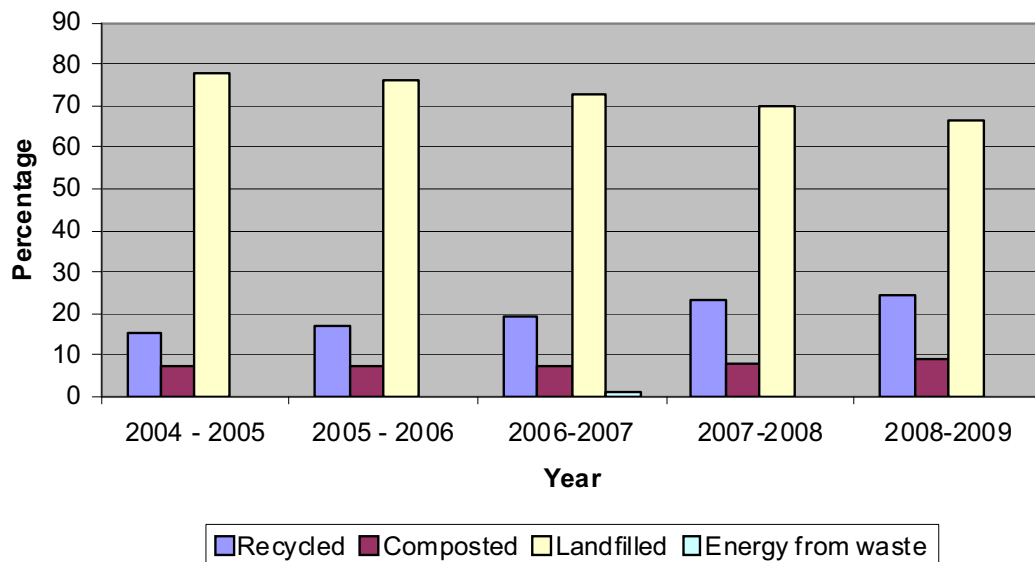
**Figure 20: New waste management facility planning permissions granted 2008-09**

Address	Description	Wastes to be managed	Annual throughput capacity, (tonnes to nearest 1,000, unless states otherwise)
Upper House Farm, Moreton on Lugg	Green waste composting site	Municipal green waste	12,000
The Hortons, Thornbury, Bromyard	Sewage treatment facility	Septic tank waste	>6,000 cu. m
Animal Funeral Services, Lyonshall	Building for an animal incinerator and waste transfer facility	Veterinary, clinical, photographic chemicals, animal waste,	18
Wellington Quarry, Wellington	Facility for secondary aggregates recycling and transfer	Construction and demolition waste, waste soil	43,000
Coddington Court School, Coddington Nr Ledbury	Reed bed sewerage system	Domestic sewage	< 9,000 cu. m

## Limitations in waste information

- 9.5 A feasibility study undertaken by the Environment Agency to provide details of Waste Management License (WML) applications deemed exempt from requiring a WML will assist in identifying those operations although exempt from WML requirements may still require planning permission and aid in capturing those operations that would ordinarily slip through the planning system. This identification process would then assist in achieving a number of the more specific objectives set out in the UDP paragraph 12.2.2.
- 9.6 Core Indicators W(1)  
 (ii) Amount of municipal waste arising by management type and the percentage each management type represents of the waste managed:

**Figure 21: Percentage trends of household waste by management type 2004-2008/9**



(Source: Herefordshire Council Waste Management Section)

- 9.7 Figure 21 represents the percentages of household waste, by waste management type in the county over the last monitoring period. In previous reporting years municipal waste has not been fully reported on but we have used household waste data as a proxy. Household waste recycled has increased on last year from 19,712t to 20116.35t (24.34%), composting has increased from 8% to 8.9% (7,358.81t) and land filled household waste has decreased significantly from 60,634t to 55187.23t (66.76%). It is envisaged that waste going to landfill will decrease even further in future years now a new recycling service has come into operation in November 2009.

## Shortfalls in Waste Information

- 9.8 In future municipal waste will be reported on to give an overall picture of the recycling and landfill trends for the County.

## Future Work

9.9 The monitoring of the LDF in the future is likely to include a wider range of waste streams to that which is currently reported. A waste study for the evidence base of the Core Strategy has been undertaken and through this process it is envisaged that more information will be reported through the AMR process.

9.10 Encouragement from Defra has resulted in some interest from farmers wishing to install anaerobic digesters (AD) on farms to process slurry, manure and litter. These could have the following significant benefits:

- Generating renewable energy and heat to be exported to the grid;
- Reducing transportation of farm waste;
- Avoiding the spreading of raw slurry and manure on fields;
- Reducing odour from spreading and slurry storage;
- Reducing nitrates in Nitrate Vulnerable Zones (NVZ);
- Reducing methane to CO<sub>2</sub>, thereby helping to tackle climate change.

The final product ('digestate') may be solid, liquid, or both. It may be spread on land as a fertiliser but does not have the unpleasant odour issues associated with muck-spreading. However, at present planning permission for installations is still necessary and, since electricity generation falls within the Environmental Impact Assessment Regulations, each proposal must be screened. Digesters need the right mix of materials ('feedstock'), which may include non-waste factors such as purpose-grown biofuel. Maize and miscanthus grass are key biofuel crops. There are moves in government to include farm AD as Permitted Development, however many installations could accept material not originating within the farm, including food waste. This poses some serious problems in terms of adequate control. The boundaries between what is classed as 'waste' and what is not are becoming blurred as new technology seeks to address the need to reduce waste disposal. This will make future reporting much more difficult. If processes are not classified as 'waste' it will not be possible to monitor capacity or throughput in the traditional manner, or even to identify permissions granted. This will apply to a number of new processes and waste materials, not just farm waste. Discussions on this issue are continuing, including with the Environment Agency and other stakeholders, but so far no solution appears to be forthcoming.

## Section 10: DEVELOPMENT REQUIREMENTS

Objective (DR1): ensure that development proposals take advantage of the opportunities that are available to contribute to sustainable development

Objective (DR2): provide for the sustainable conservation, protection and enhancement of natural environmental resources such as water, air, land, biodiversity and tranquillity

Objective (DR5): seek planning obligations to achieve community, transport and environmental benefits where those benefits are reasonable, necessary, relevant and directly, fairly and reasonably related to the proposed development.

- 10.1 UDP Policies relating to Objective
  - S2 Development Requirements
  - DR6 Water Resources
  - DR5 Planning Obligations

### 10.2 Target

There are no specific UDP targets for development requirement policies. However the Plan does recognise that water is an essential resource and that pollution of it can have serious effects on drinking water supply (including private water supplies), industry, agriculture and ecology.

- 10.3 The core indicator records applications granted against the Environment Agencies advice on water quality grounds is included in this year's AMR.

### 10.4 Core indicator

Number of planning permissions granted contrary to the advice of the Environment Agency;

- (i) Development that adversely affects water quality.

The reporting period had no planning applications granted permission with an outstanding Environment Agency's (EA) objection.

## Planning Obligations

- 10.5 Section 106 of the Town and Country Planning Act 1990 (as amended) enables local planning authorities to secure planning obligations with the grant of planning permission.

- 10.6 Policy DR5 provides the framework for seeking planning obligations. The Council adopted a Supplementary Planning Document on Planning Obligations in April 2008. This document provides advice to developers and applicants on the use of planning obligations in the planning application process in Herefordshire. It specifically provides guidance on how the Council will implement Policy DR5 and identifies the types of community infrastructure where developer contributions will be sought as part of the proposed development.

- 10.7 Planning Obligations, sometimes called “Section 106 Agreements”, are legally binding agreements entered into between a local authority and a developer and are an established and valuable way of bringing development in line with the objectives of sustainable development. Any new development may require mitigation to make it acceptable. Such mitigation could be subject of an obligation involving a contribution. The Council have deemed it necessary for contributions to be sought from all new residential units (unless exceptions apply) and industrial/commercial developments above certain size thresholds and where a need is identified.
- 10.8 For the reporting period a total of 97 planning applications were approved subject to a Section 106 agreement. The total potential monetary value of those contributions was £3,939,493.00. Appendix 5 provides a breakdown of agreed planning obligations at parish level and details the community infrastructure that those contributions will support. This is the first year that details of the value of contributions have been included within the AMR.

## Section 11: NATURAL HERITAGE

### Objective NHH (1)

To conserve and enhance the natural heritage of the County and avoid, wherever possible, adverse environmental impacts of development.

To minimise any unavoidable adverse environmental impacts by means of measures to mitigate or compensate for any loss or damage, including restoration or enhancement, provision of replacement features and future management.

#### 11.1 UDP Policies relating to Objective NHH (1)

- S7 Natural and historic heritage
- LA5 Protection of trees, woodlands and hedgerows
- NC1 Biodiversity and development
- NC2 Sites of international importance
- NC3 Sites of national importance
- NC4 Sites of local importance
- NC5 European and nationally protected species
- NC6 Biodiversity Action Plan (BAP) priority habitats and species
- NC7 Compensation for loss of biodiversity
- NC8 Habitat creation, restoration and enhancement
- NC9 Management of features of the landscape important for flora & fauna

#### 11.2 Targets NHH (1)

Although there are no specific targets set out in the UDP, the following sets out more specific objectives of biodiversity policies:

- safeguard international, national and local protected areas of nature conservation and geological importance, and species listed in the UK and local BAP (Herefordshire LBAP) from inappropriate and unnecessary development;
- ensure no net loss of either the quality nor quantity of biodiversity in the County;
- help meet the aims of the Herefordshire LBAP; and
- encourage the provision of features of value to wildlife in all development schemes.

#### 11.3 Core Indicators NHH (1)

Change in areas and populations of biodiversity importance, including:

- (i) change in priority habitats and species (by type); and
- (i) change in areas designated for their intrinsic environmental value including sites of international, national, regional, sub-regional or local significance.

### Local Biodiversity Action Plan (LBAP) Update

11.4 The Herefordshire LBAP is being revised. This work is nearing completion and has targets for each habitat or species action plan (HAPs and SAPs) from Natural England, the Forestry Commission and the Environment Agency

(Wales). The targets will be more compatible with the emerging LDF. Further information on how the Council is addressing biodiversity can be found in its Biodiversity Strategy 2007-2010 at:

[http://www.herefordshire.gov.uk/docs/Environment/Biodiversity\\_Strategy\\_110907.pdf](http://www.herefordshire.gov.uk/docs/Environment/Biodiversity_Strategy_110907.pdf). A national biodiversity reporting website is now in place for each County called the Biodiversity Action Reporting System (BARS). This can be found at [www.ukbap-reporting.org.uk](http://www.ukbap-reporting.org.uk)

## **National UK Priority Habitats and Species Update**

- 11.5 Originally 156 Priority Species were identified for inclusion in Herefordshire's LBAP; of these, 59 were also UK BAP priorities and some 18 were also legally protected under European and National law. Species Action Plans were prepared for 17 of these species. Similarly Herefordshire's LBAP covered 23 habitats with Action Plans. A recent national review of UK priority habitats and species has resulted in a larger list.
- 11.6 Following revision to the Herefordshire LBAP referred to in paragraph 11.4 there are now 17 Habitat Action Plans and 14 Species Action Plans in place; this is seen as a more practical approach for the County with, for example, some priority species issues being tackled through work in relation to habitats. A Quarry Action Plan is currently being developed. The following comprise of these species and habitats for which action plans have been prepared:

### Species

Adder  
Argent and Sable  
Barn Owl  
Bats (11 species requiring similar actions)  
Black Poplar  
Dormouse  
Grizzled Skipper  
High Brown Fritillery  
Noble Chafer  
Pearl-bordered fritillary  
Tree sparrow  
Water Vole  
White-clawed crayfish  
Wood white

### Habitats

Arable field margins  
Blanket Bog  
Floodplain grazing marsh  
Hedgerows  
Lowland Calcareous grassland  
Lowland heath and dry acid grassland  
Lowland meadow and pasture  
Orchards  
Rivers and streams  
Standing open water (covering 4 priority habitats requiring similar actions)



Upland calcareous grassland  
Upland heathland  
Wet woodland  
Wood pasture and parkland  
Woodlands (covering 5 priority habitats requiring similar actions)  
Managed greenspace  
Purple moor grass and rush pasture

11.7 Change in Priority Habitats (by type)

Although a limited number of planning applications were received that indicated change in priority habitats, none have been implemented during the period being monitored. Generally within the applications received, the change has been positive in that all show gains. They will be reported upon following implementation of the schemes.

11.8 The Council has, however seen some loss of hedgerows as a consequence of Hedgerow Removal Notices. Those for which permanent removal was accepted were permitted on the basis of achieving safety benefits or because they were not deemed to be important under the criteria specified in the Hedgerow Regulations 1997. The extent is not quantified in this report as they were not as a result of the granting of planning permission.

11.9 Core Indicator NHH (1)

(i) change in priority species (by type)

The Conservation Section maintains an overview of proposals that affect priority species in order to assess any major changes in their populations. For proposals affecting priority species, namely bats, barn owls and great crested newts, mitigation against adverse effects were sought, such as providing roost space or replacement habitats. Essentially, any proposals where the effects on protected species are anticipated to be negative will result in the need for the applicant to seek a licence (or derogation) from Natural England. Herefordshire Council must complete the licence application questionnaire as part of this process. In all cases where the Council considered there were implications for protected species, mitigation proposals were sought that were considered to meet the requirements to maintain the favourable conservation status of those species. Natural England has raised no issues with the Council in relation to this as a consequence of licence applications.

11.10 Core Indicator NHH (1)

(ii) There has been no change in the areas of designated nature conservation sites as a consequence of planning permissions granted in 2008/9.

**Limitations in Natural Heritage Information**

11.11 Reporting on changes in Priority Species continues to be problematic due to difficulties in obtaining and maintaining robust record-keeping and systems to monitor impacts, whether positive or negative, that any completed development management programmes or planning agreements have on the locality of species occurrences. The absence of resources for such work continues to be an issue.

11.12 New systems are having to be evaluated in relation to identifying and monitoring the impact of planning proposals on biodiversity as a consequence of the Town and Country Planning (General Development Procedure)

(Amendment) (England) Order 2008 which introduced 'Planning Application Requirements' and the submission of biodiversity information. The implications of this for recording and monitoring change have yet to be evaluated. The Council's Planning Ecologist responded to consultations on 300 planning applications in 2008/9. This is not a complete record of how many applications, if approved, might affect biodiversity and priority habitats and species in particular.

### Future Work

- 11.13 A more comprehensive approach in terms of monitoring all applications for any potential impact on biodiversity; habitats and species in particular, is still required. This remains a medium term challenge that is being looked at as part of monitoring for the emerging LDF. Progress will be reported on in future AMRs.
- 11.14 Green Infrastructure Strategy is being prepared as part of the LDF process and part of the evidence base is available. Figure 22 provides a brief update on additional monitoring requirements for habitats and species from last years AMR and indicates where further work is still needed.
- 11.15 Herefordshire Partnership (the Local Strategic Partnership) has included NI197 (management of local wildlife sites) within the Herefordshire Local Area Agreement (LAA). As a consequence a monitoring regime for this purpose is being established. The aim is to increase the quality of such sites. Changes resulting from the grant of planning permission in relation to such sites, especially where it is possible to achieve management plans for them through planning conditions may be an influencing factor. The principle of no net loss in such sites will also be an issue for that National Indicator.

**Figure 22: Additional Monitoring Requirements for Priority Habitats and Species**

Tasks	Action & Timescale	2008/2009 update
Council GIS, Conservation Section and HBRC to ensure that priority habitat and selected species data, when available, is plotted onto the Council's IT systems.	Ongoing.	Green Infrastructure study may be able to provide a significant amount of data previously difficult to obtain. The extent of its use will depend upon the subsequent strategy that is being prepared.
Council to continue to promote existence of Biodiversity Supplementary Planning Guidance (updated November 2005).	Promotion strategy is now in place. Training sessions for development control officers has been implemented and a standard presentation has been developed for groups outside the council. SPG to be made available on Council website in 2009	Process is being maintained
Forward Planning Section to devise means of monitoring planning permissions.	Availability of resources remains an issue	A method needs to be devised. In the light of changes to the application procedures.

## Section 12: RENEWABLE ENERGY

### Objective CFS (1)

**Recognise the role of renewable energy and support its environmentally acceptable use.**

#### 12.1 UDP Policies relating to Objective CFS (1)

S11 Communities Facilities and Services

CF4 Renewable Energy

#### 12.2 Targets CFS (1)

There are no specific targets set out in the UDP for renewable energy policies. However, policy CF4 in the UDP seeks to provide guidance on the considerations that will be applied to renewable energy development proposals.

#### 12.3 Local Indicators CFS (1)

(i) Applications for renewable energy

Figure 23 represents the applications received this reporting period for renewable energy schemes in Herefordshire. The figure is up significantly on the previous year from 17 to 30 applications, nearly an increase of 100%. Last year the status and energy produced were recorded if known, however it has not been possible to complete this element of monitoring this year.

**Figure 23: Renewable Energy Approvals 2008/2009**

Application Number	Development Proposal	Site Location
DCNW2008/0284/F	Application includes the installation of solar panels.	Little Quebb Farm, Eardisley, Hereford, HR3 6LP
DCNW2008/0321/F	Proposed erection of a 9.3 metre high wind turbine for electricity generation.	Hollywell Cottage, Eardisley, Hereford, HR3 6LS
DCNC2008/0291/F	Application includes a 5kw wind turbine (Complete).	Plot 5, Brunel Road, Leominster Enterprise Park, Leominster, HR6 0LD
DCNW2008/0463/F	Application includes the provision of solar panels.	Lady Hawkins School, Park View, Kington, HR5 3AR
DCSE2008/0768/F	Proposed installation of four 1.3 metre solar thermal collectors to be located onto the rear side southerly inclines roof surface.	46 Edde Cross Street, Ross-on-Wye, HR9 7BZ
DCSW2008/1081/F	Retrospective planning application which includes a wind turbine. (Complete).	The Brooks, Pontrilas, Hereford, HR2 0BL

DCCW2008/1385/F	Installation of a residential wind turbine.	The Granary, Mansell Lacy, Hereford, HR4 7HQ
DCNC2008/1238/F	Erection of a 15 metre wind turbine.	Barnfield, Pudleston, Leominster, HR6 0RB
DCSW2008/1511/F	Proposed generator and heat recovery unit building.	Swinmore Poultry Unit, Canon Bridge, Madley, Hereford, HR2 9JD
DCNE2008/1559/F	Proposed solar panel.	12 Canon Frome Court, Canon Frome, Ledbury, HR8 2TD
DCSE2008/1764/F	Application includes installation of solar evacuated tubes, photo voltaic panels and wood pellet boiler to provide sustainable sourced energy supplies.	Little Canwood, Checkley, Hereford, HR1 4NF
DCNW2008/1954/F	Application includes installation of solar panels.	Arboyne House, Eardisley, Hereford, HR3 6NH
DCSE2008/1792/F	Installation of small wind turbine.	Little Kingstone, Weston Under Penyard, Ross-on-Wye, HR9 7PQ
DCSW2008/2187/F	Installation of domestic wind generator.	Pen Y Lan, Hardwicke, Hay-on-Wye, Hereford, HR3 5TA
DCSW2008/2058/F	Installation of small domestic wind turbine.	Little Llanafon Farm, Dorstone, HR3 6AT
DCCE2008/2062/F	Erection of a 1.5kw wind turbine on a 15 metre tower.	Land at Caplor Farm, Fownhope, Hereford, HR1 4PT
DCSW2008/2133/F	Erection of wind turbine on a 15 metre tower.	Longwood, Abbeydore, HR2 0AG
DCNE2008/2184/F	Proposed installation of combined heat and power (CHP) unit.	Tesco Stores, Orchard Lane, Ledbury, HR8 1DQ
DCCE2008/2408/F	Application includes ground source heating shed.	Bannut Tree Barn, Upper Cross Farm, Dinedor, Hereford, HR2 6PF
DCCW2008/2218/F	Application includes solar roof panels on east elevation.	The lodge, Bishopstone, Hereford, HR4 7JG
DCCW2008/2616/F	Application includes the installation of trenches to provide ground source heating.	St. Andrews Church, Bridge Sollars, Hereford, HR4 7JH
DCNW2008/2714/F	Proposed wind turbine to provide energy for agricultural business.	Stocken Farm, Lucton, Leominster, HR6 9PJ
DCSW2008/2979/F	Installation of small domestic wind turbine.	Wood House, Abbeydore, Hereford, HR2 0AL

DCSW2008/3021/F	Installation of small domestic wind turbine.	Bannut Tree, Abbeydore, Hereford, HR2 0AG
DCSE2009/0004/F	Application includes installation of ground source heat pump.	The Walled Garden, Coughton, Ross-on-Wye, HR9 5ST
DCSW2008/1917/F	A free standing array of 12 solar photovoltaic panels 3200mm x 4800m and 2400m in height, mounted on a tanalised wooden frame, with willow hurdles on non-solar elevation.	Woodlands Farm (House), Blakemere, Hereford, HR2 9PY
DCSW2008/2735/F	The erection of a wind turbine installation and the mounting of some P.V. array panels on the school.	Garway Primary School, Garway, HR2 8RQ
DCSW2008/1513/F	Installation of energy cabin to house biofuel boiler and external works to improve access and lighting.	St. Peter's Church, Church Lane, Peterchurch, HR2 0RT
DCSE2008/2742/F	Application includes change of heating to ground source heat pump with insulation and energy conservation measures.	Crossington Farm, Upton Bishop, Ross-on-Wye, HR9 7UE
DCSE2008/0526/F	Proposed erection of wind turbine on a fifteen metre monopole.	Great Howle Farm, Lowle Hill, Ross-on-Wye, HR9 5SL

### AMR Update

12.4 In last years AMR it was reported that 17 applications were received for renewable energy schemes. Figure 24 provides an update for these outstanding applications during this reporting period, where information is available.

**Figure 24: Outstanding Renewable Energy Applications since 2005**

Application Number	Development Proposal	Site Location	Status of Application
DCCW2005/3683/F	Erection of a 15m wind turbine.	Whitecross High School, specialist sports college, Three Elms Road, Hereford, Herefordshire, HR4 0RN	Not started. Capable of producing 15kw of energy, 6% of the energy supply required by the school. Updated 08/09.
DCCW2006/2845/F	Off Grid turbine on a small holding approved 18 <sup>th</sup> Oct 2006.	Hawkersland Burmarsh Marden	Under construction. Unknown 08/09.
DCCW2006/3908/F	2m diameter wind turbine to provide electricity on small project by the Bulmer Foundation approved 7 <sup>th</sup> Feb 2007.	Upper House Farm Westhope	Not started. Updated 08/09

DCSW2007/0612/F	Erection of wind turbine.	Farmhouse Farm, Abbeydore, Herefordshire, HR2 0AL	Not started Updated 08/09.
DCNE2007/1806/F	Proposed garden room and installation of two solar panels.	The old bell Harcourt Road, Mathon, Malvern, Worc, WR13 5PG	Not started. – Unknown 08/09.
DCNW2007/2124/F	Erection of 2 solar panels on a steel post on a concrete base.	Open countryside land, Nr Croft Castle, Leominster, Herefordshire	Not started. Unknown 08/09.
DCSW2007/2944/F	Proposed wind turbine.	Llancillo Hall Farm, Llancillo Hall, Pandy, Abergavenny, Herefordshire, NP7 8HH	Not started – updated 08/09 Planning Dept Segen (Louise) 01524 590590 – 08/09
DCNC2007/2604/F	Change of use from warehouse/storage to distillery and biofuels plant. Erection of tower on building to house distillery column. Clad lean-to at NE side of building. New access road.	Rosemaund Farm, Rosemaund Drive, Preston Wynne, Herefordshire, HR1 3PG	Not started 08/09. Not likely to start for another 2 years – check in 2011/2012.
DCNW2007/3671/F	Proposed wind turbine and plant room/field barn to supply Middle Barn with power.	Middle Barn, Green Lane, Titley, Kington, Herefordshire	Complete. Updated 08/09
DCNC2008/0291/F	Proposed new industrial building, including 5kw wind turbine.	Plot 5, Brunel Road, Leominster Enterprise Park, Leominster, Herefordshire, HR6 0LD	Not started. Buyers of the site are not going to implement the wind turbine element of the application, remove from next years report.
DCNW2008/0321/F	Proposed erection of a 9.3metre wind turbine for electricity generating.	Hollywell Cottage, Eardisley, Hereford, Herefordshire, HR3 6LS	Not Started Unknown 08/09.

12.5 The following figure 25 shows an application reported as not started in previous reports, however this is an error. The application was made in

retrospect and has therefore been complete since the application was made in 2006. Future reports will not show this as an outstanding application.

**Figure 25: Applications Reported in Error**

DCNC2006/1720/F	Retrospective application for erection of electricity generating wind turbine approved 28 <sup>th</sup> Sept 2006	Ledwyche Farm Bleathwood, Little Hereford, SY8 4LF	N/S 06/07.
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**Limitations and Future Work**

12.6 Last years monitoring report included a step change in renewable energy application monitoring with the inclusion of the status of each application in terms of not started, under construction or complete. In addition, if the applications were complete, efforts were made to record the total Kilowatts produced from the various technologies. Unfortunately it has not been possible to undertake for this years monitoring round, however, efforts will be made in future years.

12.7 The ideal scenario would be to establish what the carbon saving would be from renewable energy schemes across the authority area. This is a long term aspiration as it is problematic in relation to consistent reliable information. Since changes in the general permitted development order, householders no longer have to apply for planning permission for some types of renewable energy technologies, dependant on a variety of criteria. This will make it difficult to determine carbon savings from renewable sources.

12.8 In developing the Local Development Framework the Core Strategy policy direction work undertaken to date is highlighting a number of issues. These are :

- national and regional policy agendas are striving to reduce carbon dioxide emissions.
- renewable energy has an important role in enabling this reduction.
- the need for Herefordshire to be prepared for a call for sites which could facilitate alternative energy production.

12.9 To date no detailed studies have been undertaken regarding the appropriate locations or renewable energy technologies appropriate to Herefordshire. Therefore, at this stage a Core Strategy policy could not include locations but could indicate general areas where various technologies could be investigated further. The Core Strategy will also seek to include policies to assist in the reduction of energy use via design standards (Code for Sustainable Homes) and targets for the use of renewable energy sources within new developments. The design element of the Local Distinctiveness Policy in the Core Strategy and the proposed Design Code SPD, would also include measures to assist in energy efficiency and potential renewable energy technologies incorporated on/within buildings.

2.10 Future AMRs will seek to outline how the monitoring of these plans and policies in respect of renewable energy can be best achieved.

## Appendix 1 : Glossary

**the Act:** the Planning and Compulsory Purchase Act 2004.

**Annual Monitoring Report (AMR):** part of the *Local Development Framework*, the AMR will assess the implementation of the *Local Development Scheme* and the extent to which policies in *Local Development Documents* are being successfully implemented.

**Area Action Plan:** used to provide a planning framework for areas of change and areas of conservation. Area Action Plans will have the status of *Development Plan Documents*.

**Contextual indicators:** measure changes in the wider social, economic, and environmental background against which policies operate. As such, they help to relate policy outputs to the local area.

**Core Strategy:** sets out the long term spatial vision for the local planning authority area, the spatial objectives and strategic policies to deliver that vision. The core strategy will have the status of a *Development Plan Document*.

**Development Plan:** as set out in Section 38 of the Act, an authority's Development Plan consists of the relevant *Regional Spatial Strategy* and the *Development Plan Documents* contained within its *Local Development Framework*.

**Development Plan Documents (DPDs):** spatial planning documents that are subject to independent examination, and together with the relevant *Regional Spatial Strategy*, will form the *Development Plan* for a local authority area for the purposes of the Act. They can include a *Core Strategy*, site specific allocations of land, and Area Action Plans (where needed). Other *Development Plan Documents*, including generic development control policies, can be produced. They will all be shown geographically on an adopted proposals map.

**Evidence base:** information gathered by a planning authority to support the preparation of Local Development Documents. Includes quantitative and qualitative data.

**Housing trajectories:** means of showing past and future housing performance by identifying the predicted provision of housing over the lifespan of the Local Development Framework.

**Local Development Document (LDD):** the collective term in the Act for Development Plan Documents, Supplementary Planning Documents and the Statement of Community Involvement.

**Local Development Order (LDO):** allows local planning authorities to introduce local permitted developments rights.

**Local Development Framework (LDF):** the name for the portfolio of *LDDs* and related documents. It consists of *DPDs*, *Supplementary Planning Documents*, a *Statement of Community Involvement*, the *Local Development Scheme* and *AMR*. It may also include *LDOs* and simplified planning zone schemes. Together all these



documents will provide the framework for delivering the spatial planning strategy for a local authority area.

**Local Development Scheme (LDS):** sets out the programme for preparing *LDDs*. All authorities must submit a scheme to the Secretary of State for approval within six months of commencement of *the Act*.

**Monitoring:** regular and systematic collection and analysis of information to measure policy implementation.

**Outcomes:** macro-level real world changes which are influenced to some degree by *LDF* outputs.

**Outputs:** the direct effects of a policy e.g. number of housing completions, amount of employment floorspace etc.

**Output indicators:** measure the direct effect of a policy. Used to assess whether policy targets are being achieved in reality using available information.

**Plan, Monitor and Manage:** means of measuring and reviewing policy, involving the adjustment of policy through monitoring if necessary.

**Policy implementation:** assessment of the effectiveness of policies in terms of achieving their targets. Measured by use of *output and contextual indicators*.

**Use Class:** The Use Class describes the use of each property according to the Town and Country Planning (Use Classes) Order 1987 (as amended).

**Regional Spatial Strategy (RSS):** sets out the region's policies in relation to the development and use of land and forms part of the *Development Plan*. Planning Policy Statement 11 "Regional Spatial Strategies" provides detailed guidance on the function and preparation of RSSs.

**Saved policies and plans:** existing adopted *Development Plans* are saved for three years from the date of commencement of *the Act*. Any policies in old style *Development Plans* adopted after commencement of *the Act* will become saved policies for three years from their adoption or approval. The *LDS* should explain the authority's approach to saved policies.

**Strategic Environmental Assessment Directive (SEA):** A European Directive 2001/42/EC "on the assessment of the effects of certain plans and programmes on the environment".

**Supplementary Planning Documents (SPDs):** provide supplementary information in respect of the policies in *DPDs*. They do not form part of the *Development Plan* and are not subject to independent examination.

**Sustainability Appraisal (SA):** generic term used in this guidance to describe the form of assessment that considers social, environmental and economic effects that fully incorporates the requirements of the *SEA Directive*.

**Targets:** thresholds that identify the scale of change to be derived from policies over a specific time period (e.g. number of affordable homes to be built by a set date)

## Appendix 2: Herefordshire's profile

### Setting the Context for Policies of the UDP: Contextual Indicators

#### Regional Context

- 2.1 The UDP was prepared in the context of the West Midlands Regional Spatial Strategy. The West Midlands Regional Spatial Strategy (RSS) is part of the national planning system. It provides a long term land use and transport planning framework for the Region. It determines (amongst other things) the scale and distribution of housing and economic development across the Region, investment priorities for transport and sets out policies for enhancing the environment. Also incorporated into the RSS is the Regional Transport Strategy.
- 2.2 The RSS was first published in June 2004 and has statutory status, all Local Development Plan Documents must conform to its principles, policies and proposals. In approving the document, the Secretary of State identified a number of policy issues to be addressed in revisions of the document. The revisions are being brought forward on a multi-track basis. The first phase focused on a 'Black Country Sub-Regional Study' was completed in 2008. Phase 2 includes housing figures, employment land, transport and waste. A preferred option was submitted to the Secretary of State in January 2008 and a panel report, following an examination in public, was published in September 2009. Work on Phase 3 commenced to look at: critical rural services, recreational provision, regionally significant environmental issues and provision of a framework for Gypsy and Traveller sites. However, following the Sub-national review of economic development and regeneration the Government proposes to bring together Regional Spatial Strategies and Regional Economic Strategies into a single Regional Strategy. Therefore, it has now been agreed that the phase 3 issues will be progressed through the single Regional Strategy rather than the RSS Phase 3 revision.
- 2.3 The Regional Economic Strategy produced jointly by Advantage West Midlands (AWM) has recently been updated. The strategy intends to deliver sustainable economic development and growth in the West Midlands.
- 2.4 Herefordshire's economic vulnerability is reflected in and recognised by its inclusion in a wide range of European, national and local funding initiatives. The UDP's overall strategy was developed alongside the strategic approach being taken through Objective 2 and the Rural Regeneration Zone.
- 2.5 A Regional Housing Strategy was published in 2005. It covers the period 2005-2021. Two primary aims of the strategy are; to give confidence to developers that the West Midlands is committed to develop and support vibrant housing markets within the context of the Urban and Rural Renaissance policies of the RSS; and to develop sustainable housing and sustainable communities. Both the UDP and the Council's Housing Strategy 2005/2008 were developed against a background of joint working at Regional level.

## Geography

- 2.6 Figure 26 below shows the County of Herefordshire in relation to parts of the region. Herefordshire covers an area of 217,973 ha.

**Figure 26: Herefordshire geographic context with the West Midlands**



- 2.7 The main geographical feature of the County is the River Wye, which enters Herefordshire near the Welsh town of Hay-on-Wye, flows east to Hereford and then southwards, leaving the County at the Wye Gorge, downstream of Ross-on-Wye. Most parts of the County are drained by the Wye river system, although parts of the east and south east are in the Severn Valley and the north is drained by the River Teme, a tributary of the Severn.
- 2.8 The County's landscape is one of rolling hills and wide river valleys interspersed with small villages. The eastern edge of the County borders with Worcestershire that runs along the line of the Malvern Hills, which rise to over 400 metres above sea level. The Black Mountains in the south west of the County form another elevated area.

2.9 The City of Hereford is the major centre for civil and ecclesiastical administration, health, education and leisure facilities, shopping and employment. Five market towns surround the City at about 10-15 miles distant: Leominster to the north, Bromyard to the north east, Ledbury to the east, Ross-on-Wye to the south east and Kington to the west.

## Population

2.10 The most recent estimate of the population of Herefordshire is 179,300. This is the Office for National Statistics' (ONS) 2008 mid-year estimate, published in August 2009. This represents an increase of 900 people (0.5%) since 2007. This increase was made up of a net migration of around 600 people from other parts of the UK and 200 from overseas (because of rounding, these figures do not add up to 900). This was the first time in 13 years that there were as many births as deaths, both 1,900.

2.11 Herefordshire has the 4th lowest overall population density in England (0.8 persons per hectare), and the population is scattered across the 842 square miles of the county. Just under a third of residents live in Hereford city; just over a fifth in the five market towns (Leominster, Ross, Ledbury, Bromyard & Kington). This means that nearly half of the population lives in villages, hamlets and isolated dwellings in rural areas. Figure 27 below shows a breakdown of the County's population showing the number of people living in Hereford and the market towns, based on 2008 mid year estimates.

**Figure 27: Herefordshire's Urban Population**

Hereford	Leominster	Ross-on-Wye	Ledbury	Bromyard	Kington
55,700	11,100	10,100	9,900	4,700	3,200

*(Source: 2008 MYE)*

2.12 The Total Fertility Rates (i.e. the average number of children that would be born per woman if women experienced the age-specific fertility rate of this year throughout their child-bearing lifespan) for the 2007 calendar year is 2.07 for Herefordshire, which is higher than the rates for England and Wales (1.91) and the West Midlands region (2.04).

2.13 The population of Herefordshire grew by 2.5% between 2001 and 2008: an increase of 4,400 people from 174,900. This is lower than the rate of population growth seen in England and Wales as a whole (4.0%).

2.14 As Figure 28 below illustrates, there have however, been more dramatic changes within age groups. Changes have generally been in the same direction as nationally, except for the decreases in the number of under 5s and 35-44s seen in Herefordshire.

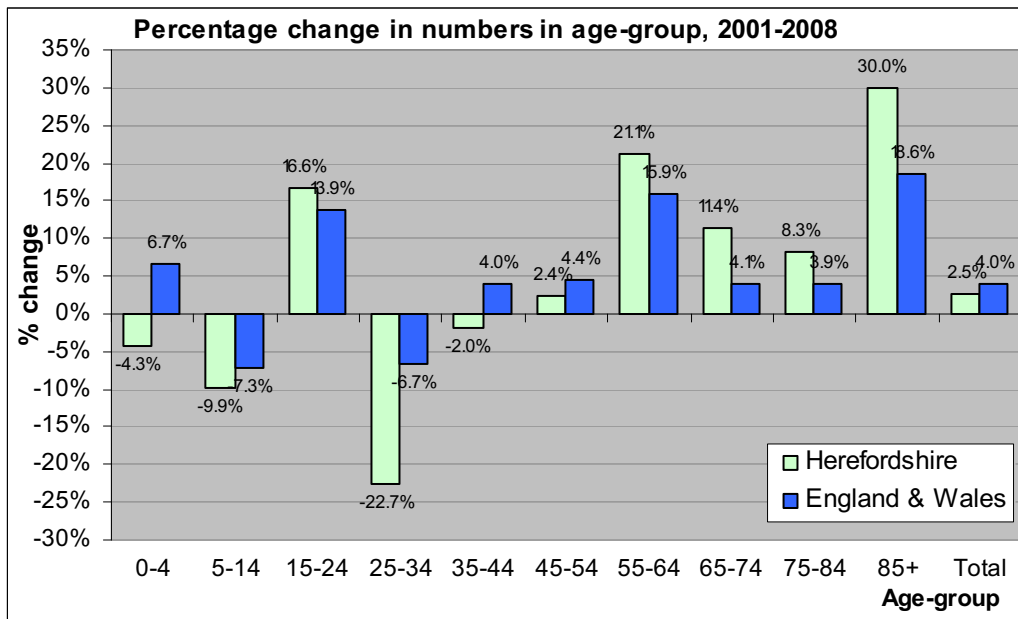
2.15 The increases in the numbers of people in the over-65 age groups in Herefordshire have been notably higher than the equivalent national increases. Most dramatically, the number of people aged 85 and over in Herefordshire has increased by 30.0%, which represents an increase of 1,200 people.

2.16 The number of 25-34 year-olds in Herefordshire fell by 22.7% (4,600 people) over the period – more than three times the national decrease. The same

amount of absolute change was seen in the 55-64 year age group, with an increase of 4,600 people.

2.17 The net effect of the changes within the working age population was an overall increase of 1,100 people of working age in Herefordshire between 2001 and 2008. This translates to a growth of 1.1%, although this is lower than the equivalent national increase (4.6%).

**Figure 28: Population change (%) by age group in Herefordshire and England & Wales, mid-2001 to mid-2008**



Source: Population Estimates Unit, ONS © Crown Copyright.

## Employment

2.18 Employment rate is measured by calculating the percentage of working age population that are employed (full time, part time and self-employed). Working age population is defined as 16-59 for females and 16-64 for males. The data presented here comes from the Annual Population Survey (APS). Herefordshire has a high employment rate compared to both the West Midlands region and England as a whole. In 2007-08, Herefordshire had an employment rate of 78% compared to 72% in the West Midlands and 75% in England. Most of Herefordshire's English neighbours have similar high levels of employment. Note that these figures are not recent enough to have been affected by the economic downturn.

2.19 The narrow economic base inherited from pre-industrial times largely persists in Herefordshire. Whilst it can be argued that Herefordshire still has a dependency on food production and processing and rural resource management, where previously administrative services and tourism have also been evident, the potential economic vulnerability has resulted in a decrease in these areas. With continued diversification in Hereford and the market towns into more specialised manufacturing and service sectors (including wholesale retail and repair services and health and social work) these are now the sectors employing the most people in Herefordshire.

- 2.20 Outside agriculture, more employment is in declining sectors and less in growth sectors than the national economy. The business size profile is characterised by a few large employers, mainly in the food processing sector, very few medium sized enterprises and a great number of small firms.
- 2.21 Figure 29 shows a breakdown of employment by sector using Annual Business Inquiry (ABI) data, the latest for which was 2006. Due to the way that this data is collected the table excludes information on the self-employed. The wholesale, retail and repair trades sector employs the most people in Herefordshire (19% of all employees), followed by manufacturing (15%), health and social work (12%) and real estate, renting and business activities (12%). These four sectors account for 57% of employees.
- 2.22 As previously stated, the data collected does not include self-employed people. At the time of the 2001 census there were 17,119 people self-employed in Herefordshire (20% of the working population), an important factor in Herefordshire since more people are self-employed here than in other areas. Furthermore, the ABI underestimates the number of employees working in the agriculture, hunting and forestry sector as farmers are classed as proprietors (self-employed) rather than employees.

**Figure 29: Employment by Sector (excluding self employed)**

Industry	Herefordshire		West Midlands	England
	No.	%	%	%
A : Agriculture, hunting and forestry	6,900	9%	1%	1%
B : Fishing	0	0%	0%	0%
C : Mining and quarrying	100	0%	0%	0%
D : Manufacturing	11,200	15%	14%	11%
E : Electricity, gas and water supply	0	0%	0%	0%
F : Construction	4,000	5%	5%	5%
G : Wholesale and retail trade; repair of motor vehicles, motorcycles and personal and household goods	14,300	19%	17%	17%
H : Hotels and restaurants	5,300	7%	6%	7%
I : Transport, storage and communication	2,600	3%	6%	6%
J : Financial intermediation	900	1%	3%	4%
K : Real estate, renting and business activities	8,800	12%	16%	18%
L : Public administration and defence; compulsory social security	2,600	3%	5%	5%
M : Education	6,600	9%	10%	9%
N : Health and social work	9,300	12%	11%	12%
O : Other community, social and personal service activities	3,400	4%	5%	5%
P : Private households with employed persons	0	0%	0%	0%
Q : Extra-territorial organisation and bodies	0	0%	0%	0%
<b>Total employees</b>	<b>76,100</b>			

*Figures are rounded to the nearest 100. (Source: ABI 2007 full & part-time employees)*

- 2.23 In August 2009, 3,064 people were unemployed and claiming benefit in Herefordshire. This number has been relatively stable since March 2009, but compared to July 2008, before any increase associated with the economic downturn was seen, the claimant count was up 104%. The unemployment rate in August 2009 was 3.0%, compared to 5.5% in the West Midlands region and 4.2% in England as a whole.
- 2.24 In 2008, Herefordshire had annual gross median work-based earnings of £20,304, lower than the West Midlands region (£23,407) and England (£25,190). In addition, employees in the County work longer hours than their regional and national counterparts.

## Housing

- 2.25 The 2001 Census classified housing tenure into four categories: owned outright, buying, rented privately and rented from local authority/housing association. Figure 30 shows the percentage of households with different types of tenure in the County as compared to the region and to England and Wales. Herefordshire has a higher proportion of houses which are owned outright – this would be expected to follow from the County’s age distribution, with its higher than average number of older people (particularly the over 60’s) who are likely to have paid off a mortgage.
- 2.26 The proportion of socially rented properties in Herefordshire is lower than the average. Since November 2003 when the Council transferred its housing stock, all the socially rented units are rented from Registered Social Landlords (RSLs) (housing associations). Although 26 RSLs have a presence in the County it is primarily 6 RSLs who between them, own the bulk of Herefordshire’s social housing. Most social housing is found in Hereford and the market towns, but four rural parishes (Colwall, Kingstone, Credenhill and Weobley) had over 100 units of social housing (in 2001) and 51 parishes have 20 units or more.

**Figure 30: Housing Tenure**

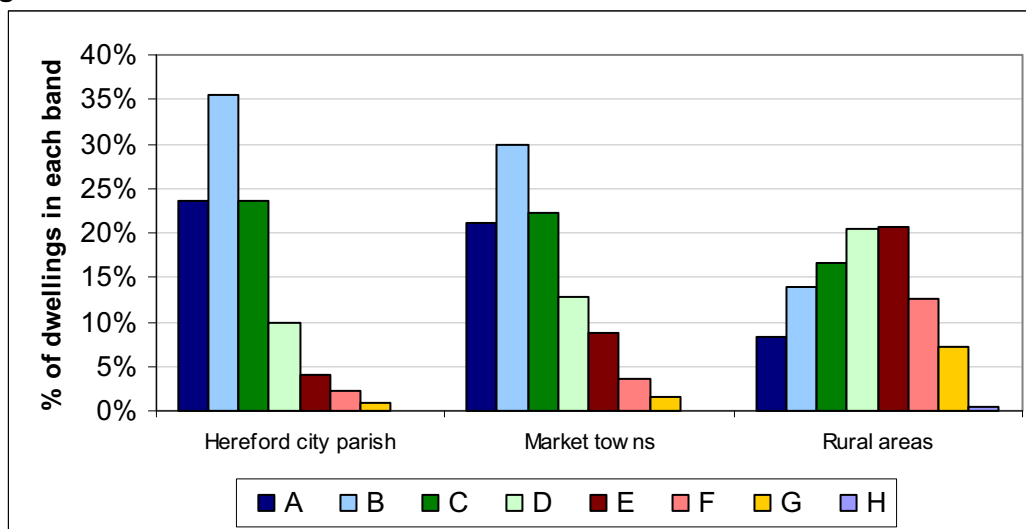
Tenure	Herefordshire	West Midlands Region	England & Wales
Owned outright	36%	30%	29%
Owned with a mortgage or loan	35%	39%	39%
Shared ownership (i.e. part rent / part mortgage)	0.86%	0.67%	0.64%
Socially rented from a Housing Association or from the Council	15%	21%	19%
Privately rented or ‘other’ (includes tied homes)	13%	10%	12%

(Source: 2001 Census)

- 2.27 The 2008 ratio of lower quartile house price to lower quartile income (the “affordability ratio”) was 9.1. Herefordshire has the 5<sup>th</sup> highest ratio amongst authorities in the West Midlands. (Source: CLG)

2.28 The distribution of Council Tax bands can be seen in figure 31 below. In Hereford and the market towns, the greatest proportion of properties are in band B, while rural parishes have more in bands D and E.

**Figure 31: Distribution of Council Tax Bands in Herefordshire October 2008**



(Source: Herefordshire Council 2008)

## Skills

2.29 Figure 32 and 33 provide data on levels of literacy and numeracy in Herefordshire compared with regional and national statistics. The results are grouped into low, lower and very low, as used by the Basic Skills Agency. 'Low' means on the borderline of functional literacy and numeracy. Those falling within this category may need little, if any instruction to reach the national average. 'Lower' denotes those who have some skills, although these may be weak. This group may have difficulties in coping with some of the everyday literacy and numeracy requirements. 'Very Low', most adults in this group need intensive instruction to bring them up to the basic level.

2.30 In Herefordshire the five wards with the highest levels of poor numeracy are Belmont (42%), St. Martins (35.3%), Leominster North (30.2%), Hinton (29.6%) and Holmer (28.6%). (Source: Herefordshire Economic Assessment 2005-2007)

**Figure 32: Estimated Numeracy Levels Locally, Regionally and Nationally**

	Low %	Lower %	Very Low %	Total %
Herefordshire	10.3	7.5	6.0	23.8
West Midlands	13.7	8.6	7.4	29.7
England	12.0	7.0	5.0	24.0

(Source: Basic Skills Agency 2001)

2.31 In Herefordshire the five areas with the highest levels of poor literacy are Belmont (36%), Merbach and Castle (both 35%), St. Martins (32.5%) and Golden Cross (31.7%). According to the West Midlands Household Survey



2002, 93% of respondents in Herefordshire have neither numeracy nor a literacy deficiency. This compares favourably with the average for the region, which was 89%. (Source: Herefordshire Economic Assessment 2005-2007)

**Figure 33: Estimated Literacy Levels Locally, Regionally and Nationally**

	<b>Low %</b>	<b>Lower %</b>	<b>Very Low %</b>	<b>Total %</b>
Herefordshire	17.7	3.5	4.2	25.5
West Midlands	15.8	5.9	6.1	27.9
England	15.0	5.0	4.0	24.0

(Source: Basic Skills Agency 2001)

### Deprivation

2.32 The Indices of Deprivation (ID) 2007 from CLG are used widely to identify areas of deprivation. Deprivation levels have been calculated by combining a number of indicators across seven domains into a single score and rank for each Super Output Area in England. The seven domains are income; employment; health and disability; education; skills and training; barriers to housing and services; living environment deprivation and crime.

2.33 When looking at the overall ID there are 8 SOAs in Herefordshire within the 25% most deprived in England; 6 of these are in Hereford (centre and south of the River Wye) and 2 in Leominster. 1 of the areas in Hereford City also falls within the 10% most deprived in England. (Source: CLG, 2007)

### Environment

2.34 Herefordshire contains a wealth of listed buildings, registered parks and gardens, scheduled ancient monuments and conservation areas. These add to the special built quality and environmental character of many areas of the County and their protection and enhancement is recognised as an important ingredient for economic and neighbourhood renewal. Figure 34 provides a breakdown of the numbers of such historic environments.

**Figure 34: Herefordshire's Historic Environment**

<b>Listed Buildings (Grades I, II &amp; II*)</b>	<b>Registered Parks &amp; Gardens</b>	<b>Scheduled Ancient Monuments</b>	<b>Conservation Areas</b>
≈5,918	24	262	64

(Source: ≈English Heritage & Herefordshire Council)

2.35 Herefordshire is considered to be the West Midlands' most rural county and boasts a quality of landscape that is nationally acclaimed. Herefordshire has two landscape areas of national significance, the Wye Valley Area of Outstanding Natural Beauty (AONB) in the south and Malvern Hills AONB in the east. Both are supported by management plans, which seek to conserve landscape character through various forms of land management. The UDP, through its policies, looks to complement the management plans, reconcile

development needs and visitor pressure with the conservation of the AONB's landscape and natural resources, and restore vulnerable and degraded landscapes when opportunities arise.

- 2.36 The UDP policies have been informed by a systematic assessment of landscape character, rather than reliance on local designations to give added protection to important areas of landscape not covered by national designations. Policies ensure that development proposals throughout the County will need to clearly demonstrate that their design and layout incorporate opportunities to conserve, restore and enhance distinctive landscape character and, where necessary and appropriate, any prominent landscape features. Proposals must also pursue environmental and maintenance arrangements to ensure environmental benefits are maintained over time.
- 2.37 Herefordshire is host to many important habitats and species. The importance of the nature conservation and geological resources is reflected in the number and variety of international, national and local designated sites. Figure 35 identifies the types and numbers of such designations across Herefordshire. Sites of Importance for Nature Conservation (SINCs) continue to be represented and have the same level of protection as Special Wildlife Sites (SWSs).

**Figure 35: Conservation Designations in Herefordshire**

Special Areas of Conservation (SACs)	Sites of Special Scientific Interest (SSSIs)	National Nature Reserves (NNRs)	Special Wildlife Sites (SWSs)	Sites of Importance for Nature Conservation (SINCs)	Local Nature Reserves (LNRs)	Regionally Important Geological Sites (RIGS)
4	77	3	709	56	7	117

*(Source: Herefordshire Council Biological Records Centre, Earth Heritage Trust)*

- 2.38 Herefordshire also contains areas of archaeological importance. It is recognised that archaeological remains are a valuable but fragile part of our heritage; once destroyed they can never be replaced. Maintaining this resource is an important part of the Council's commitment to conservation. The UDP's policies aim to protect and enhance archaeological sites and their wider settings. In addition to a large number of nationally designated Scheduled Ancient Monuments, the county also contains non-scheduled but nationally important archaeological sites and those of regional and local importance. Such areas are afforded protection through UDP policies.
- 2.39 The archaeological importance of Hereford city centre was recognised by the designation in 1983 of a large part of the central area as an Area of Archaeological Importance (AAI). Designation confers on developers and their agents the duty of giving prior notification of new proposals to Herefordshire Council, which has a statutory right to enter the site to make records concerning all development.

- 2.40 The council are also striving to conserve geological diversity, known as geodiversity. It has supported the development of a Geodiversity Action Plan For Herefordshire by the Herefordshire and Worcestershire Earth Heritage Trust, which following consultation in 2007, will be published in 2009. Funding was obtained from the Aggregates Levy Sustainability Fund (administered by Natural England) to carry out an audit of geodiversity sites in Herefordshire in 2007-8 and this is still currently underway. An update on this will be provided in the next AMR.

## **Appendix 3: Local Development Framework preparation**

### **Monitoring the Local Development Scheme**

#### **Introduction**

- 3.1 This section reports on progress in achieving the timetable and milestones set out in the Council's Local Development Scheme (LDS). The relevant version of the Scheme was that operative from January 2008.
- 3.2 Each proposed Local Development Document identified in the LDS is listed below, with a brief review of progress in meeting the milestones and timetable in the reporting period. Where slippage in the original timetable is identified, this is explained and an indication of the revised programme given.

#### **Core Strategy**

- 3.3 Work on the Core Strategy began in September 2006. Early consultation on issues to be addressed was undertaken in June 2007, with a more formal consultation on this aspect in September 2007. The publication of a Developing Options Paper was undertaken in the summer of 2008. The LDS in January 2008 did not anticipate any of the statutory "milestones" being reached during 2008/09 although it did anticipate submission of the Core Strategy to the Secretary of State by June 2009 (i.e. outside the timeframe covered by this AMR). In fact this did not prove possible and further revisions of the LDS have taken place in January and December 2009 to reflect this.

#### **Hereford Area Action Plan**

- 3.4 This document was added to the LDS in 2008. Work on evidence gathering for this document began in May 2008. Key milestones will be reported on in subsequent AMRs. In response to the Developing Options consultation on the Core Strategy in summer 2008, a further DPD, the Market Towns and Rural Areas Plan, has been added to subsequent editions of the LDS to provide an equivalent allocations DPD for the rest of the County.

#### **Archaeology and Development SPD/Historic Landscapes SPD**

- 3.5 Work on these documents began as planned in January 2007, although competing pressures within the conservation section have affected progress. The Archaeology and Development SPD was adopted in November 2009. A Historic Landscapes SPD was included within the LDS but it has now been decided that this document will not be taken forward.

#### **Future Work**

- 3.6 The LDS is being reviewed in response to both this AMR and changing circumstances generally including changes in legislation and the continuing development of regional planning policy. Timetable revisions were incorporated into the January 2009 LDS and further changes are anticipated

after the publication of this AMR. In particular, detailed timetables will be set out for the Hereford Area Plan and Market Towns and Rural Areas Plan, and specific provision will be made for two other documents: the Design Code SPD and, depending on regulations expected to be published in April 2010, a Charging Schedule for the Community Infrastructure Levy. This latter document will be required if regulations change the way the Council seeks developer contributions for essential infrastructure

## Appendix 4: Herefordshire Five Year Housing Supply April 2009

### Introduction

- 4.1 Under the provisions of PPS3 the council is required to demonstrate it has a five year supply of readily deliverable sites for new housing provision.
- 4.2 The previous AMR assessed the five year land supply against the housing requirements of the Unitary Development plan. This year the assessment has been undertaken through the production of the Council's Strategic Housing Land Availability Assessment (SHLAA) (October 2009) and in line with the Department of Communities and Local Government (CLG)'s advice note taking into account the findings of the panel report into the West Midlands Regional Spatial Strategy (RSS) which was published in September 2009.
- 4.3 The CLG advice note makes clear that 5 year housing land supply assessments should include sites under construction in addition to:
- Sites that have planning permission which have not been implemented
  - Sites that are allocated for housing in the development plan
  - Specific, unallocated brownfield sites that have the potential to make a significant contribution to housing delivery during the 5 year period and which have made significant progress through the planning process

### Deliverable sites

#### 4.4 Under Construction

As at 2009 436 dwellings were under construction with 400 expected to be built in 2009/10 and the remaining 36 dwellings delivered the following year as shown in figure 37.

#### 4.5 UDP allocations

Those UDP housing allocations without planning permission have been reviewed through the SHLAA process and included as deliverable sites where appropriate. Only one allocated site in Leominster has been deleted from this study as it is not now considered deliverable. Remaining UDP sites have the potential to deliver 814 dwellings over the next 5 years. This is demonstrated in figure 37

#### 4.6 Planning Permissions

The SHLAA has identified current planning permissions that have a reasonable prospect of delivering housing within the next 5 years and net yield figures have been used. A lapse rate of 5% and a superseded rate of 8% has been applied with a build out rate skewed to the latter end of the five year period to account for current economic conditions in line with the RSS Panel Report (September 2009). All sites with planning permissions are listed in Appendix 9 of the SHLAA and identify the potential net supply of 1,965 dwellings for the 5 year period 2009–2014. These are summarised in figure 36

**Figure 36:** Assumed delivery of sites with planning permission not yet commenced by location 2009 - 2014

<b>Planning permissions at 1<sup>st</sup> April 2009 by location</b>	<b>2009/10</b>	<b>2010/11</b>	<b>2011/12</b>	<b>2012/13</b>	<b>2013/14</b>	<b>Gross<sup>1</sup>Total 2009/14</b>	<b>Net<sup>2</sup>Total 2009/14</b>
<b>Hereford</b>	106	133	187	116	105	744	647
<b>Bromyard</b>	6	7	14	7	7	47	41
<b>Kington</b>	7	12	15	12	7	61	53
<b>Ledbury</b>	1	2	4	2	1	12	10
<b>Leominster</b>	50	115	166	117	50	572	498
<b>Ross-on-Wye</b>	20	30	50	31	20	174	151
<b>Rural Areas</b>	60	131	164	150	60	649	565
<b>Total<sup>3</sup></b>	<b>250</b>	<b>430</b>	<b>600</b>	<b>435</b>	<b>250</b>	<b>2,259</b>	<b>1,965</b>

**Figure 37:** Potential number of dwellings that could be completed on deliverable sites 2009 - 2014

<b>Summary of deliverable sites 2009 - 2014</b>	<b>2009/10</b>	<b>2010/11</b>	<b>2011/12</b>	<b>2012/13</b>	<b>2013/14</b>	<b>Total 2009/14</b>
<b>Sites under construction</b>	400	36				436
<b>Sites with permission not yet commenced</b>	250	430	600	435	250	1,965
<b>UDP allocations without planning permission</b>		150	150	150	364	814
<b>Total<sup>4</sup></b>	<b>650</b>	<b>616</b>	<b>750</b>	<b>585</b>	<b>614</b>	<b>3215</b>
<b>RSS Panel Report indicative average annual rate</b>	235	235	795	795	795	x

<sup>1</sup> Gross total represents overall increase in housing stock

<sup>2</sup> Net total represents overall increase in housing stock taking into account new dwellings plus and gains and losses through change of use and conversions/demolitions

<sup>3</sup> Including 5% lapse rate and 8% superseded rate

<sup>4</sup> Including 5% lapse rate and 8% superseded rate.

**Figure 38:** Deliverable sites by location 2009–2014

Location	Sites with Planning Permission	Allocations	Sites under construction	Total
Hereford	647	319	215	1,181
Bromyard	41	127	0	168
Kington	53	0	50	103
Ledbury	10	0	5	15
Leominster	498	30	13	541
Ross-on-Wye	151	180	17	348
Rural Areas	565	158	136	859
<b>Total</b>	<b>1,965</b>	<b>814</b>	<b>436</b>	<b>3,215</b>

### RSS Housing Requirements

- 4.7 The RSS provides the basis for determining the current 5 year supply of land. Taking the panel report Herefordshire is expected to deliver 18,000 houses between 2006 and 2026. Between 2006 and 2009, 2,180 houses net were built leaving a remainder of 15,820 dwellings to be provided over the remaining plan period. This relates to 931 dwellings a year for the remaining plan (refer to figure 39 below).

**Figure 39:** RSS Housing Requirements

	Dwellings	Average dwellings per annum
<b>RSS panel report 2006–2026 requirement for Herefordshire</b>	18,000	900
<b>Net additions to stock – 2006 – 2009</b>	2,180	727
<b>Residual requirement for 2009 - 2026</b>	15,820	931
<b>RSS panel report 2006–2011 requires 530 pa to be built minus net additions to stock of 2,180</b>	470	x
<b>RSS panel report 2011–2014 requires 795 pa to be built</b>	2,385	x
<b>Requirement for 5 years 2009–2014</b>	2,855	571

- *5 year supply on deliverable sites = 2,855*

- 4.8 Therefore to meet the RSS panel report indicative average annual rates of delivering 18,000 houses between 2006 and 2026 would mean completing 2,855 dwellings within the five year period 2009–2014. The report identifies an annual build rate of 530 dwellings per year between 2006–11 increasing to 795 per year between 2011-16. There is capacity to deliver 3,215 dwellings through deliverable sites which indicates that there is sufficient land to meet the 5 year land requirements.



**Appendix 5:**

**Breakdown of Planning Obligations Agreed in the Reporting Period by Parish and Community Infrastructure Type**

PARISH	WARD	TRANSPORT	EDUCATION	OPEN SPACE	SPORTS	COMMUNITY	OTHER	MONITORING	TOTAL
Breinton	Credenhill	£7,864.00	£9,800.00	£2,316.00		£396.00	£240.00		£20,616.00
Bishop's Frome	Frome	£15,987.00	£13,893.00	£1,337.00	£2,834.00	£835.00		£698.00	£35,584.00
Bosbury	Hope End	£7,177.20						£143.50	£7,320.70
Brilley	Castle	£3,690.00	£2,951.00	£317.00		£241.00		£144.00	£7,343.00
Brimfield	Upton	£3,690.00	£4,900.00	£317.00	£672.00	£198.00		£196.00	£9,973.00
Bromyard & Winslow	Bromyard	£22,376.00	£19,707.00	£2,734.00	£6,897.00	£1,502.00		£840.00	£54,056.00
Burghill	Burghill, Holmer & Lyde	£9,830.00	£2,407.00		£2,407.00				£14,644.00
Cradley	Hope End	£14,834.00	£1,052.00	£989.00		£198.00			£17,073.00
Cusop	Golden Valley North	£2,457.00	£4,900.00		£235.00				£7,592.00
Dinedor	Hollington	£1,966.00	£2,951.00	£731.00		£146.00		£116.00	£5,910.00
Dormington	Backbury	£4,915.00	£8,955.00	£386.00		£241.00		£290.00	£14,787.00
Dorstone	Golden Valley North	£2,457.00	£3,001.00	£731.00		£146.00		£127.00	£6,462.00
Castle Frome	Frome	£3,690.00	£2,951.00	£317.00		£198.00		£143.12	£7,299.12
Eardisley	Castle	£12,297.00	£18,755.00	£3,180.00		£637.00			£34,869.00
Eaton Bishop	Stoney Street		£949.00	£116.00	£350.00			£28.00	£1,443.00
Ford & Stoke Prior	Hampton Court	£2,952.00	£2,932.00	£317.00				£124.00	£6,325.00
Foy	Old Gore	£2,098.00		£193.00		£120.00		£48.00	£2,459.00
Hereford City	Aylestone	£37,341.00	£16,059.00	£4,674.00	£3,126.00	£1,280.00		£713.00	£63,193.00
	Belmont	£172,500.00	£90,000.00	£34,500.00	£28,350.00	£35,748.00	£8,280.00		£369,378.00
	Central	£45,825.00	£15,800.00	£428.00	£26,805.00	£2,050.00	£12,000.00	£152.88	£103,060.88
	St Martins & Hinton	£214,000.00	£100,000.00		£70,000.00	£75,000.00			£459,000.00
	St Nicholas	£26,095.00	£23,475.00	£1,645.00	£3,472.00	£960.00		£706.00	£56,353.00
	Three Elms	£5,160.00	£9,003.00	£1,462.00	£731.00				£16,356.00
	Tupsley	£1,465.00				£120.00		£32.00	£1,617.00

PARISH	WARD	TRANSPORT	EDUCATION	OPEN SPACE	SPORTS	COMMUNITY	OTHER	MONITORING	TOTAL
Holmer	Burghill, Holmer & Lyde	£595,740.00	£103,156.00	£55,951.00	£189,516.00	£60,000.00	£25,500.00	£20,597.00	£1,050,460.00
Kimbolton	Upton	£4,917.00	£4,953.00	£317.00	£672.00	£241.00		£222.00	£11,322.00
Kington	Kington Town	£72,933.00	£95,618.00	£161,296.00	£29,972.00			£7,308.00	£367,127.00
Leintwardine	Mortimer	£22,500.00	£34,900.00	£13,817.00	£9,450.00	£198.00		£1,509.00	£82,374.00
Ledbury	Ledbury	£19,100.00	£15,861.00	£2,896.00	£1,490.00	£680.00	£120.00	£657.90	£40,804.90
Leominster	Leominster North	£14,023.00	£9,730.00	£2,483.00	£5,252.00	£740.00		£639.00	£32,867.00
	Leominster South	£92,449.00	£9,471.00	£52,215.00	£27,150.00	£103.00	£30.00	£2,006.00	£183,424.00
Lingen	Mortimer	£3,690.00	£3,001.00	£317.00		£198.00		£144.00	£7,350.00
Little Dewchurch	Hollington	£3,932.00	£5,000.00	£386.00	£818.00	£541.00		£213.00	£10,890.00
Llancillo	Golden Valley South	£3,686.00						£72.00	£3,758.00
Luston	Upton	£2,952.00	£1,052.00	£317.00	£672.00	£198.00		£104.00	£5,295.00
Marden	Sutton Walls	£2,457.00	£2,951.00	£235.00		£146.00		£115.78	£5,904.78
Monkland & Stretford	Golden Cross with Weobley	£4,522.00	£8,789.00	£317.00	£2,628.00	£942.00		£244.00	£17,442.00
Much Marcle	Old Gore	£6,740.00							£6,740.00
Munsley	Frome	£3,690.00	£2,951.00	£989.00				£153.00	£7,783.00
Pencombe with Grendon Warren	Bromyard	£2,458.00	£2,951.00	£235.00	£496.00	£146.00		£126.00	£6,412.00
Peterchurch	Golden Valley North	£4,917.00	£8,955.00				£150.00		£14,022.00
Pudleston	Hampton Court	£8,607.00	£7,904.00	£703.00		£439.00		£350.00	£18,003.00
Ross on Wye	Ross on Wye East	£260,979.00	£158,825.52	£48,453.00	£86,215.00	£986.00	£960.00	£7,912.00	£564,330.52
	Ross on Wye West	£45,000.00	£32,183.00	£17,270.00				£898.00	£95,351.00
Sutton	Sutton Walls	£15,112.00	£25,610.00	£5,771.00	£1,840.00	£1,523.00		£981.36	£50,837.36
Walford	Kerne Bridge	£4,915.00	£4,953.00	£1,058.00		£120.00	£241.00	£226.00	£11,513.00
Wellington	Wormsley Ridge	£11,247.00	£2,104.00	£634.00	£1,343.00	£396.00		£192.74	£15,916.74
Withington	Hagley	£2,580.00	£2,951.00	£317.00	£672.00	£198.00		£134.00	£6,852.00
		<b>£1,829,812.20</b>	<b>£898,310.52</b>	<b>£422,667.00</b>	<b>£504,065.00</b>	<b>£187,811.00</b>	<b>£47,521.00</b>	<b>£49,306.28</b>	<b>£3,939,493.00</b>

**DMCW/092094/O - DEMOLITION OF EXISTING UNIT, CONSTRUCTION OF CIRCA 5574m<sup>2</sup> OF B1/B2/B8 INDUSTRIAL/WAREHOUSE UNITS, ASSOCIATED SERVICE YARDS, CAR PARKING AND ACCESS IMPROVEMENTS AT THREE ELMS TRADING ESTATE, BAKERS LANE, THREE ELMS ROAD, HEREFORD, HR4 9P**

**For: Advantage West Midlands per Mr Stuart Wenman  
P & P West Midlands, Centrix @ Keys, Keys Business  
Village, Keys Park Road, Hednesford, Staffs, WS12 2HA**

**Date Received: 1 September 2009      Ward: Three Elms      Grid Ref: 349380,241497  
Expiry Date: 24 December 2009**

Local Members: Councillors PA Daniels, SPA Daniels and AM Toon

**1. Site Description and Proposal**

- 1.1 The application site as a whole extends to a little over 2 hectares, and is comprised of allocated employment land known as Three Elms Trading Estate, together with a triangular parcel of land (0.7 hectares) immediately to the northeast which it is proposed to incorporate to create an extension to the industrial estate. This additional parcel of land forms part of a large area of open amenity space which is accessible from Chatsworth Road. Additionally a strip of amenity land to the south of the existing access is required to facilitate the creation of the remodelled road.
- 1.2 Although businesses are presently located at the eastern and western ends, the central part section of the Three Elms Trading Estate stands vacant and derelict, following the demolition of a large brick built cold store in the spring of 2003.
- 1.3 The application seeks outline planning permission for the construction of new B1/B2/B8 industrial/warehouse units with a cumulative floor area of 5574m<sup>2</sup>, together with associated works to create service yards, car parking and access improvements. The effect of these works will be to redevelop the redundant core of the industrial estate to create a more vibrant and commercially viable environment. One of the key strategic objectives in redeveloping this site is to provide for viable and attractive alternative accommodation to meet the needs of local businesses relocating from the Edgar Street Grid regeneration area.
- 1.4 To make way for the development an existing commercial building extending to 785m<sup>2</sup> will be demolished, therefore the proposed development will give rise to an aggregate increase of approximately 4790m<sup>2</sup> of commercial floor space.
- 1.5 As stated above the application is outline, and all matters of access, design, layout and landscaping are reserved for future consideration. However indicative plans have been provided, which illustrate the broad principles in terms of design and layout.

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Further information on the subject of this report is available from Mr P Clasby on 01432 261947

**2. Policies**

- 2.1 S1 - Sustainable Development  
 S2 - Development Requirements  
 S4 - Employment  
 DR1 - Design  
 DR2 - Land Use and Activity  
 DR3 - Movement  
 DR5 - Planning Obligations  
 DR7 - Flood Risk  
 DR13 - Noise  
 DR14 - Lighting  
 E7 - Other Employment Proposals Within and Around Hereford and the Market Towns  
 E8 - Design Standards for Employment Sites  
 T11 - Parking Provision  
 LA6 - Landscaping Schemes  
 HBA9 - Protection of Open Areas and Green Spaces  
 RST4 - Safeguarding Existing Recreational Open Spaces

**3. Planning History**

- 3.1 DCCW2004/1220/O Construction of new business units for B1, B2 and B8 uses, new estate spine road and parking areas, demolition of existing Unit 9A. Approved 2 June 2004.
- 3.2 DCCW2004/3134/RM Construction of new business units for B1, B2 and B8 uses, new estate spine road and parking areas, demolition of existing Unit 9A. Approved 25 January 2005.

**4. Consultation Summary**Statutory Consultations

- 4.1 Environment Agency: Comments awaited.
- 4.2 Welsh Water: No objection but suggest the use of standard drainage conditions, together with a note advising the applicant that a public sewer crosses the site.
- 4.3 Sport England: Comments awaited.

Internal Council Advice

- 4.4 Traffic Manager: No objection, but recommend conditions to secure the provision of details of parking and manoeuvring area, cycle storage and a travel plan.
- 4.5 Public Rights of Way Manager: No objection.
- 4.6 Economic Development Manager: No objection from an economic standpoint the development of this site is seen as an important element of success for Edgar Street Grid, helping to retain jobs and allowing local business to develop and grow.

- 4.7 Environmental Health & Trading Standards Manager: No objection but recommend the use of a condition to secure a phased implementation of a contaminated land assessment.

## 5. Representations

- 5.1 Hereford City Council: No objection.

- 5.2 Letters of objection have been received from properties in Chequers Close, Leigh Street, Grandstand Road, Chatsworth Road and Percival Street, summarised as:

- There's room within the existing trading estate to accommodate new development, it does not need to be extended. Hereford has many vacant industrial units, there is no demand for more, and the likelihood is that a percentage of these new units are likely to remain empty.
- Unacceptable loss of open amenity space, the development will create environmental damage, play area has been left to grow wild for years it is now a haven for wildlife. The development would be seen from the road, the open amenity space and sports area.
- Children and adults continue to use the redundant tennis court, at a time when we're encouraged to stay active, it is a shame to consider losing such a well used recreational facility. Dog walkers would come into conflict with other users of the reduced open amenity space.
- More development would be a flood risk.
- Increased traffic will create a danger to the public, children attending local schools would be at risk.
- The loss of the open space will remove a buffer between the industrial estate and the adjoining dwellings. Units are far too close to adjoining dwellings harming their amenity, and industrial uses will bring more health problems for local residents. Will any compensation be paid to the local residents. The units closest to the adjoining houses should be restricted to a B1 use. Concern for residents having to use porta-loos whilst sewerage works are undertaken.

- 5.3 In addition a petition signed by 71 people objecting to the proposal has been received.

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

## 6. Officer's Appraisal

- 6.1 Having regard for the relevant policies, the primary issues in determining this application are considered to be:

The Principle of Development  
Design and Layout  
Loss of Open Space  
Residential Amenity  
Access and Highways Issues  
Flooding  
Planning Obligation

Principle of Development

- 6.2 The majority of the application site is a designated area safeguarded for B1, B2 and B8 employment purposes within the Herefordshire Unitary Development Plan 2007. With regard to the existing open space which will be developed to allow for the expansion of the existing industrial estate, having proper regard for the strategic socio-economic opportunities which can be secured through the comprehensive enhancement and redevelopment of the site, the harm caused by the loss of the open space is considered to be outweighed by those benefits. Therefore, the proposed development is acceptable in principle, subject to other material considerations being satisfactorily resolved.

Design and Layout of the Development

- 6.3 This application is for outline planning permission with all matters reserved. However having consideration for the character and appearance of both the existing industrial estate and that of the wider locality, it is considered that the broad principle of the design and density illustrated in the indicative plans can be acceptably accommodated without undue harm to the levels of amenity presently enjoyed.

Loss of Open Space

- 6.4 The triangular parcel of land which will be incorporated into the industrial estate, although forming part of a larger area of public open amenity space, is in itself not considered to make such a significant contribution to the character and form of the settlement pattern in the wider locality as to make its loss so demonstrably harmful as to substantiate sustainable grounds for refusal in this instance. Furthermore compensatory measures will be brought forward to mitigate for the loss of the open space which will be directly financed by the sale of the land.

Residential Amenity

- 6.5 Whilst it is acknowledged that the proposed development will inevitably alter the setting and outlook of the neighbouring properties, particularly those whose curtilages presently abut the area of open space referred to above, having consideration for the existing relationship that the neighbouring properties have with the designated employment area, the proposed development is not considered to give rise to sustainable grounds for refusal in this instance.
- 6.6 More specifically in regard to the concerns raised in the letters of objection, it is considered that the impact on the residential amenity can be satisfactorily mitigated, and appropriate conditions are recommended to secure a development which is both well designed and incorporating an appropriate landscaped buffer.

Access and Highways

- 6.7 The comments of the Traffic Manager are noted and appropriate conditions are recommended to secure the prior approval of the internal road layout, parking areas, secure cycle storage and a travel plan. Whilst the concerns raised about the perceived risks associated with an increase in traffic are noted, in the absence of an objection from the Traffic Manager these are not considered to give rise to any defensible grounds upon which to substantiate grounds for refusal.

Flooding

- 6.8 The site is located within Zones 2 & 3 on the Environment Agency's indicative flood plain maps, therefore in accordance with standing advice a Flood Risk Assessment (FRA) submitted in support of the application. .

Planning Obligation

- 6.9 The proposed development falls within the terms of the adopted Planning Obligations SPD and as such is liable for a range of Section 106 contributions. However, in accordance with the decision of the Cabinet Member for Environment and Strategic Housing to relax the requirement for employment development (Classes B1, B2, B8) which came into effect on the 1 April 2009, the proposed development is exempt from the need to make any contributions.

Conclusion

- 6.10 Overall the proposal complies with the relevant development plan policies and as such, approval is recommended.

**RECOMMENDATION**

**Subject to there being no material objection from the Environment Agency by the end of the consultation period, the officers named in the Scheme of Delegation to Officers be authorised to approve the application subject to the following conditions and any further conditions considered necessary by officers:**

- 1 A02 Time limit for submission of reserved matters (outline permission)**
- 2 A03 Time limit for commencement (outline permission)**
- 3 A04 Approval of reserved matters**
- 4 A05 Plans and particulars of reserved matters**
- 5 H18 On site roads - submission of details**
- 6 H29 Covered and secure cycle parking provision**
- 7 H30 Travel Plans**
- 8 I32 Details of floodlighting/external lighting**
- 9 L02 No surface water to connect to public system**
- 10 L03 No drainage run-off to public system**
- 11 L04 Comprehensive & Integrated draining of site**

- 12 Full particulars and detailed plans, sections and elevations of the proposed development, including the items below, shall be submitted to and approved in writing by the local planning authority before any works are commenced:
- i. The siting of all the building(s) in relation to the site boundaries and adjoining buildings including neighbouring residential properties.
  - ii. The design of the building(s) (including floor space, height, massing, internal layout, treatment of the roof and external appearance together with details of facing materials to be used and their colour and texture).
  - iii. The means of access to the building(s).
  - iv. The use of any part of the site not covered by building(s) and the treatment thereof (including hard and soft landscaping, i.e. planting, paving, walls and fences).
  - v. The extent and position of accommodation for the parking and loading and unloading of vehicles.
  - vi. The level of each floor of the building(s) in relation to the site measured from an external datum point.

Reason: To define the terms under which this outline planning permission is granted and to ensure that the proposed development is not detrimental to the visual or residential amenity of the wider locality so as to comply with Policies DR1, DR2, DR3 and DR4 of the Herefordshire Unitary Development Plan 2007.

- 13 No development whatsoever shall take place until a 'Construction Method Statement' has been submitted to and approved in writing by the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- i. The hours when building operations will occur. (Note: In any event the local planning authority will not allow this to exceed the following times: Monday-Friday 7.00 am-6.00pm, Saturday 8.00 am-1.00 pm or at any time on Sundays, Bank or Public Holidays).
  - ii. The parking of vehicles of site operatives and visitors.
  - iii. Loading and unloading of plant and materials.
  - iv. Storage of plant and materials used in constructing the development.
  - v. The erection and maintenance of site security hoardings, where appropriate.
  - vi. Wheel washing facilities.
  - vii. Measures to control the emission of dust and dirt during construction.



- viii. A scheme for recycling/disposing of waste resulting from demolition and construction works.

**Reason:** To define the terms under which this outline planning permission is granted and to ensure that the proposed development is not detrimental to the environmental or residential amenity of the wider locality so as to comply with Policies DR1, DR2, DR4 and DR13 of the Herefordshire Unitary Development Plan 2007.

- 14 No development shall take place until the following has been submitted to and approved in writing by the local planning authority:

- a) A 'desk study' report including previous site and adjacent site uses, potential contaminants arising from those uses, possible sources, pathways and receptors, a conceptual model and a risk assessment in accordance with current best practice.
- b) If the risk assessment in (a) confirms the possibility of a significant pollutant linkage(s), a site investigation should be undertaken to characterise fully the nature and extent and severity of contamination, incorporating a conceptual model of all the potential pollutant linkages and an assessment of risks to identified receptors.
- c) If the risk assessment in (b) identifies unacceptable risk(s) a detailed scheme specifying remedial works and measures necessary to avoid risk from contaminants/or gases when the site is developed. The Remediation Scheme shall include consideration of and proposals to deal with situations where, during works on site, contamination is encountered which has not previously been identified. Any further contamination encountered shall be fully assessed and an appropriate remediation scheme submitted to the local planning authority for written approval.

**Reason:** To ensure that potential contamination of the site is satisfactorily assessed and to comply with Policy DR10 of Herefordshire Unitary Development Plan.

- 15 The Remediation Scheme, as approved pursuant to condition no. 14 above, shall be fully implemented before development is first occupied. On completion of the remediation scheme the developer shall provide a validation report to confirm that all works were completed in accordance with the agreed details, which must be submitted before the development is first occupied. Any variation to the scheme including the validation reporting shall be agreed in writing with the local planning authority in advance of works being undertaken.

**Reason:** To ensure contamination of the site is removed or contained and to comply with Policy DR10 of Herefordshire Unitary Development Plan.

**Informatives:**

- 1        **N01 Access for all**
- 2        **N03 Adjoining property rights**
- 3        **N04 Rights of way**
- 4        **N05 Council ownership**
- 5        **N08 Advertisements**
- 6        **N10 Council contract**
- 7        **N11C General**
- 8        **W02 Welsh Water rights of access**
- 9        **W01 Welsh Water Connection to PSS**
- 10       **N19 Avoidance of doubt - Approved Plans**
- 11       **N15 Reason(s) for the Grant of PP/LBC/CAC**

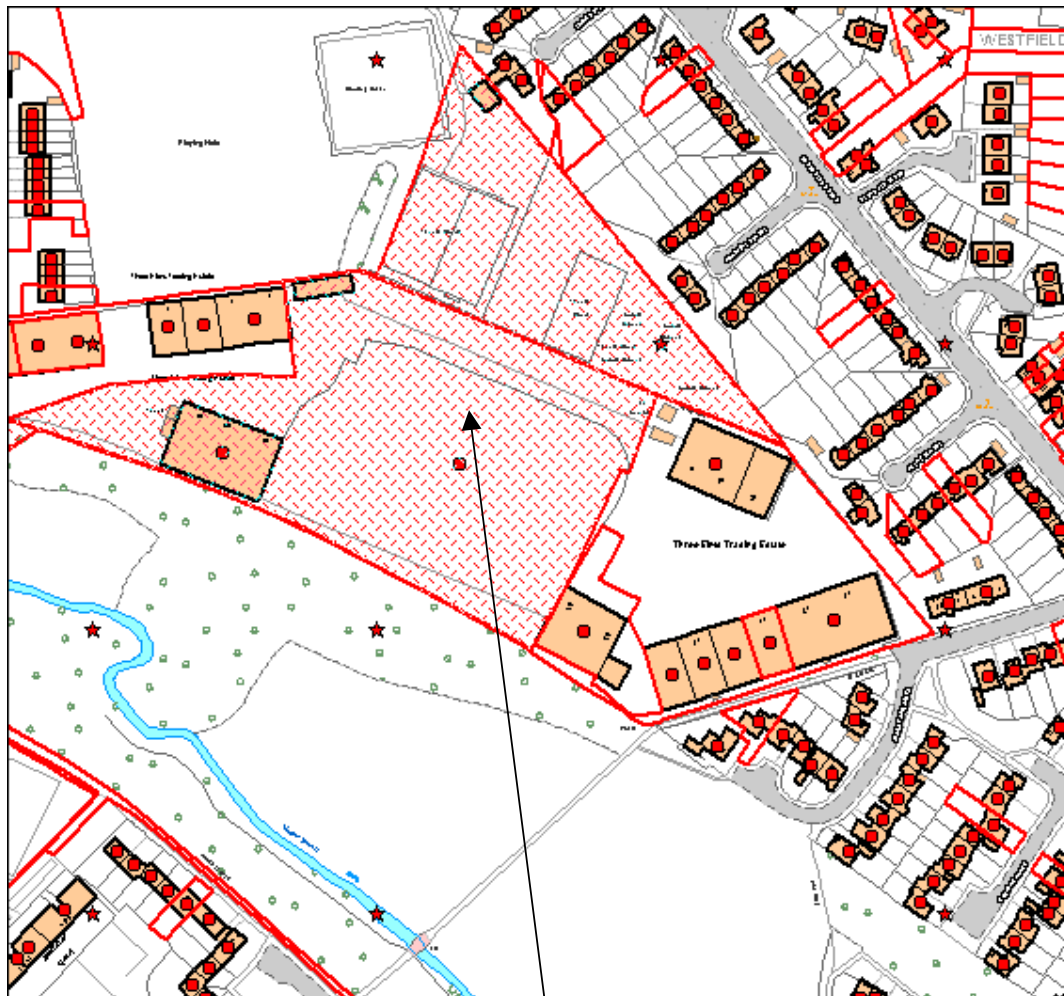
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Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DMCW/092094/O

**SITE ADDRESS :** THREE ELMS TRADING ESTATE, BAKERS LANE, THREE ELMS ROAD, HEREFORD, HR4 9P

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**DCNE/092162/F - CHANGE OF USE FROM AGRICULTURAL TO SCHOOL PLAYING FIELD AND ERECTION OF SECURITY FENCING AND GATE AT ASHPERTON PRIMARY SCHOOL, ASHPERTON, LEDBURY, HEREFORDSHIRE, HR8 2SE**

**For: MR BANDFIELD per MR ROBERT SCOTT  
PROPERTY SERVICES, FRANKLIN HOUSE - H30**

**Date Received: 2 September 2009**

**Ward: Frome**

**Grid Ref: 364464,241460**

**Expiry Date: 28 October 2009**

Local Members: Councillor P. Morgan

**1. Site Description and Proposal**

- 1.1 The application site, accessed from the A417, is located on the edge of the built core of Ashperton, a designated 'smaller settlement'.
- 1.2 The application site comprises an agricultural field to the rear of Ashperton Primary School which is undeveloped, predominantly flat gradually slopping away to the southwest.
- 1.3 The school complex features a traditional stone rural school on the road frontage, and later modern extensions, along with associated hard standing, parking, play area and grassed playing field.
- 1.4 The proposal is for the change of use of the agricultural field to school playing field, along with associated fencing and security gate.

**2. Policies**

Herefordshire Unitary Development Plan:

- DR1 – Design
- DR2 – Land Use and Activity
- H16 – Car Parking
- CF5 – New Community Facilities

**3. Planning History**

DCNE2005/4171/F – Change of use of agricultural field to school playing field – Approved with conditions.

#### **4. Consultation Summary**

##### **Internal Council Advice**

- 4.1 The Council's Highways department makes no objection to the proposal, however notes that the proposed access gate is from a PROW and vehicular access rights must be obtained in order to operate a vehicle over it.
- 4.2 The Council's Conservation Officer makes no objection to the proposal.
- 4.3 The Council's PROW Officer makes no objection to the proposal.

#### **5. Representations**

- 5.1 The Parish Council supports the planning application.
- 5.2 Two representations of objection have been received from local residents:
- 5.3 Mr B Lines, Perrins Cottage, Ashperton, HR8 2SE comments that the field was purchased for the provision of a car park and comments on the parking issues connected with the school. The underutilisation of the existing playing field is also raised.
- 5.4 Dr J Mather, Upper House, Ashperton, objects to the proposed new fence stating 'it is out of keeping with the surrounding environment' and the existing fence is acceptable. The design of the gate is also criticised. Comments are also made in respect of the proposed hedgerow planting scheme.
- 5.5 The Ramblers' Association makes no objection to the proposal.
- 5.6 The Forestry Commission makes no objection to the proposal.
- 5.7 The full text of these letters can be inspected at Planning Services, Garrick House, Widemarsh Street, Hereford and prior to the Committee meeting.

#### **6. Officer's Appraisal**

- 6.1 The proposal follows pre-application discussions in which the principle of the proposal were discussed in regards planning policy and the sites' history.
- 6.2 The field subject of this application has previously been approved for change of use to school playing field through application DCNE2005/4171/F. This permission lapsed through its non-implementation and none of the planning conditions being discharged.
- 6.3 Unitary Development Plan Policy CF5 outlines the criteria against which new community facilities are assessed. The proposal relates well to both the existing school and community serving Ashperton itself and the rural hinterland. As the school itself is not increasing in pupil capacity, the existing parking facilities and alleged capacity issues are not a material consideration in regards this proposal.
- 6.4 The minimal associated development, namely gates and fencing, is considered acceptable with the mesh fence powder coated green to reduce the impact. It is noted that the height of the fence (2.1 metres) is required for security reasons. To

integrate this further a condition requiring a native species planting scheme along the southwest boundary is recommended. Planting is proposed along the woodland boundary to create a natural, secure boundary with native species. This also enhances the woodland setting, which is a Special Wildlife Site, and biodiversity.

- 6.5 Along with the minimal landscape impact of the proposal, it is considered there is no adverse impact on the privacy or amenity of residential properties given the requisite distances and existing situation, in that many of the properties adjoin or overlook the existing school complex.

**RECOMMENDATION**

**The UDP supports the expansion of community facilities providing they relate well to their context and community they serve. Land uses should not create an adverse impact on adjoining existing uses, and proposals generally should relate and be influenced in regards to design by their location. In respect of these issues the proposal is considered to accord with UDP policies DR1, DR2, CF5 and approval with conditions is recommended.**

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

- 1. **A01 Time limit for commencement (full permission)**
- 2. **G10 Landscaping scheme**
- 3. **G11 Landscaping scheme - implementation**
- 4. **G12 Hedgerow planting**

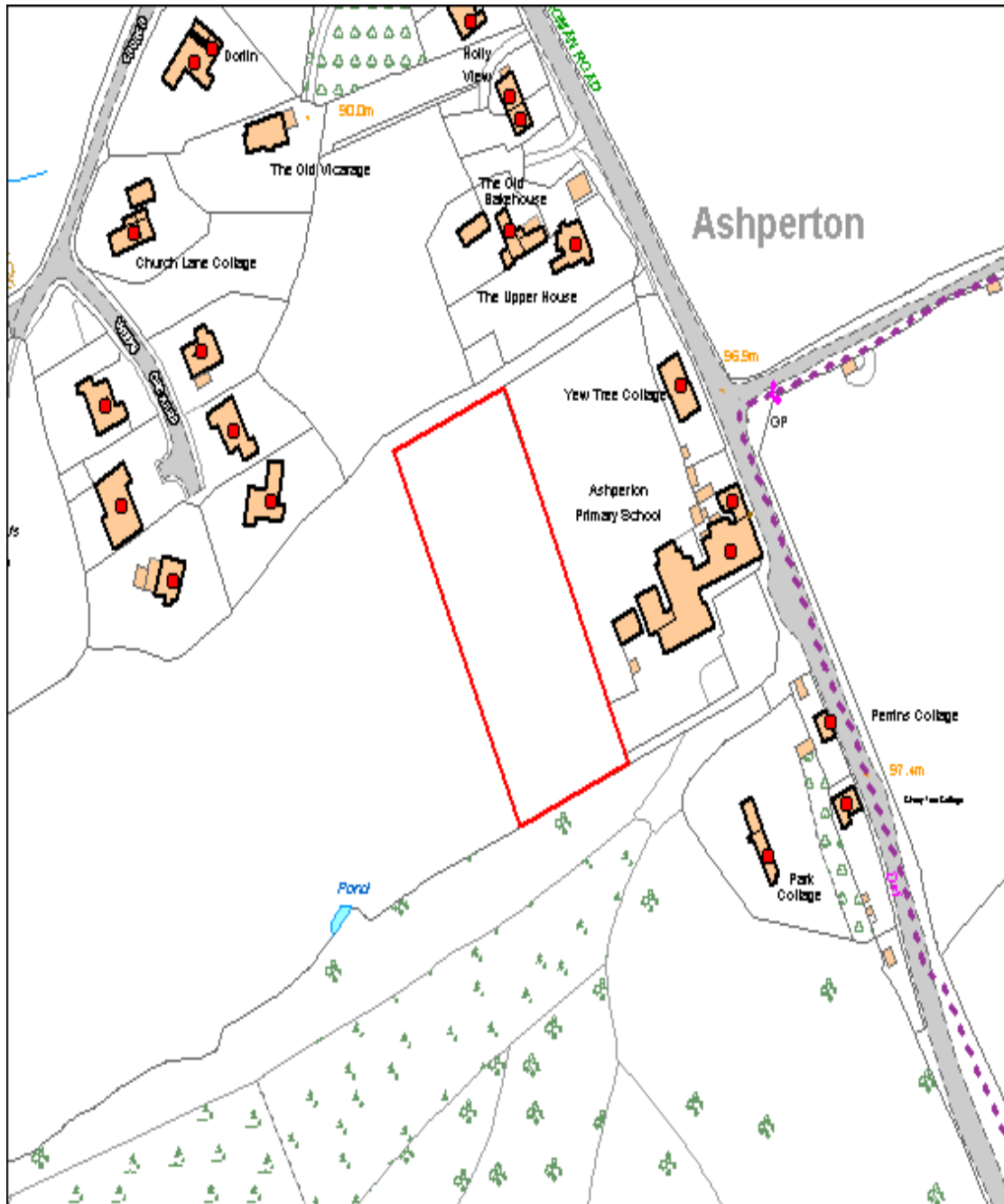
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Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DMNE/092162/F

**SITE ADDRESS :** ASHPERTON PRIMARY SCHOOL, ASHPERTON, LEDBURY,  
HEREFORDSHIRE, HR8 2SE

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