

# **HCLT Presentation**

**28 January 2020**

**A Canter through  
Development Management**

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# OBJECTIVES

- the scope and context of the planning system in England;
- the *policy* frameworks;
- the main elements of the system:
  - development plans
  - development management
  - planning obligations
  - enforcement
- development management in Herefordshire

# PURPOSE OF THE PLANNING SYSTEM

- Contributing to achieving sustainable development
- Enabling positive growth that achieves economic, social and environmental progress
- Protecting and enhancing the natural and historic environment where this outweighs economic and social benefits
- Securing good design and better quality development
- Finding the right balance

# KEY ELEMENTS OF THE PLANNING PROCESS

## National Planning Policy Framework

Herefordshire Local Plan Core Strategy 2011-2031

Neighbourhood Development Plans

### DEVELOPMENT MANAGEMENT

- pre-application advice
- planning applications
- s106 planning obligations
- advertisement control
- works to protected buildings and protected trees
- monitoring compliance

### ENFORCEMENT

- development without permission
- unauthorised work to trees & buildings
- not complying with permission and consents

# THE “PLAN-LED” SYSTEM

*“If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan, unless material considerations indicate otherwise”.*

The “primacy” of the Development Plan depends on it being:

- up to date
- in accordance with the National Planning Policy Framework (NPPF)
- Herefordshire Local Plan – Core Strategy
- Made Neighbourhood Plans (69 made NDPs, 92 with material weight)
- BUT Core Strategy to be reviewed and now 32 NDPs considered out of date)

# OTHER MATERIAL CONSIDERATIONS”

- Other policies

  - Council strategies and plans including Economic Development Strategy, Local Transport Plan

- Duties under Acts

  - Listed Buildings and Conservation Area Act
  - Environment Act

- Views of consultees

  - National Bodies – Environment Agency, Natural England, Highways England
  - Statutory Undertakers – Welsh Water, Cadent
  - Other Council Directorates/Teams – Highways, Housing, Environmental Health
  - Other public bodies – Parish Councils, Town Councils
  - General public

- Factors on the ground

# SOME FACTORS “ON THE GROUND”

## MATERIAL

- design and visual impact
- privacy/daylight/sunlight
- noise, smell, pollution
- access/traffic
- health/ health and safety
- ecology, landscape
- crime (and fear of)
- economic impact/viability
- planning history / related decisions
- cumulative impact
- personal factors (rarely!)
- sustainable materials
- internal standards

## NOT MATERIAL

- the applicant
- land ownership
- private rights (e.g. access)
- restrictive covenants
- property value
- petitions
- competition
- loss of private view
- “moral” issues
- numbers of representations
- change from previous scheme

# TYPES OF PLANNING PERMISSION

- FULL
  - all changes of use
  - for building works
- OUTLINE
  - only for the erection of a building
  - it is outline if any of these “RESERVED MATTERS” are not included:
    - layout, scale, external appearance, means of access, landscaping
- and there also might be the need for:
  - Listed Building Consent
  - Advertisement Consent
  - Non-material Amendments, Minor Material Amendments
  - Prior approval for agricultural development, telecommunications, larger household extensions increasing number of changes of use



# TYPES OF APPLICATION

- **Major applications** 13 weeks to determine
  - 10 dwellings or more
  - over 1000 sq metres of commercial floor space
  - mineral extraction/waste related
  - 84 Major applications received in 2019
- **Minor Applications** 8 weeks to determine
  - Everything else
  - 3005 Minor applications received in 2019
- **EIA Applications** 16 weeks to determine
- Discharge of Conditions (492 received in 2019)
- **Extensions of time and the Planning Guarantee**

# PROCESSING OF PLANNING APPLICATIONS

- standard application forms (1APP)
- validation requirements: the “national” list
- Design and Access Statements for some applications (Major applications and operational development in Conservation Areas)
- receipt and registration
- consultation/notification and publicity
- case officer consideration
  - policy
  - results of consultation and notification
  - site visits
  - discussion/negotiation
  - recommendation
- decision (delegated or Committee) – approximately 97% delegation

# PROCESSING OF PLANNING APPLICATIONS

**Some key supporting documents (not always required and site specific requirements can be discussed as part of the pre-planning advice service)**

- Flood Risk Assessments
  - Sites within Flood Zones 2 and 3 and sites larger than 1 hectare
- Heritage Impact Assessments
  - Sites affecting the setting of Listed Buildings ( and other designated Assets)
  - Sites with Conservation Areas ( and sometimes immediately adjacent)
- Protected Species Surveys
- Drainage Strategy

# THE DEVELOPMENT MANAGEMENT TEAM

- Lead Development Manager
- 4 Development Managers
- 1 managing the Majors team (4 Principal Planning Officers); 2 managing the General Applications Teams (3 Senior Planning Officers and 3 Planning Officers each); and 1 managing the Enforcement Team (4 Enforcement Officers)
- Majors Team covers the whole of the County with the General Applications Team split north – south
- Pre planning advice (649 submissions in 2019)
- Duty Planning Officer

# PERFORMANCE MANAGEMENT

- Total number of applications received in 2019 -
- Speed of decision making (% of applications determined within the 8 and 13 week deadlines including extensions of time)
- Latest figures for Major application is 84% within 13 weeks
- Latest figures for Non – Major applications is 81% within 8 weeks
- Appeal success rate
- 55 appeal decisions of which 52 were dismissed

# ISSUES IN HEREFORDSHIRE

- Water quality/phosphates and the River Lugg Catchment
- Addressing climate change in Herefordshire
- 5 year housing land supply/delivering affordable housing
- Delivering strategic housing sites in Hereford and the market towns/NMite
- Core Strategy review
- Supporting preparation and review of Neighbourhood Development Plans

# Q & A

