

REPORT OF THE PLANNING COMMITTEE

Meetings Held on 14 November 2008 and 9 January 2009

Membership:

Councillors: TW Hunt (Chairman), RV Stockton (Vice-Chairman), ACR Chappell, PGH Cutter, Mrs H Davies, GFM Dawe, DW Greenow, Mrs KS Guthrie, JW Hope, B Hunt, G Lucas, RI Matthews, Mrs PM Morgan, Mrs JE Pemberton, AP Taylor, DC Taylor, WJ Walling, PJ Watts and JD Woodward.

REFERRED PLANNING APPLICATIONS

1. The following Planning Applications were determined by the Committee because (i) they relate to the Council's own development or to the development of land owned by the Council; (ii) they were applications referred to the Committee by the Head of Planning Services because the Area Planning Sub-Committees were mindful to approve/refuse them contrary to officer recommendations and Council's Policies; (iii) they are of strategic importance; or (iv) they are applications by Members of the Council or their relatives.
 - (a) DCNW2008/1807/F - retrospective application for change of use (temporary) of land from agricultural to a single-family travellers site including the stationing of one caravan and ancillary structure at Lower Field, Ash Farm, Barnet Lane, Wigmore, Herefordshire, HR6 9UJ - refused contrary to recommendation;
 - (b) DCCE2008/2464/L - Internal Repairs And Improvements To A Listed Building. Castle Cliffe, 14-16 Quay Street, Hereford, Herefordshire, HR1 2NH – approved as recommended;
 - (c) DCSW2008/2020/O - provision of 6 affordable (discounted market housing) dwellings, bio-disc treatment plant and use of existing access, 6 attached single garages, Etna, Orcop Hill, Much Dewchurch, Herefordshire, HR2 8EW – refused as recommended.
 - (d) DCCW2008/2101/F - variation of condition 1 of planning permission DCCW2007/1229/F to allow for Dot.Com operations on Sundays between the hours of 9.00 am and 4.30 pm at Tesco Stores Ltd, Abbotsmead Road, Belmont, Hereford, Herefordshire, HR2 7XS - approved as recommended with additional conditions regarding access and hours of operation.
 - (e) DCNE2008/2955/F - proposed subdivision of dwelling into two units with two additional car parking spaces 2 Stanley Hill Court, Stanley Hill, Bosbury, Ledbury, Herefordshire, HR8 1HE – approved as recommended.

AREA PLANNING SUB-COMMITTEES

2. Information reports have been received from the three Area Planning Sub-Committees which have dealt with the following matters:

(a) Northern Area Planning Sub-Committee meetings held on 24th September, 22nd October, 19th November & 17th December, 2008

- applications approved as recommended – 14
- applications refused as recommended – 1
- applications minded to approve or refuse contrary to recommendation - 3
- applications deferred for further information or site visit - 2
- number of public speakers – 1 parish council; 3 objector and 5 supporters
- appeals - 6 appeals received, 12 dismissed, 4 upheld and 2 withdrawn

(b) Central Area Planning Sub-Committee meetings held on 10th October, 5th November & 13th December, 2008

- applications approved as recommended - 6
- applications refused as recommended - 0
- applications deferred for further information or site inspection – 3
- applications minded to approve contrary to recommendation -1 (not referred to Planning Committee)
- applications minded to refuse approve contrary to recommendation - 2 (referred to Planning Committee)
- applications deferred for further information/site inspection – 4
- applications withdrawn - 0
- number of public speakers – 7 parish council; 13 objectors and 9 supporters
- appeals - 4 appeals received, 2 dismissed, 5 upheld and 1 withdrawn

(c) Southern Area Planning Sub-Committee meetings held on 15th October, 12th November & 10th December, 2008

- applications approved as recommended - 10
- applications refused as recommended - 1
- applications minded to approve - 2 (1 referred to Planning Committee)
- applications minded to refuse 0
- applications deferred for further information/site inspection – 3
- number of public speakers – 1 parish council, 4 objectors and 5 supporters
- appeals – 5 appeals received, 3 dismissed 1 withdrawn and 5 upheld.

WEST MIDLANDS REGIONAL SPATIAL STRATEGY: PHASE TWO REVISION

3. The Committee has looked at a response to the updated Phase Two Revision of the Regional Spatial Strategy (RSS), in the light of the proposed revised housing allocations published on 7 October 2008. The RSS was issued by the Government in 2004 and was followed by a phased review. The first phase, which dealt with the Black Country, had been completed and the second phase had reached an

advanced stage. It deals with housing, employment, the role of town centres, waste and some aspects of transport. The third and final phase began in November 2007 and covers rural services, gypsy and traveller sites, culture, minerals and environment policies. The Regional Assembly has worked closely with regional stakeholders in preparing the Phase Two Revision, and strategic planning authorities such as Herefordshire Council had submitted advice to the Assembly in 2006. Consultation was undertaken on Spatial Options which were considered by Cabinet in February 2007. A preferred option was approved by the Assembly's Regional Planning Partnership in October, and submitted to the Secretary of State in December. It was reported to Planning Committee on 23 May 2008 and considered by Cabinet on 29 May 2008. Cabinet offered general support to the Revisions, subject to a number of issues regarding the infrastructure requirements of Hereford if growth was to be achieved; the peripheral expansion of market towns, housing targets and growth; retail floorspace requirements; office development; waste policies and transportation issues.

4. Throughout the process of preparing the revisions, the Government had been concerned about the need for a larger amount of affordable housing. It had taken advice from the National Housing and Planning and Advice Unit (NHPAU). The NHPAU had studied population and household formation trends at national and regional levels and had concluded that more housing was required. The Regional Office for the West Midlands commissioned a study by Nathaniel Lichfield Partners (NLP) into the options for delivering a higher housing allocation and the impact that this would have within the regions. The NLP report has concluded that it is possible to deliver more housing without undermining the urban renaissance strategy for the Region. The examination in public into the Phase 2 Revision will not now commence until 28 April 2009 and the proposals include an additional 1,200 dwellings for Herefordshire to be allocated to the rural areas. Consultees were given until 8 December 2008 to finalise their comments on the Phase 2 Revisions overall. The Phase 2 Revisions, included the revised figures and have effectively formed the starting point for the Council's Local Development Framework. and is therefore essential to define the Council's position on the RSS document and the NLP study to establish a basis for the Core Strategy spatial options.
5. The Committee and the Officers have some concerns about the proposed distribution of the increased housing allocation between Hereford and the rest of the County. The Phase 2 Revision have introduced a new requirement that half of the new housing should be directed to Hereford. In effect this equates to a significant increase in rates of development in Hereford, being some 54% on the Herefordshire Unitary Development Plan rates and a 50% increase on what had been achieved in the recent past. Elsewhere in the County the position has reversed with the rate of development proposed to fall. Past completion levels and UDP rates of development have been significantly higher than those being proposed. This has raised the issue about whether sufficient provision would be made outside the City, bearing in mind the need to make provision for the growth of the market towns and sustainable settlements in the wider rural areas. Although the potential additional of 1,200 houses to the rural was not objected to, the main concern for Herefordshire remained the infrastructure necessary to support the proposed level of housing growth.
6. It has therefore been recommended to the Cabinet Member (Environment and Strategic Housing) that the following representations be made:
 - (i) to re-affirm previous representations made in May 2008 to confirm general support for the Phase Two Revision with the reservations already set out;
 - (ii) not to object to the allocation of 1,200 additional dwellings in the rural areas

during the plan period to 2026 as proposed in the Nathaniel Lichfield Study; and,

- (iii) to express concern that the increase in housing allocations suggested in the Nathaniel Lichfield Partnership study for the Region may have adverse consequences for the overall regional strategy.

ANNUAL MONITORING REPORT 2007 - 2008

7. The Planning and Compulsory Purchase Act 2004 has introduced new provisions and requirements for development planning. The regular review and monitoring of Development Plans through mandatory Annual Monitoring Reports (AMR's) was a fundamental feature of the new planning system. AMR's are based on the period from 1st April to 31st March each year and have to be submitted to the Secretary of State by no later than the following 31st December. AMR' are required to assess the impact of the Councils planning policies and framework
8. The key findings have revealed the following:-
 - (a) housing – between 01-02 and 04-05 completions were below the rate anticipated. Recent releases of UDP sites had resulted in an increase in the rate of housing completions in the County with 829 dwellings being completed in 2007-8 (gross). The levels of housing supply in the County had suggested that the UDP housing target was likely to be achieved by 2011, however, the downturn in the housing market may well impact upon the rates of completions in the next few years. The percentage of housing completions on previously developed or brownfield land at 73% (606) had again exceeded regional and national targets. In terms of affordable housing, 141 units were completed in 07/08, an increase over the previous year (120 units). Moreover, the number of planning permissions for affordable housing and such housing likely to be delivered on allocated UDP sites suggested that the rate of completions over the remaining UDP period would increase. In addition, the preparation of the Local Development Framework provided an opportunity to review the effectiveness of the UDP affordable housing policies;
 - (b) employment - the amount of land developed for employment uses over the monitoring period was 8.66ha ha, significantly less than the almost 25ha developed during 2006-7 but still above the average recorded since the 1980's. Around 59% of the completions in the year were located on previously developed (brownfield) land; and
 - (c) in the remaining areas of transport, town centres and retail, recreational and leisure, minerals, waste, development requirements, natural historic heritage and renewable energy, findings generally demonstrated that targets were being met or that there had been progress towards meeting targets or monitoring requirements during the 07-08 monitoring period.
9. The Annual Monitoring Report 2007-8 was endorsed and commended to the Cabinet Member (Environment and Strategic Housing) for submission to Cabinet.

POLYTUNNELS SUPPLEMENTARY PLANNING DOCUMENT

10. Comments have been received about the draft Supplementary Planning Document (SPD) which had been prepared to provide planning guidance about polytunnel development. The SPD is aimed supplementing and expanding upon the policies e contained within the Herefordshire Unitary Development Plan and the Local Development Framework. There has been a considerable amount of consultation

and information gathering since the process started In July 2007 when the views of Parish Councils, statutory undertakers, interested organisations, growers and stakeholders were sought about the form that the document should take. This was followed by structured consultation events with representatives from the farming/growing community and with local individuals and representatives from interested lobby groups. The consultation process followed the Council's Statement of Community Involvement and the comments which had been received have helped to shape the draft SPD. The draft SPD was endorsed by the Committee in April and approved for consultation purposes by Cabinet in June. Consultation took place from 26th June to 8th August 2008.

11. The SPD is aimed at assisting all those involved about the requirements and issues to be addressed in any polytunnel development through:
 - helping to clarify the forms of development that would require planning permission;
 - setting out the planning issues associated with the erection of polytunnels;
 - setting out the UDP policies that will need to be addressed;
 - make clear the additional information that would need to accompany an application; and
 - set out the Council's pre-application planning guidance.

12. The draft SPD had prompted many and varied comments from parish councils, residents groups, growers, statutory bodies, support groups, environmental groups, researchers and the local public. Many comments had been made with specific reference and knowledge of current local situations. All written comments received had been summarised along with a Council's response. The summary has been included in a full Consultation Statement published with the adopted SPD and an accompanying Sustainability Appraisal. The main changes proposed are:
 - redraft Section 2 – Planning Context, to simplify advise and interpretation of when development requires planning permission;
 - update to use latest Defra statistics on soft fruit production;
 - firm up requirements for applications to consider all/associated development of a polytunnel proposal (whole farm plans);
 - redraft section on surface water/water quality/pollution prevention to encourage sustainable drainage systems;
 - provide further clarification on table top growing;
 - clarify the protection to be afforded to AONBs;
 - clarify guidance related to noise and buffer zones; and
 - re-order guidelines

13. The Cabinet Member (Environment and Strategic Housing) has been asked to agree the changes to the draft Poly tunnels SPD and to the document being adopted as part of the Council's Local Development Framework.

DEVELOPMENT CONTROL: HALF ANNUAL REPORT FOR 2008/09

14. The Committee received the Half-Annual report for 2008/09 and expressed its appreciation to the Planning Staff for efficient way in which they had dealt with planning applications during that time.

LOCAL DEVELOPMENT SCHEME

15. A requirements of the Planning and Compulsory Purchase Act 2004 is that Local Planning Authorities have to publish a Local Development Scheme (LDS) setting out how their forward planning work would be organised over a three-year period. The first Scheme for Herefordshire came into effect on 1st January 2005 and has been reviewed each year and is linked in to the completion of the Annual Monitoring Report. The LDS has been reviewed in response to a number of factors and to reflect the following :-

- the need to roll the Scheme forward a year and include revised proposals for local development documents, taking account of advice from Government Office (GO) and the Planning Inspectorate (PINS) as experience of implementing the new system is accrued;
- the adoption of the Unitary Development Plan (UDP) in March 2007, and the need to “save” those policies which will need to continue in effect until the new Local Development Framework was completed;
- the need to address the emerging provisions in the current Phase 2 review of the Regional Spatial Strategy (RSS), notably new housing development for the period up to 2026, responding to the higher level of house building required by Government. There is also continuing recognition in the RSS of the role of Hereford as a “settlement of significant development” (replacing the previous designation of Hereford in the RSS as one of five sub-regional foci for development);
- the need to take forward the partnership for growth with Government set out in the identification of Hereford as a ‘New Growth Point’, by addressing the delivery of housing growth in and around the City. The levels of growth will be confirmed through the current RSS review process;
- changes brought about by the revised Local Development Regulations (in June 2008) and the new Planning Act 2008 (in November 2008) especially with regard to the revised status of Supplementary Planning Guidance (which no longer forms part of the Local Development Scheme), the potential introduction of the Community Infrastructure Levy and new statutory requirements regarding good design and policies to combat climate change;
- the increased emphasis being placed by GO and PINS on the development of a “sound” evidence base to underpin the LDF. Considerable work is underway across a range of topics in this regard, and this must be completed or progressed to certain stages in order to support the development of various LDF policy documents.

16. The revised LDS included the following main amendments :-

- provision for just three Development Plan Documents: the Core Strategy, a Hereford Area Plan and a Market Towns and Rural Areas Plan;

- the Core Strategy is moving forward following the “Developing Options” consultation in the summer of 2008, with a view to preparing the submission document during 2009/10. Its timetable has had to be revised to take account of the delay to the Regional Spatial Strategy – which will not reach Examination in Public stage until April to June 2009 and will not be adopted before mid 2010. It is currently anticipated that the Core Strategy after that, during 2011.
 - Hereford Area Plan will be required for Hereford and its immediate environs, taking forward the City’s Growth Point status and RSS proposals for the City in an integrated manner and including the delivery of housing, employment and retail growth in a balanced fashion. It is intended to bring this forward for adoption following the adoption of the Core Strategy.
 - an equivalent allocations document will be required for the rest of the County and therefore a Market Towns and Rural Areas Plan is proposed. This will be the third DPD in the sequence, also to be adopted after the Core Strategy and the Hereford Area Plan, thereby recognising the needs created by the focus of growth on Hereford.
 - in the light of the above the proposed target dates for adoption of the three DPDs are as follows:
 1. Core Strategy – target adoption date 2011
 2. Hereford Area Plan – target adoption date 2012
 3. Market Towns and Rural Areas Plan – target adoption date 2013
 - following the Planning Act 2008, SPDs are no longer included in the Local Development Scheme. This does not mean that all work on SPDs will cease. Indeed it is proposed that a new Supplementary Planning Document is introduced (currently with the working title of a Design Code for Herefordshire) to update the Design and Development Requirements SPG 2004 and bring it up to date with the latest guidance on climate change, design and the relationship to Parish Plans and Village Design Statements. This will form an integral part of the “Place Shaping” agenda at the site-specific level. It is also anticipated that, once the associated regulations have been published, work can also commence on a Community Infrastructure Levy Charging Schedule with the intention that it be adopted as soon as possible after the Core Strategy is adopted in 2011.
17. It has been recommended to the Cabinet Member (Environment and Strategic Housing) that the Local Development Scheme should be endorsed and commended to Cabinet.

**T.W. HUNT
CHAIRMAN
PLANNING COMMITTEE**

BACKGROUND PAPERS Agendas for the meetings of the Planning Committee held on 14 November and 9 January, 2009.