

## **REPORT OF THE PLANNING COMMITTEE**

### **Meeting Held on 30th January 2004**

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#### **Membership:**

**Councillors:** Councillor T.W. Hunt (Chairman), Councillor J.B. Williams (Vice-Chairman), BF Ashton, MR Cunningham, Mrs CJ Davis, PJ Dauncey, 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

#### **DCCE2003/3285/G - MODIFICATION OF PLANNING OBLIGATIONS AT LAND TO SOUTH-WEST SIDE OF LUGWARDINE COURT ORCHARD AT LUGWARDINE COURT, LUGWARDINE, HEREFORDSHIRE, HR1 4AE**

1. The application for the modification of a planning obligation under Section 106A of the Town and Country Planning Act was submitted to the Committee because after a previous application approved by the Central Area Planning Sub-Committee, the applicant had not served notice on all parties against which the obligations were enforceable. This had invalidated the decision. A revised application had been made by the applicant and this had been submitted direct to the Committee to enable unencumbered consideration of the proposal.
2. Under the Council's criteria for public speaking the Committee heard representations from Lugwardine and Bartestree Parish Council and a representative of local residents, who spoke against the application. Having considered all the facts, the Committee was satisfied that the planning obligation could be modified to lift the restriction of occupancy on the application site and that planning approval could be granted for the erection of three detached dwellings.

#### **DESIGNATION OF TREE PRESERVATION ORDERS - ASSESSING AMENITY VALUE**

3. Details were submitted to the Committee about a suggested pilot evaluation process for determining the amenity value of trees and to amend procedures to enable Tree Preservation Orders (TPOs) to be made urgently where necessary. The procedures would also help to clarify the reasons why TPOs were made and to generally assist the public in having a clearer understanding of the processes involved. The procedure included keeping the Chairman of the Planning Committee and the Local Ward Councillor apprised of developments before action was taken or if urgent action was required, to notify them as soon as was practically possible. The new procedures have been commended to the Cabinet Member (Environment) for introduction on the basis of a pilot scheme.

#### **DRAFT PLANNING POLICY STATEMENT (PPS) 22: RENEWABLE ENERGY**

4. A consultation paper has been received from the Office of the Deputy Prime Minister (ODPM) on Draft Planning Policy Statement (PPS) 22 which was issued in February 1993. Because the ODPM consultation required a reply by 30 January 2004, an officer response had been submitted with a rider that it was subject to the views of the Committee and of the Cabinet Member (Environment).
5. The Committee has acknowledged the crucial need to develop renewable energy sources and to reduce greenhouse emissions but has expressed grave reservations

about the proposed reductions in their planning powers to determine matters locally. PPS 22 would effectively reduce their control over the location of wind turbines which they felt could have significant effect on the natural beauty of the countryside of Herefordshire and implications for tourism. The Committee recognised that this had to be balanced against the benefits for the local infrastructure of communities particularly in areas of economic decline. The Committee recommended to the Cabinet Member (Environment) that the proposals in Draft PPS 22 be broadly welcomed, but that its concerns about the visual impact of wind turbine developments together with the concerns that the Council's planning powers would be diminished should be drawn to the attention of the ODPM.

#### **DRAFT PLANNING POLICY STATEMENT: PPS11 REGIONAL PLANNING AND PPS12 LOCAL DEVELOPMENT FRAMEWORKS**

6. Local Authorities have been consulted on the proposals contained in PPS 11 on Regional Planning and PPS on Local Development Frameworks. The main principles of Draft PPS11 seek to give more weight to what is currently Regional Policy Guidance (RPG) by replacing it with a statutory Regional Spatial Strategy (RSS). The key distinction between RPG and RSS is that the RPG although provided for in government guidance is not a statutory element of the plan making process. The RSS seeks to give more weight to regional planning guidance by strengthening its statutory purpose. Draft PPS 12 focuses on 'procedural policy' on what 'should' happen in preparing local development frameworks. These can be described as a 'portfolio' of local development documents that collectively deliver the spatial planning strategy for the local authority's area. The new proposals would replace Unitary Development plans but those currently under preparation, such as the Council's, could still be adopted. The Committee has considered the main implications for the new proposals and their impact on the regional and local planning framework. The Committee has made a number of recommendations to the Cabinet Member (Environment) for a response to be made to the ODPM giving the Council's views about Draft Planning Policy Statement PPS11 Regional Planning and PPS12 Local Development Frameworks.

#### **PARISH PLANS FOR MIDDLETON ON THE HILL AND LEYSTERS, PEMBRIDGE AND THE BORDER GROUP**

7. The Committee has recommended to the Cabinet Member (Environment) that the Parish Plans prepared for Middleton on the Hill and Leysters, Pembridge and Border Group be adopted as Interim Supplementary Planning Guidance as an expression of local distinctiveness and community participation. The Committee congratulated those involved in the preparation of the publications and the hard work that had been undertaken by the local community in producing such well written and informative documents.

#### **CRADLEY AND STORRIDGE VILLAGE DESIGN STATEMENT**

8. A recommendation has been made to the Cabinet Member (Environment) that the Cradley and Storrige Village Design Statement be adopted as Supplementary Planning Guidance to the Malvern Hills Local Plan, as an expression of local distinctiveness and community participation. The Statement will be treated as a material consideration when dealing with planning matters and is the latest in an important series of Statements which have been adopted as Supplementary Planning Guidance for other parts of the County.

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

**BACKGROUND PAPERS** Agenda for the meeting of the Planning Committee held on 30th January, 2003.