

A G E N D A

Planning Committee

Date: **Friday, 3rd October, 2003**

Time: **10.00 a.m.**

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

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

For any further information please contact:

*Pete Martens, Members' Services, Room
20, Brockington, 35 Hafod Road, Hereford,
Tel: 01432 260248*

e-mail: pmartens@herefordshire.gov.uk

**County of Herefordshire
District Council**

AGENDA

for the Meeting of the Planning Committee

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

Councillors B.F. Ashton, M.R. Cunningham, P.J. Dauncey, Mrs. C.J. Davis,
D.J. Fleet, J.G.S. Guthrie, J.W. Hope, B. Hunt, Mrs. J.A. Hyde,
Brig. P. Jones CBE, Mrs. R.F. Lincoln, R.M. Manning, R.I. Matthews,
Mrs. J.E. Pemberton, R. Preece, Mrs. S.J. Robertson, D.C. Taylor and
W.J. Walling

	Pages
1. APOLOGIES FOR ABSENCE	
To receive apologies for absence.	
2. NAMED SUBSTITUTES (IF ANY)	
To receive details any details of Members nominated to attend the meeting in place of a Member of the Committee.	
3. DECLARATIONS OF INTEREST	
To receive any declarations of interest by Members in respect of items on the Agenda.	
4. MINUTES	1 - 8
To approve and sign the Minutes of the meeting held on 17th July, 2003.	
5. CHAIRMAN'S ANNOUNCEMENTS	
To receive any announcements from the Chairman.	
6. NORTHERN AREA PLANNING SUB-COMMITTEE	9 - 10
To receive the attached report on meetings of the Northern Area Planning Sub-Committee.	
7. CENTRAL AREA PLANNING SUB-COMMITTEE	11 - 12
To receive the attached report on meetings of the Central Area Planning Sub-Committee.	
8. SOUTHERN AREA PLANNING SUB-COMMITTEE	13 - 14
To receive the attached report on meetings of the Southern Area Planning Sub-Committee.	
9. THE ENGLISH HERITAGE REGISTER OF BUILDINGS AT RISK 2003	15 - 18
To advise Members about the contents of English Heritage's Register of Buildings at Risk 2003.	
WARDS: County-wide	

10. DCMS REVIEW - PROTECTING OUR HISTORIC ENVIRONMENT: MAKING THE SYSTEM WORK BETTER | 19 - 28

To consider a consultation paper from the Department of Culture, Media and Sports and suggest a response that can be considered by the Cabinet Member (Environment).

WARDS: County-wide

11. PROPOSED CHANGES TO PPG 3 | 29 - 34

To give views on proposed changes to Planning Policy Guidance No 3 on Housing.

WARDS: County-wide

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COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

BROCKINGTON, 35 HAFOD ROAD, HEREFORD.

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COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

**MINUTES of the meeting of the Planning Committee held at
The Council Chamber, Brockington, 35 Hafod Road,
Hereford on 17th July 2003 at 10.00 am**

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

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

In attendance: NJJ Davies, PJ Edwards, RJ Phillips.

1. APOLOGIES FOR ABSENCE

Apologies were received from Councillors Mrs CJ Davis and PJ Dauncey.

2. NAMED SUBSTITUTES

There were no substitutions made.

3. DECLARATIONS OF INTEREST

There were no declarations of interest made.

4. MINUTES

RESOLVED: That the Minutes of the meeting held on 14 March 2003 be approved as a correct record and signed by the Chairman.

5. CHAIRMAN'S ANNOUNCEMENTS

The Chairman said that the recent two day planning seminar had been extremely successful and that a further seminar on probity in planning would be held later in the year.

The Chief Forward Planning Officer gave an outline of the latest situation regarding the Herefordshire Unitary Development Plan Draft Deposit. He said that the first deposit period had resulted in 3800 comments being received, of which 20% were in support and 80% were against. The comments received had been analysed and incorporated into a document. The second Draft Deposit period would run during 2004. There would be a public inquiry at the end of 2004/early 2005 and it was anticipated that the Unitary Development Plan would then be adopted during 2005.

The Chairman said that car parking at Brockington had proved to be a problem on certain days when several meetings were being held and that investigation was being made by the Head of Planning Services into additional temporary parking that could be created in the grounds. He drew attention to the seating arrangements for the Committee which was used by the Northern Area Planning Sub-Committee and provided the best layout for Members, Officers and the public. He commended it to the other Sub-Committees.

It was noted that from the next meeting, reports would be submitted to the Committee from the Area Planning Sub-Committees instead of minutes. This would enable more up to date information to be provided, make the agendas more manageable and also -save on printing costs.

6. NORTHERN AREA PLANNING SUB-COMMITTEE

RESOLVED: That the Minutes of the Northern Area Planning Sub-Committee meetings held on 5 March, 2 April, 30 April and 6 June 2003 be received and adopted.

7. CENTRAL AREA PLANNING SUB-COMMITTEE

RESOLVED: That the Minutes of the Central Area Planning Sub-Committee meetings held on 19 February, 19 March, 16 April 2003 be received and adopted.

8. SOUTHERN AREA PLANNING SUB COMMITTEE

RESOLVED: That the Minutes of the Southern Area Planning Sub-Committee meetings held on 26 February, 26 March and 23 April 2003 be received and adopted.

**9. REFERRED PLANNING APPLICATION - SW2003/0713/F - CHANGE OF USE FROM HOTEL (C1) TO DWELLING HOUSE, THE HAVEN, HARDWICKE, HAY-ON-WYE, HEREFORDSHIRE, HR3 5TA
SW2003/0710/F - CHANGE OF USE FROM HOLIDAY GUEST ACCOMMODATION TO ON SITE EDUCATIONAL UNIT FOR THE CHILDREN HOUSED IN THE DWELLING AT THE HAVEN, HARDWICKE, HAY-ON-WYE, HEREFORDSHIRE FOR SEDGEMOOR COLLEGE PER OLORUN PLANNING PARTNERSHIP LTD, 107 HIGH STREET, HONITON, DEVON, EX14 1PE**

The Committee considered a report in respect of a planning application which the Southern Area Planning Committee was mindful to refuse on the basis that the proposed uses were in the wrong location, too isolated, had limited facilities for young persons, there would be an impact on amenity, local fear about the operation of the use and the location was not convenient for rapid police response. The Head of Planning Services having investigated the matter had referred the application to the Committee on the basis that the decision of the Sub-Committee presented a conflict with key Development Plan policies.

In accordance with the criteria for public speaking Dr Wilson, an objector spoke against the application.

The local ward member, Councillor NJJ Davies expanded upon the reasons put forward by the Southern Area Planning Sub-Committee for the application to be refused.

Having considered all the evidence put forward, the Committee decided that there were insufficient grounds for the planning applications to be refused.

RESOLVED: That

In respect of SW2003/0713/F

That planning permission be granted subject to the following condition:

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

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

Informative

1. **The applicants' attention is drawn to the recent High court case (North Devon DC v First Secretary of State) in respect of the status of carers in Use Class C3.**

In respect of SW2003/0710/F

That planning permission be granted subject to the following conditions:

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

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

2. **The use of the building for educational purposes shall only be for the benefit of the residents of The Haven and no others.**

Reason: In order to define the terms to which the application relates and in order to ensure that the educational unit remains dependent upon the main residential use of The Haven.

10. **REFERRED PLANNING APPLICATION – NW2003/0283/F – CHANGE OF USE FROM HAULIERS YARD WITH MAINTENANCE, TO LIGHT VEHICLE REPAIR/MAINENANCE DEPOT WITH AGRICULTURAL MAINTENANCE/REPAIR DEPOT AT KILKENNY, LOWER HERGEST, KINGTON, HR5 3ER FOR: MESSRS JONES BROS PER D WALTERS, 27 ELIZABETH ROAD, KINGTON, HEREFORDSHIRE HR5 3DB**

Consideration was given to a report in respect of a planning application which had been referred to the Committee by the Northern Area Planning Sub-Committee which was mindful to refuse it because the proposal would represent an intensification of use that, due to the site's prominence and isolated location, would harm the character and appearance of an area great landscape value. The Head of Planning Services had investigated the matter and had referred the application to the Planning Committee on the basis that the decision by the Sub Committee conflicted with a key planning policy relating to employment and may not be defensible at an appeal.

The Committee discussed the details of the planning application and took note of the views taken by the Northern Area Planning Sub-Committee for it to be refused.

Having considered all the details of the application, the Committee took the view that there were insufficient planning grounds for the application to be refused.

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

- 1 - **A01 (Time limit for commencement (full permission))**
Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
- 2 - **A11 (Change of use only details required of any alterations)**
Reason: To define the terms under which permission for change of use is granted.
- 3 - **E01 (Restriction on hours of working) 6.00 am to 9.00 pm daily - There shall be no such working on Sundays, Bank or Public Holidays.**
Reason: To safeguard the amenities of the locality.
- 4 - **The premises shall be used for the repairs and maintenance of cars, small commercial vehicles up to a maximum weight of 3.5 tonnes and agricultural plant and machinery and for no other purpose (including any other purpose in Class B2 of the Schedule of the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.**
Reason: The local planning authority wish to control the specific use of the land/premises, in the interest of local amenity.
- 5 - **F04 (No open air operation of plant/machinery/equipment)**
Reason: To protect the amenities of nearby properties.
- 6 - **Within one month of the date of this approval, details of the foul and surface water drainage arrangements shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented within one month of the date of any such approval.**
Reason: In order to ensure that satisfactory drainage arrangements are provided.
- 7 - **Within one month of the date of this approval, details of the areas to be used for the external storage of goods, plant material or machinery (excluding staff and customer cars) shall be submitted to and agreed in writing by the Local Planning Authority. Storage of these items shall thereafter be restricted to the areas as agreed.**
Reason: To protect the appearance of the locality.
- 8 - **G04 (Landscaping scheme (general))**
Reason: In order to protect the visual amenities of the area.
- 9 - **G05 (Implementation of landscaping scheme (general))**

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

10 - G09 (Retention of trees/hedgerows)

Reason: To safeguard the amenity of the area.

11. INSTALLATION BY NETWORK RAIL OF GSM RECEIVING EQUIPMENT FOR SECURE TRAIN DRIVER – SIGNALLER COMMUNICATION

The Chief Development Control Officer presented the report for the Head of Planning Services regarding notification received from Network Rail of its intention to install equipment for secure train driver to signaller communication. He said that the equipment involved the erection of 33 metre high masts at 11 locations along the rail network within the county. He advised that the company had taken the view that its proposals for Herefordshire constituted permitted development under the provisions of Schedule 2, Part 17 (Class A) of the General Permitted Development Order 1995 because it was required in connection with the movement of traffic by rail.

He said that other local authorities were using powers under Article 4 of the General Permitted Development Order 1995 to require that application for planning permission should be submitted for masts in sensitive locations. Network Rail had given insufficient information about why all the masts should be of the same height, the expected coverage between masts, and how the system would work through the three tunnels in the county (Hope-under-Dinmore, Ledbury and Colwall). There was also no information about trials to ensure that the proposals achieve what is intended, how each site was chosen and there was no indication about giving the public notice about the proposals for individual sites prior to construction. In view of the lack of information and potential problems that could arise the officers had lodged a holding objection.

RESOLVED: That authority be delegated to the County Secretary and Solicitor, in consultation with the Chairman of Planning Committee and local Members for the sites affected and officers, to give (if considered appropriate) a direction under Article 4 of the Town and Country Planning (General Permitted Development) Order 1995, suspending permitted development rights and requiring applications for planning permission on the relevant sites.

12. HEREFORDSHIRE HOUSING LAND STUDY

The Committee received a report about the results of the Herefordshire Housing Land Study 2003. The Chief Forward Planning Officer said that the annual study was vital to assist the Council in maintaining an adequate supply of housing land and to enable its release on a managed basis. A few sites from the adopted local plans remained unimplemented and without planning permission and these had been added to the outstanding land supply. Deposit Draft Unitary Development Plan proposal sites had also been included within the remit of the 2003 Study. The information obtained from monitoring was also used to track progress in respect of the Council's planning policies and contributes to the Regional Planning Bodies Annual Monitoring Report. The study involved a site survey of all planning permissions for new housing in the county and information was obtained about the number of dwelling built, those under construction and those not started under each permission.

The conclusions of the study revealed that

- the Government's 60% target for development on brownfield land had been achieved for the first time in 2003;

- the result of reliance upon “windfall” sites meant that house completions are starting to fall behind target within the Unitary Development Plan;
- the number of flats constructed within the County during the year has increased and is following a national trend; and
- housing densities in urban areas was increasing in line with national policy.

The Committee considered details of the Housing Land Study and discussed aspects of the development of brownfield sites, the relationship of the study with the Herefordshire Unitary Development Plan and the provision for car parking to dwellings in urban locations.

RESOLVED:

- That (a) the results of the Herefordshire Housing Land Study 2003 be noted; and**
- (b) the Herefordshire Housing Land Study 2003 be published as a record of the housing land position in the County.**

13. EWYAS HAROLD VILLAGE DESIGN STATEMENT

The Committee considered a report about the Ewyas Harold Village Design Statement which was recommended for adoption as interim Supplementary Planning Guidance to the emerging Herefordshire Unitary Development Plan. The Chief Forward Planning Officer said that Village Design Statements (VDSs) were a Countryside Agency initiative to encourage local people to make an assessment of local character based upon their own knowledge and perceptions of their village and its surroundings. Community participation was an important aspect of the initiative and was used to draw together a VDS that identified, described and illustrated local character valued by the community. The Countryside Agency recommended that VDSs should be adopted as supplementary planning guidance by the local planning authority.

The Chief Forward Planning Officer suggested that the Village Design Statements for Leintwardine, Much Marcle and Colwall which had previously been endorsed, should now be adopted with that for Ewyas Harold.

RESOLVED:

- That (a) the Ewyas Harold Village Design Statement be adopted as interim Supplementary Planning Guidance as an expression of local distinctiveness and community participation;**
- (b) the Statement be treated as a material consideration when dealing with planning matters; and**
- (c) the Village Design Statements for Leintwardine, Much Marcle and Colwall be adopted instead of endorsed as interim Supplementary Planning Guidance prior to the adoption of the UDP.**

14. REVISED NATIONAL AND REGIONAL GUIDELINES FOR AGGREGATES PROVISION IN ENGLAND 2001 - 2016

The Committee considered a report setting out revised national and regional guidelines for the aggregate provision in England 2001 – 2016 in relationship to extraction within Herefordshire. The Principal Planning Officer (Minerals and Waste) said that as part of its programme of modernisation the Office of the Deputy Prime Minister was replacing planning policy guidance and minerals policy guidance notes with planning policy statements and mineral policy statements. The new guidelines set out the levels for mineral extraction nationally and reduce that for the West Midlands by some 19% with an increase in recycled material.

RESOLVED:

- That (a) **members inform the West Midlands Regional Aggregates Working Party that the Council supports the adoption of Scenario one set out in the report of the Head of Planning Services for sand and gravel and scenario one for crushed rock, until the West Midlands County supply is exhausted and then Scenario three for crushed rock and:**
- (b) **officers be authorised to adopt these scenarios with immediate effect for the purposes of the Herefordshire Unitary Development Plan preparation and the determination of planning applications.**

The meeting ended at 11.40 am

CHAIRMAN

REPORT OF THE NORTHERN AREA PLANNING SUB-COMMITTEE

Meetings Held on 23 July, 20 August & 17 September, 2003

Membership:

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

PLANNING APPLICATIONS

1. The Sub-Committee has met on 3 occasions and has dealt with the planning applications referred to it as follows:-
 - (a) applications approved - 21;
 - (b) applications refused - 1;
 - (c) deferred applications - 3; and
 - (d) site inspections - 1
2. The Sub Committee did not approve or refuse any applications contrary to officer recommendations during this period.

APPEALS ABOUT PLANNING WHICH HAVE BEEN REFUSED BY THE SUB COMMITTEE OR THE OFFICERS

3. The Sub-Committee received information reports about 10 Appeals that have been received and 11 that have been determined. Of the latter, 1 has been allowed, 1 has been withdrawn, and 9 have been dismissed.

ENFORCEMENT ACTION

5. The Sub-Committee has received a report about enforcement proceedings within the Central Area in relation to breaches of the Council's Development Control and Building Control conditions.

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

- **BACKGROUND PAPERS – Agenda for meetings held on 23 July 20 August & 17 September, 2003**

REPORT OF THE CENTRAL AREA PLANNING SUB-COMMITTEE

Meetings Held on 11th June, 9th July, 6th August & 3rd September, 2003

Membership:

Councillors: Councillor D.J. Fleet (Chairman)
Councillor R. Preece (Vice-Chairman)
Councillors Mrs. P.A. Andrews, Mrs. W.U. Attfield, Mrs. E.M. Bew,
A.C.R. Chappell, Mrs. S.P.A. Daniels, P.J. Edwards, J.G.S. Guthrie, T.W. Hunt
(ex-officio), G.V. Hyde, Mrs. M.D. Lloyd-Hayes, R.I. Matthews, J.C. Mayson,
J.W. Newman, Mrs. J.E. Pemberton, Ms G.A. Powell, Mrs. S.J. Robertson,
D.C. Short, W.J.S. Thomas, Ms A.M. Toon, W.J. Walling, D.B. Wilcox,
A.L. Williams, J.B. Williams (ex-officio) and R.M. Wilson.

PLANNING APPLICATIONS

1. The Sub-Committee has met on 4 occasions and has dealt with the planning applications referred to it as follows:-
 - (a) applications approved 38;
 - (b) applications refused 3;
 - (c) deferred applications 5; and
 - (d) site inspections 3, the Sub-Committee also decided to undertake 1 site inspection before the planning application had been referred to it.
2. The Sub Committee took the view that there were sufficient grounds to refuse 3 applications contrary to officer recommendations and Council policies and these have been dealt with in the following way under the Council's referral procedure:-

the Divisional Planning Officer decided that the 3 applications did not need to be referred to the Head of Planning Services and that these can be refused:

APPEALS ABOUT PLANNING WHICH HAVE BEEN REFUSED BY THE SUB COMMITTEE OR THE OFFICERS

3. The Sub-Committee received information reports about 13 Appeals that have been received and 13 which have been determined. Of the latter, 3 have been allowed, 8 have been dismissed, 1 has been withdrawn and 1 was partly dismissed and partly allowed.

ENFORCEMENT ACTION

4. The Sub-Committee has received reports about enforcement proceedings within the Central Area in relation to breaches of the Council's Development Control and Building Control conditions.

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

- **BACKGROUND PAPERS – Agenda for meetings held on 11th June, 9th July, 6th August & 3rd September, 2003**

REPORT OF THE SOUTHERN AREA PLANNING SUB-COMMITTEE

Meetings Held on 18th June, 16th July, 13th August & 10th September, 2003

Membership:

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

PLANNING APPLICATIONS

1. The Sub-Committee has met on 4 occasions and has dealt with the planning applications referred to it as follows:-
 - (a) applications approved 36;
 - (b) applications refused 2;
 - (c) deferred applications 6; and
 - (d) site inspections 6.
2. The Sub Committee took the view that there were sufficient grounds to refuse 1 application contrary to officer recommendations and Council policies. The Chief Development Control Officer decided that the application did not need to be referred to the Head of Planning Services and that it can be refused:

APPEALS ABOUT PLANNING WHICH HAVE BEEN REFUSED BY THE SUB COMMITTEE OR THE OFFICERS

3. The Sub-Committee received reports about Appeals that have been received and determined. 3 have been allowed, 11 have been dismissed and 2 have been withdrawn.

ENFORCEMENT ACTION

4. The Sub-Committee has received reports about enforcement proceedings within the Central Area in relation to breaches of the Council's Development Control and Building Control conditions.

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

- **BACKGROUND PAPERS – Agenda for meetings held on 18th June, 16th July, 13th August & 10th September, 2003**

9. THE ENGLISH HERITAGE REGISTER OF BUILDINGS AT RISK 2003

Report By: Head of Planning Services

Wards Affected

Whole County.

Purpose

1. To advise members upon the content of English Heritage's Register of Buildings at Risk 2003 so far as it relates to Herefordshire and how assistance might be sought from English Heritage towards preserving the County's historic heritage.

Financial Implications

2. None at this stage.

Background

3. English Heritage published the sixth annual edition of its national Register of Buildings at Risk on Friday 18th July, 2003. The document provides information on all Grade I and II* Listed Buildings and Scheduled Ancient Monuments considered by them to be 'at risk' through neglect and decay or vulnerable, or becoming so.
4. Inclusion on the list is not meant to imply any criticism of the owners of the buildings and monuments concerned. The document is produced in order to define the scale of the problem and establish the extent to which important buildings or artefacts are at risk. The information is also helpful to establish the level of resources necessary to bring the identified structures back into good repair.
5. Overall English Heritage advises that the total number of outstanding buildings at risk has decreased since 1999 by 7.2 per cent. Their report evaluates changes since that date in that the 1999 edition of the Register established "a refined baseline against which real change can be measured".
6. Herefordshire possesses an estimated 60 Grade I and 300 Grade II* Listed Buildings out of a total of just over 5,800: the remainder being Grade II. There are currently just over 260 Scheduled Ancient Monuments in the County.
7. Some 33 Grade I and II* Listed Buildings or Scheduled Ancient Monuments are identified for Herefordshire on the 2003 English Heritage Register. This compares with 26 in 1999. Five properties have been completely deleted from the 1999 register, while 12 new ones have been added. Five of the new additions are churchyard crosses. This is because of the serious condition of their stonework and English Heritage hopes to promote a grant scheme for them. Appendix 1 comprises the 2003 extract from the Register for Herefordshire.

Further information on the subject of this report is available from Bill Bloxsome on (01432) 261783

8. Section 11 of Hereford City Walls referred to in Appendix 1 is the only entry that is within the ownership of this Council. This Section of the wall incorporates the ramparts of the Saxon burgh that lies between Cantilupe Street and St Owen Street. The Council's Archaeological Service is presently preparing a report on the stabilisation, re-instatement of 1970's reconstruction, interpretation and management of this part of the wall for Property Services.

Officer Comment

9. Reference has already been made to English Heritage's intentions for funding improvements to churchyard crosses. A significant number of the other structures on the 2003 Register for Herefordshire are castles. This is as a consequence of a large group of medieval Marcher castles which straddle the Welsh border. English Heritage recognise they represent an on-going maintenance problem in the region. Councillors may be aware that previously English Heritage expended a significant amount of money upon Wigmore Castle and has entered into a Guardianship Agreement with its owner. Presently their efforts are concentrated upon halting the deterioration of the structure at Wilton Castle, Ross-on-Wye. Nevertheless, there remains a significant amount of remedial work to be done in relation to a unique heritage resource which is important to the character and regeneration potential of the County.
10. In relation to actions that this Council might take towards improving the condition of its stock of Listed Buildings and Scheduled Ancient Monuments, only limited funds are available. The Council's historic building grant fund is small amounting to £25,500 in this financial year. As a consequence we are unlikely to make any notable contribution to efforts by English Heritage to fund remedial or restoration works to the buildings listed in their Register and also to those other 'at risk' Listed Buildings not covered by their survey. In particular there are no Council resources directly available for a programme of pro-active works such as urgent works and repairs notices. English Heritage indicates it is prepared to invest financially in the establishment of specialist conservation posts in local authorities to help them tackle buildings at risk, as part of the management of their historic building stock as a whole and to support them in undertaking statutory action.
11. There remains an outstanding commitment by the Council to undertake a 'buildings at risk' survey for its area when funds become available. It is uncertain whether English Heritage's offer of financial assistance relates to support for such surveys. The introduction to their register indicates that "the Government looks to local authorities to adopt a positive approach to the management of the historic environment within their area, including monitoring of its condition." If this is the case then an approach at this time for funding may be opportune.

RECOMMENDATION

THAT

the Regional Office of English Heritage be approached to discuss what assistance it might give this Council in order that it can monitor the condition of its historic buildings and increase its actions towards safeguarding the County's Listed Buildings and Scheduled Ancient Monuments.

APPENDIX 1: ENGLISH HERITAGE REGISTER OF BUILDINGS AT RISK 2003 - HEREFORDSHIRE

Dore Abbey (ruins only), Abbey Dore
Remains of Wigmore Abbey, storage building and outbuilding, Grange, Adforton
Churchyard Cross in St Mary's churchyard, Almeley (New)
Ruined church of St Mary, Avenbury
Barn 60 yards NW of Court Farmhouse, Aylton (New)
Churchyard Cross at St John the Baptist & St Alkmunds churchyard, Aymestrey (New)
Roman Catholic Church of St James, Bartestree (New)
Wilton Castle, Wilton, Bridstow
Clifford Castle, Clifford
Craswall Priory Ruins, Craswall
Bronsil Castle, Eastnor (New)
Churchyard Cross in St Dubricius's churchyard, Hentland (New)
Broomy Hill Pumping Station, Broomy Hill, Hereford
Barn east of Precentors House, Cathedral Close, Hereford
Hereford City Walls (Section 11), Hereford
Richards Castle, The Green, Richard Castle
Huntington Castle, Huntington
Church of St John the Baptist, Llanwarne
Lyonshall Castle, Lyonshall
Outbuilding east of Marstow Court (formerly listed as the Granary at Marstow), Marstow
Barn and attached cowhouse built onto Glibes Farmhouse, Michaelchurch Escley (New)
Glibes Farmhouse, Michaelchurch Escley (New)
Summerhouse, Homme House, Much Marcle
Churchyard Cross in St John the Baptist's churchyard, Orcop (New)
Churchyard Cross in St George's churchyard, Orleton (New)
Snodhill Castle, Snodhill, Peterchurch
Urishay Castle and Chapel, Peterchurch
Court Cottage (formerly Court Farmhouse), Preston Wynne
Penyard Castle, Ross Rural
Garden Temple, Shobdon Park, Shobdon (New)
Chapel at Pembridge Castle, Welsh Newton
Palm House at Whitbourne Hall, Whitbourne (New)
Remains of Limebrook Priory, Limebrook, Wigmore

BUILDINGS NOW DELETED FROM 1999 REGISTER

Gatehouse at Lower Brockhampton House, Brockhampton
Black Hall, Kings Pyon
The Mynde, Much Dewchurch
Preaching Cross at St Bartholomew's Church, Much Marcle
Stapleton Castle, Stapleton
Also - Parts of Hereford City Walls (Sections 1 – 6 and 9)

10 DCMS REVIEW – PROTECTING OUR HISTORIC ENVIRONMENT: MAKING THE SYSTEM WORK BETTER**Report By: Head of Planning Services****Wards Affected**

Whole County.

Purpose

1. To consider Department of Culture Media and Sport's (DCMS) consultation paper, offer advice to the Cabinet Member for the Environment upon its content.

Financial Implications

2. None at this stage although should the proposals proceed then this may well be significant for either or both English Heritage and/or local authorities.

Background

3. DCMS published a consultation paper "Protecting our Historic Environment: Making the System Work Better" on 17th July asking for comments by 31st October. The document is part of the Review of Heritage Protection that was started in November 2002 and carried out in association with English Heritage. The outcome of the review will have significant implications for the work of the Planning Committee. A number of events are to be held during the Autumn to debate the issues set out in the consultation paper. As yet we have no details of these.
4. The Review covers the designation of Ancient Monuments, Listed Buildings, Registered Parks and Gardens, Registered Battlefields, World Heritage Sites and Conservation Areas, together with how the planning system protects these historic assets. Four objectives are identified as the basis for the proposals put forward in the review document:
 - To simplify what are seen as complex protection systems (Simplifying);
 - To increase the openness of processes which are considered inaccessible, even secretive (Openness);
 - To have a more flexible regime for management (Flexibility); and
 - To have a system robust enough to conserve the best and to continue to take on board changes in what people value without devaluing the purpose (Rigour).
5. The principal changes which are suggested in the consultation document include:
 - There should be one single list for all the relevant designations being the "List of Historic Sites and Buildings of England".

Further information on the subject of this report is available from Bill Bloxsome on (01432) 261783

- English Heritage rather than DCMS would be responsible for maintaining the list with Government deciding policy rather than each case of designation.
 - Policy on listing should allow some discretion to decide whether a building or site will not be listed. For example where listing would not help secure a building/site's future, or some other form of protection, such as development control, is more appropriate.
 - Maps showing the extent of what is covered by any listing should be produced together with a statement of significance.
 - The listing procedure should include consultation with owners, local authorities, amenity societies, parish councils and the public with protection during the consideration of listing.
 - There should be a right of appeal against listing in all instances.
 - A single flexible consent regime should be introduced.
 - Local authorities should be responsible for dealing with all applications for consent.
 - A local section for the list or local list should be introduced.
 - English Heritage might specify more precisely what works would and would not need consent (for each listing or groups of listings) possibly within the statement of significance.
 - The possibility of using management agreements as an alternative to consent regimes is raised.
 - Regional Spatial Strategies should set out policies for protecting and managing the historic environment.
 - Guidance should be provided on the policies for Community Strategies, Local Development Frameworks and sustainability planning.
 - New ways should be found for encouraging local authorities to produce conservation area appraisals, to include community involvement and even local residents producing them.
 - Views are sought on how to address the gap in skills, knowledge and experience across the sector.
6. The consultation document asks a number of questions to which answers are sought. Appendix 1 to this report sets out your officers' views upon these.
7. The overall content of the review document is disjointed. Having at the outset suggested that a single list be established many of the issues and questions appear to show a lack of consistency with this intention. One example of this is the reference to maintaining the grading system. Only some of the present designations have such a grading system, and the review omits any reference to those designations without and how they will fit into one integrated system. The confusion arising from issues and questions referring only to some of the present designations rather than pursuing

matters on the basis of one integrated list gives the impression that the premise behind the approach will not be simplified or rigorous.

8. The realism of the suggestions is also brought into question by the apparent lack of attention to practicality. The whole programme will require an enormous resource to implement if a two-tier structure is not to remain in place for many years to come. The resources include both finance and the availability of sufficient people with the skills required, both in relation to local government and English Heritage. Neither will be available in sufficient supply. To retain both the old and new systems in tandem will cause considerable irritation amongst both the public and practitioners. The long-term implications for managing the historic heritage could be serious.
9. On a more parochial point the future for Areas of Archaeological Importance is not indicated. Hereford is one of only 5 in England. It is suspected that the designation might disappear, although this needs to be clarified and representations made about retaining its most useful provisions within the regime for the single list.

RECOMMENDATION

THAT

The Cabinet Member for the Environment be advised that Planning Committee's view upon the Review of Protecting the Historic Environment is that it generally supports the intentions for improvement set out in the document, namely to establish a system that is simpler, more open, flexible and rigorous than the present arrangements. Furthermore, the suggestion that a single list be established appears to be a useful approach in this regard. However, it has concerns about many of the more detailed suggestions and these are set out in the answers to the questions posed by the review document listed in Appendix1 and paragraphs 7 – 9 of this report.

Background papers:

Protecting our Historic Environment – Making the System Work Better (DCMS, July 2003)

APPENDIX 1: List of Questions for Consultation and Officer Comment.

Q.1.1 Would a unified List for England improve existing arrangements?

Officer Comment: In itself this may appear a constructive suggestion. However, the subsequent package of measures putting this into effect is unlikely to simplify the system, more likely having the reverse effect. The package appears cumbersome and as such will not achieve the rigour indicated as being an important objective. It is assumed that the List would be of nationally important sites and buildings and separate to the proposed Local List.

Q.1.2 Is a power at national level to designate areas of historic importance necessary or useful? What would it add to the present conservation area designation? What issues would need to be resolved?

Officer Comment: A two tiered system for designating historic (conservation) areas would again fail to simplify the system. All such areas have to date been designated by local authorities and it is unlikely that any such areas of significant importance have not already been designated. A system whereby English Heritage is consulted upon designation with ability to grade and a reserve power (as the SoS has at present) to act in default of the local authority would be better.

Q2.1 Are the suggested safeguards sufficient to allow English Heritage to become responsible for maintaining the List?

Officer Comment: Generally yes and there are considered to be sufficient safeguards with further being provided if necessary should any initial period of use show they might not be. However, whether such a move serves any useful purpose is debatable.

Q2.2. What other options might there be? For example, English Heritage might establish some form of independent committee to make the designation decisions? How would Commission for Architecture and the Built Environment's (CABE) advice on post-war buildings be factored in?

Officer Comment: Other options that establish further mechanisms would over-complicate matters. It would introduce a system such as there is now with one organisation recommending to another. If the issue is simply how to deal with more modern buildings for which policies and criteria might be difficult to set out then some sort of limited mechanism may be needed. This would be for a specific and limited section of the list. For this limited area, a panel making recommendations might be useful although its membership need not be limited to CABE. Nevertheless effort should be made to determine criteria for including modern buildings which are clear and widely understood.

Q3. What criteria should be used to determine what items should be placed on the List?

Officer Comment: The present approaches for the various designations are tried and tested and generally understood by those with knowledge of the subject. That the public may not understand them is generally down to lack of clarity, the use of professional jargon, and the fact that the relevant information is not readily available within the public domain. However, English Heritage's research has shown a high degree of support for conservation of the historic environment as it stands at present. Therefore to move significantly away from the present criteria is unnecessary. To broaden the criteria by introducing other factors such as economic, property or use issues at this stage would devalue the purpose of the designation and may potentially result in protracted discussion about what may or may be relevant. Such issues can change over relatively short periods of time. They are best considered at the consent stage where all current material considerations can be taken into account.

If new criteria are introduced without reviewing all sites and buildings in accordance with them, then a two-tier system will result and remain in being for a considerable period of time.

Q4.1. Should the present gradings of I, II* and II be retained?

Officer Comment: The present grading systems for Listed Buildings and Registered Parks and Gardens has proved useful, not the least for prioritising the allocation of resources. Scheduled Ancient Monuments, Conservation Areas and Battlefields are presently not subject to any grading. A consistent system would be needed to encompass them if one list is introduced. To grade Scheduled Ancient Monuments in particular would involve much time and resources.

There is also doubt whether one set of grading criteria could be introduced for each of the present designations. A study of whether this is possible for Scheduled Ancient Monuments and conservation areas should be undertaken before any conclusions are reached.

Q4.2. Should some of the items at grade II move onto local lists? What safeguards would be needed?

Officer Comment: It is not clear from the question whether this simply relates to Listed Buildings and/or Registered Parks and Gardens which are presently subject to grading. It would serve no purpose if local lists were simply indicative of local concern. This is the case at the moment and there is no protection for any buildings upon any local list. As a consequence few local authorities keep such lists.

The establishment of a local list comprising some or all of the present span of designations will only serve a useful purpose if it is accompanied by some increased level of protection beyond that afforded to buildings or sites not on any list. Hence safeguards at least against demolition such as is applicable within conservation areas and works that destroy the archaeological and landscape heritage are the minimum necessary.

Q5.1. Would a requirement for statements of significance help to establish for owners and local authorities what was important to conserve? How could the statements take account of the inevitable changes in values over time?

Officer Comment: Some forms or other of statements are already prepared for the various designations at the moment. They do vary in terms of length and detail. More recently detailed statements have been prepared for Scheduled Ancient Monuments. However, only a limited number of monuments have been covered in this way and the programme has been curtailed because of the heavy call on resources. Government should be aware of this fact in determining the practicality of proceeding with this suggestion.

It goes without saying that people with relevant professional knowledge and skills should prepare any statement. However, if they are to be used to indicate what is or might be important they will have to be extremely detailed, requiring full surveys. The resource implications of this would be immense. Even then it is highly likely that many features will not be identified fully. In addition the importance of some features may not be appreciated at the time of any survey and may only become recognised as knowledge increases over time. This would be particularly so for Ancient Monuments.

It is useful to provide as full a picture of the importance of any heritage site or building as possible and its utility for owners would be considerable. However, it should be acknowledged that the statement should not form the basis for determining all the features that should be subject to any consent regime. Just as conditions affecting planning policy changes over time, so will the knowledge and recognition of the importance of our heritage. It has to be appreciated by all parties that any

statement of significance might be added to over time and its use based upon this premise.

Q5.2. What should be the process for drawing up statements of significance for existing listings?

Officer Comment: Again it is worth recognising that this is likely to be a major task with there being around half a million listings. The suggestion that existing listings should have statements prepared only when applications are received for consent to do works would still amount to a significant task. Within Herefordshire we receive around 400 applications for Listed Building Consent a year. The Council does not have the resources to prepare such statements. Furthermore, should the responsibility be placed on owners, the cost of employing relevant specialists would not be small and in many instances divert scarce resources away from important repairs and restoration works. In addition there would be an issue of consistency and someone will be required to monitor the quality and accuracy of privately prepared statements. This will be at a cost to either English Heritage or the local authorities.

If statements were to be prepared the only realistic option would be for one body to undertake this work according to an agreed programme. However given the extent of the task it is highly likely that they would be general in nature and consequently their utility would be questionable.

A more preferable option would be to require information from appraisals, surveys, etc prepared by any interested party to be lodged in one local record centre such as the Sites and Monuments Record (SMR). Easy access by owners and the public in general should be afforded to this record, including through increased use of IT. This approach would allow information to be built up over time, according to the pressures placed upon the building or site.

Q5.3. Should maps take the place of the present definition based on curtilage?

Officer Comment: Again in theory such an approach would be useful provided the definition is accurate and maps are of good quality and at an appropriate scale. The resource implications are considerable and many of the problems associated with the preparation of statements of significance apply to this suggestion.

Q6.1. Should the listing process become open and who should be consulted on an application?

Officer Comment: The integrity of any system benefits from it being open and involving consultation. It will cause delay, for example when an owner is seeking a relevant consent. Provision will need to be made to defer consideration of such applications during the period within which consideration is given to including the building/site on the List.

In relation to consultation it needs to be made clear that no one party should have undue influence over the decision made by English Heritage or Secretary of State which should be on the basis of criteria governing inclusion on the list and nothing else. The organisations consulted should be prescribed for consistency of approach. The owner, local authority and parish council should be included on any such list. Both the public and amenity societies also have a part to play and it would be useful to issue advice for them upon the types of comment and information they might usefully provide.

The question seems aimed at buildings or small sites in the ownership of a limited number of parties, rather than larger areas. The inclusion of an area equivalent to a conservation area may need to be handled differently because of the number of interested parties involved. These may also include public and statutory bodies having the ability to contribute positively to the areas concerned (see answer to **Q14**) yet they have the potential to bring significant resources to bear beyond more local groups should they wish to oppose such proposals. The role of such bodies will need to be carefully defined in any primary legislation or regulations.

Q6.2. Might there be different requirements for private properties which are lived in?

Officer Comment: If the system is to be a unified one then the answer must be 'no'. Furthermore how do you differentiate between a definition of 'lived in' and using the land for one or other beneficial purpose? Arguably the vast majority of sites or buildings will have some use which an owner could legitimately claim to affect their livelihood.

Q6.3. Should protection be applied during the period when listing is under consideration?

Officer Comment: The system would be open to abuse if this were not the case.

Q7.1. Should there be a right of appeal? In what circumstances would a right of appeal be justified?

Officer Comment: In effect there is already a right of appeal against the listing of a building. This should be extended to all listings and made explicit in the designation process. The circumstances for any right of appeal should be on the basis of whether or not the policy and criteria for listing are met.

There is no indication that the review has considered appeals against inclusion on any local list. This reflects the fact that the issue of local lists has not been particularly well thought through. There needs to be consistency of approach if possible but it depends significantly upon whether there are any real powers to protect buildings or sites on local lists.

Q7.2. Should the suggested right of appeal apply just to owners or to other interested parties as well?

Officer Comment: Although there is no strong view upon this, for the sake of consistency within the planning system it is probably best if the right of appeal were only available to an owner or tenant. To open the right of appeal up to a wider range of interested parties might potentially overload the system and there is the issue of defining who such parties might be. However, should an appeal be made, those parties who have made comment through the consultation procedure should have the right to present evidence at any appeal. Again no third party should be seen to have any undue influence over the decision.

Q8.1. What kind of consent regime will be most appropriate for a unified List? Should English Heritage seek to define individually at the time of listing what works will or will not require consent or should only generic rules be applied?

Officer Comment: A regime in which local authorities would be responsible for dealing with all applications for consent ought to be possible and a useful way of proceeding. However, the SoS will need to retain powers to ensure local authorities maintain the

relevant expertise and the power to call in applications as necessary. Consultation arrangements with English Heritage will need to be clearly defined.

The problems raised under Q5.1 suggest the use of Statements of Significance in order then to define what will or will not require consent is not a practical way of proceeding. It may be possible to identify works requiring consent for new listings although a two-tier system would result and this would not simplify the system. It is considered that the suggested approach would be impractical to deliver if adopted for all listings. Even to try to cover groups of listings by generic controls would require them to be so general as to be worthless, in particular in relation to buildings. Where areas are involved, the approach should be trialled before any conclusion is reached.

Q8.2. What generic arrangements would be suitable for historic areas?

Officer Comment: The example of “potentially damaging operations” in relation to SSSIs is given as an analogy for what is envisaged. Again some pilot exercises should be undertaken to determine whether this is a useful way of proceeding. If the approach is adopted it should apply not just to sites which are presently Scheduled Ancient Monuments, but also those which are conservation areas. Furthermore the scope of historic areas might be extended to incorporate areas of wider archaeological interest, particularly within urban areas.

Q9.1. How feasible are management agreements as an alternative to statutory consents and in what circumstances could they be most useful? What would be the essential components of such agreements?

Officer Comment: The scope for these is considered to be small and most likely to relate to the larger more complex sites. It is likely to be a useful additional tool, but the resource implications should not be ignored. They will involve at least pre-agreement negotiations, some form of contract, and monitoring arrangements. Enforcement provisions need to be sufficiently robust for the approach to have any merit. On the positive side they may also cover funding provisions. In this regard schemes such as the present Conservation Area Partnership, Guardianship, Heritage Regeneration and Heritage Lottery Fund and locally determined schemes might play a part in such agreements.

Q9.2. What safeguards are needed to ensure openness and rigour?

Officer Comment: A public register of such agreements should be available for inspection. However the way in which this information is made available might be affected by the Data Protection Act

Q10. Should the Government provide for joint agreements covering the natural and historic environment (such as are now available under agri-environment schemes) to be recognised in statute as an alternative to consent requirements?

Officer Comment: This could be a natural extension of the above. However, any that proceed should be on the basis that the interests of both the natural and historic environment are safeguarded rather than one area being played off against the other. It is not evident at what level such agreements are to be promoted or if it is intended that local authorities will be involved. The approach calls for a range of expertise and project management skills in view of the diverse and complex nature of the matters that need to be drawn together. It is also difficult to see how such joint agreements can be limited to the natural and historic environment without having to cover agricultural, tourism or other issues. Nevertheless an integrated approach is

necessary for rural and urban regeneration combining positive measures with regulatory activities. This Council is better placed than many others to take up this challenge because of the composition of its Conservation section and the pro-active work it has been involved in. Once again pilot projects should be considered before coming to any conclusion on this suggestion.

Q11. How can the national interest in protecting important archaeological sites best be reconciled with the needs of farmers?

Officer Comment: Provision for the re-assessment of the longer standing Scheduled Ancient Monuments, where damaging activities are not so rigorously controlled, coupled with promoting the integration of heritage into the range of funding mechanisms in a realistic way could offer some scope. The Council's work in the Arrow Valley funded through LEADER+ and English Heritage may identify ways in which this can be achieved. When the project is concluded the results can be forwarded to DCMS as a contribution to the debate.

Q12. What would be the most helpful ways within the new Entry Level and Higher Tier schemes of encouraging farmers to protect the historic environment?

Officer Comment: The document advises that there are proposals to increase incentives to conserve the historic environment. Again the work in the Arrow Valley (and hopefully elsewhere in the LEADER+ area) may assist in identifying ways to protect and utilise the historic environment. Here we are working with the farming community in a project to produce management plans that will conserve the historic environment and promote regeneration. Additional resources for this purpose are always welcome.

Q13. What planning guidance on protection of the local historic environment would be of most value to local residents, authorities and developers?

Officer Comment: The guidance produced by English Heritage and through relevant PPGs has proved extremely useful to local authorities and need only be amended to take into account new procedures that may be adopted. In terms of new advice a lengthy list might easily be identified although the following would be needed at the outset if the principles set out in the consultation document were adopted:

- The purposes, practice and weight given to any locally determined list;
- Consultation arrangements with English Heritage;
- The information which the Council should collect and hold, access to this by the public, together with the local authority role in promoting environmental education and awareness;
- Practical examples of management agreements for the historic heritage either as a single issue or in combination with other interests, e.g. the natural environment, farming.
- Issues that need to be covered by the Community Plan and Local Development Framework.

Q14. What would be the most productive way of encouraging local authorities to undertake conservation area appraisals? What might be done to encourage them to set out bolder policies for enhancing rather than just preserving their conservation areas?

Officer Comment: Priority is often given to servicing the development control function because of the resources available. Hence the resource issue would need to be addressed if local authorities are to undertake appraisals. The resource issue is also the primary constraint upon undertaking enhancement works. However, some progress could be made by a stronger commitment to integrating the actions of public and statutory bodies within conservation areas through an appropriate mechanism. Although local authorities should remain responsible for preparing such appraisals, other public and statutory bodies/agencies should be involved in the process, being required to give some commitment to implementing proposals for preservation and enhancement which are jointly identified. Another way of encouraging greater emphasis to be given to this work is to increase the resources available for works identified through appraisals. English Heritage and HLF funds might be set aside specifically for this.

Q15. Should there be a mechanism for preventing demolition of locally listed buildings without consent? Should this be linked to development proposals? What safeguards would be needed to ensure the quality of local lists?

Officer Comment: Some protection against demolition is necessary if the local list is to serve any purpose. Refer back to **Q4.2**

Q16. How could an effective sub-regional team be created? Should it be primarily about developing guidance and sharing best practice or about facilitating casework and providing support to local authorities? What would be the benefits and downsides?

Officer Comment: The purpose of a sub-regional team is unclear and may only duplicate what is provided at the local level. The issue is the amount of additional work any new system may create not the availability of management structures to support the changes. Being a Unitary Authority, having the relevant skills available is not a particular issue. There is nevertheless more than sufficient work for the range of staff available to perform. The ability to resource sufficient skilled staff is a problem yet the creation of a regional/sub-regional team would be unlikely to solve this problem, as it will no doubt have to be funded by the constituent authorities in any event. For local authorities within a two-tier structure an approach based upon the old style 'Development Control Scheme' may be practical alternative.

Q17. What are the important skill gaps and what action would be most effective to bring about swift change?

Officer Comment: The skills gap is throughout the industry and not limited to the public sector. The shortage of architects, builders and craftsmen with conservation skills needs to be addressed comprehensively. Should these be available and the public encouraged to use those best qualified to advise upon and implement schemes then the pressures on local authorities to regulate and monitor will be reduced. There is no easy solution as suggested by the second part of the question.

11 PROPOSED CHANGES TO PPG3**Report By: CHIEF FORWARD PLANNING OFFICER****Wards Affected**

County-wide

Purpose

To agree the Council's views on the proposed changes to National Planning Policy Guidance 3 – Housing (PPG3) in respect of;

1. the reallocation of employment and other land to housing, and
2. Influencing the size, type and affordability of housing.

There are elements of the changes being proposed to National Policy which would present the Council with difficulties in implementation were they included in the final approved changes to PPG3.

Financial Implications

None on the Council

The proposed changes to PPG3**Part 1 - The reallocation of employment and other land to housing**

- 1) It is clearly a key role for Authorities and of the planning system, to enable the provision of new homes in the right places and at the right time. Furthermore to ensure, as far as it is possible, that such development does not permit excessive housing development, particularly of that set out in Regional Planning Guidance/Regional Spatial Strategy (RPG/RSS). As part of this process the current PPG3 seeks that Authorities review, through the development plan system, employment land provision with a view to releasing those areas which can most effectively be re-used for housing.
- 2) The changes seek to introduce a planning mechanism which would allow applicants for planning permission for development which includes housing to expect expeditious and sympathetic handling of proposals which concern land allocated for industrial and commercial uses in development plans but are no longer needed for such uses. Authorities should consider such planning applications sympathetically. To further this change three caveats are set out:
 - a) that the proposal fails to reflect the policies in this PPG in respect of the use of brownfield land in preference to greenfield land;
 - b) the housing development would undermine the Housing Strategy set out in RPG/RSS particularly where this would lead to over provision of new housing

- c) That there is a reasonable prospect of the allocation being taken up for its stated use in the time scale of the plan or that the development for housing would undermine regional and local strategies for economic development and regeneration.

Part 2 - Influencing the size, type and affordability of housing.

- 3) The second part of the proposed changes PPG3 seek to incorporate Circular 6/98 Planning and Affordable Housing into the national policy and replace paragraphs 9 -20 and 71 and Annex B of the present PPG3. In summary they deal with the following aspects:
- a) Creating mixed communities - influencing the size, type and affordability of housing. Stressing the important role for Authorities in reflecting the housing requirements of the whole community;
 - b) Assessing housing needs - setting out the importance of the RPG and Regional Housing Strategy in setting the strategic framework for housing and the need for up-to-date assessments of local housing need;
 - c) Planning for affordable housing - this sets out the need for local assessments of affordable housing and the need in local plans to set targets for housing that are achievable and consistent with the delivery of planned future levels of housing provision, identifying sites and indicating the amounts to be achieved against realistic costs parameters. The changes introduce a lower site size threshold of 15 dwellings or 0.5 of ha upon which affordable housing can be sought (threshold is reduced from 25 dwellings or 1.0ha as specified in Circular 6/98). An even lower threshold can be locally introduced where the Authority can justify it in its local plan.
 - d) Delivering Affordable housing - drawing attention to the failure to comply with local affordable housing policy can lead to refusals in some circumstances. The Government does not accept that different housing and tenures make bad neighbours. Authorities should identify sites where they consider affordable housing to be suitable. Authorities should make clear that they intend to use planning conditions or obligations to ensure that the housing is either initially or in perpetuity for people falling into particular categories of need, this should be set out in the local plan.
 - e) Delivering a better mix of housing - Authorities should ensure their policies widen housing choice and encourage a better social mix.
 - f) Planning for mixed communities in rural areas - authorities should make sufficient land available either within or adjoining existing villages to enable local requirements to be met. Particular consideration should be given to the contribution to be made from smaller sites (less than 15 dwellings) in meeting the need for affordable housing. In addition the changes introduce the concept that 'exception' housing sites can be identified in local plans, in such cases the housing should meet local housing needs in perpetuity.
 - g) Determining planning applications - when approved these changes to the PPG will be used by authorities as a material consideration, this may supersede the policies in their local plan/UDP.

- 4) Attached to the main changes is an **Annex B - Draft framework of practice guide**, which covers very detailed matters. However, a section dealing with "Planning for mixed communities in rural areas" is of interest; all the practice guides arising from the changed PPG are at this stage drafted as a series of 'How to' subheadings:
- How to establish local need;
 - How to bring forward sites;
 - The role and use of small sites;
 - When to allocate sites solely for affordable housing;
 - How to handle the differing needs of villages and market towns; and,
 - Issues specific to National parks and other areas of restraint.

Summary of concerns

Part 1 - The reallocation of employment and other land to housing

- 5) The requirement to treat planning applications for housing on employment and other non-housing land allocations sympathetically is contrary to the planning principles set out in Section 54A T&CP Act 1990 in which the development plan has primacy.
- 6) Land brought forward under the change is likely to be an unplanned windfall and therefore in addition to the planned housing land supply with consequent effects on the satisfaction of RPG housing demands.
- 7) The process set out does not allow the balanced assessment of employment land provision within the development plan process. As set out the sites would be brought forward under the landowners needs and would be difficult argue against in the context of the wider needs of economic development of the County or its immediate location.
- 8) The proposal fails to recognise the particular needs of employment land provision in both urban and rural areas and the need to maintain a constant and readily available supply of suitable employment land in order to support the economy of the area.
- 9) It ignores the significantly different values of housing and employment land and the undoubted development pressures likely to arise from the opportunity to bring forward such land as housing. Experience indicates that this is a process which needs no encouragement. For instance, several employment sites in Hereford are subject to UDP objections that they be reallocated for housing, when the Council's position is that additional employment land should be provided (Holmer) as well as safeguarding the existing employment land supply.
- 10) The difficulties of bringing forward new employment land should the need arise for such land in the future. Local objection to such sites is likely to be considerable both in and around most settlements in the County.
- 11) If the change is to be included in an unaltered state there is a need to establish a form of more rigorous sequential testing of the need for employment land in the location as

part of the consideration of the planning application. Such a test must be wider than the immediate housing land gain and include consideration of the wider employment issues in the locality.

- 12) In order to facilitate response, the consultation paperwork includes a questionnaire response form as **Annex C – Supporting the delivery of new housing**. This questionnaire is extremely focussed on the possible local effects of the proposed changes and not on the changes themselves, the comments prepared above respond particularly to the actual changes and not their effects. The Strategic Housing Services make no comments on this section of the proposed changes.

Part 2 - Influencing the size, type and affordability of housing

- 13) Much of what is set out in the various subsections of the proposed changes to the PPG are to be supported including those in respect of setting site size thresholds set out in para 3 (c). The reduced threshold broadly follows the position taken by the Council in the UDP, together with specific adjustment to reflect local rurality. However, concerns are expressed on the following matters of detail.
- 14) Significant emphasis is placed on the assessment of housing need, this is a complex and problematic issue in sparsely populated rural areas; where the presence or non-presence of two or three households might be crucial to affordable housing needs within a parish at any one time. Concern is also felt in respect of the regional housing role expressed in the advice and whether this could adequately reflect the rural position in Herefordshire with its sparse population and very small settlements. The grain of such a consideration might be difficult to achieve in the circumstances.
- 15) The changes further reduce the number of housing groups to “key workers, disabled or elderly people, and for particular types and sizes of accommodation”, it would be extraordinarily difficult to interpret this list in the wider rural area. For example, the provision of disabled person’s accommodation in the rural area might satisfy a current local need but may not be sustainable in the longer term. The idea of ‘key workers’ in the rural areas of the Herefordshire is not easily categorised. The UDP does not identify affordable housing in terms of these groups as these issues are addressed in the Housing Investment Strategy produced by the Strategic Housing Section of the County.
- 16) The changes seek to put into place a requirement on applicants, that failure to comply with the development plan policy on affordable housing could justify the refusal of a planning permission. The consequence of this requirement will be in the lengthening of local plan inquiries, as developers seek to reduce the affordable housing requirement or to otherwise alter the affordable housing policy in anticipation of future planning applications.
- 17) A significant change is introduced, in that local planning authorities should make sufficient land available in or adjoining existing villages to enable local (housing) requirements to be met. Members will be aware of the difficulty experienced in this County in seeking to identify acceptable sites for such development in the preparation of the UDP. The difficulty primarily arising from the often strong local opposition to such developments. A further issue could arise from the sustainability of such potentially wide spread rural development, particularly, in respect of the needs to encourage urban development as part of the Regional Planning Guidance within the context of limited housing provision figures within the RPG.

- 18) Further difficulty is introduced by encouraging the identification of affordable housing sites on land in or adjoining existing villages which would not otherwise be released for housing as 'exception' sites. The difficulty arises from:
 - a) determining the level of need in a particular village in a sparsely populated County at the beginning of a fifteen year planning period (eg. A UDP) when it is widely accepted that housing need studies only have a lifespan of some five years; and,
 - b) the criteria to be used to identify such sites in a consistent manner and in such a way so as to not open the door to general need development. It has to be borne in mind that the principal difference between general need private housing sites and a 'exception' site is one of a significant difference in land value.
- 19) In order to facilitate response, the consultation paperwork includes a questionnaire response form as **Annex D - Influencing the size, type and affordability of housing**. This questionnaire is extremely focussed on the possible local effects of the proposed changes and not on the changes themselves, the comments prepared above respond particularly to the actual changes and not their effects.
- 20) The comments of the Strategic Housing Services are largely concerned with detailed matters in response to the questionnaire and will be forwarded separately. However, their comments have been incorporated, where possible, into this report and are contained in paragraphs 13 to 18 above.

Consultees

Strategic Housing Services

RECOMMENDATION

That the observations set out above be submitted to the Office of the Deputy Prime Minister as the views of the Herefordshire Council on the proposed changes to PPG3.

Background Papers

PPG3 Consultation papers on

Part1 - Supporting the delivery of new housing, and

Part 2 – Influencing the size, type and affordability of housing.

