

**MINUTES of the meeting of the Planning Committee held at  
The Council Chamber, Brockington, 35 Hafod Road,  
Hereford on 30th January 2004 at 10.00am**

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

Councillors 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, Mrs JE Pemberton, R Preece,  
Mrs SJ Robertson, DC Taylor, WJ Walling

In attendance: PJ Edwards and RM Wilson

**42. APOLOGIES FOR ABSENCE**

Apologies were received from Councillor RI Matthews.

**43. NAMED SUBSTITUTES**

There were no substitutions made.

**44. DECLARATIONS OF INTEREST**

Councillor Mrs SJ Robertson declared a prejudicial interest in respect of Agenda Item 9 – Planning application DCCE2003/3285/G (modification of planning obligations at land to south-west side of Lugwardine Court Orchard at Lugwardine Court, Lugwardine, Herefordshire, HR1 4AE) and left the meeting for the duration of this item.

**45. MINUTES**

**RESOLVED:** That the Minutes of the meeting held on 28 November 2003 be approved as a correct record and signed by the Chairman.

**46. CHAIRMAN'S ANNOUNCEMENTS**

The Chairman made the following announcements.

**Planning Appeals**

In respect of Kilverts Farm, Lilly Lane, Ledbury, the Inspector had found against the applicant and had commented that the proposed dwelling was not justified and would be too large for the proposed purpose. In respect of the Haven, Hardwicke, the Inspector had found in favour of the applicant and the Council would be liable for considerable costs. The Chairman urged the Area Planning Sub-Committees to take great care in arriving at decisions that were contrary to policy and officer advise because of the severe consequences that could arise.

**Herefordshire Unitary Development Plan revised Deposit Draft**

An all-Member seminar had been arranged for Wednesday 4 February. The Draft would be submitted to Cabinet on 12 February and to Council on 5 March.

**Car Parking at Brockington**

Car parking was proving to be difficult at Brockington when there were large agendas for the Area Planning Sub-Committees, or particularly contentious planning applications. Steps were being taken to improve the car parking available for those attending and where possible to avoid holding meetings or seminars involving large numbers which would finish late on the mornings as the Area Sub-Committee.

**Referral of Planning Applications to Area Planning Sub-Committees**

The Chairman was concerned that Local Ward Councillors did not always following the correct procedure when requesting that planning applications be submitted to the Area Planning Sub-Committees. It was essential for Local Members to consult the officers and the appropriate Sub-Committee Chairman in this respect.

**Messages being passed to Members**

Concern was expressed about messages being passed to Members by the public during meetings of the Area Planning Sub-Committees. It was important for any additional information to be routed through the proper channels well in advance so that all Members and officers involved could be informed of an issue. Under the Councils Planning Code of Conduct such an event could prejudice a Members ability to participate in the debate and voting on an application.

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

**RESOLVED:** That the report of the Northern Area Planning Sub-Committee be received and noted.

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

**RESOLVED:** That the report of the Central Area Planning Sub-Committee be received and noted.

**49. SOUTHERN AREA PLANNING SUB COMMITTEE**

**RESOLVED:** That the report of the Southern Area Planning Sub-Committee be received and noted.

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

The Chief Development Control Officer explained the reasons for the application being submitted direct to the Committee rather than the Area Planning Sub-Committee so that there would be an unencumbered consideration of the proposals.

In accordance with the criteria for public speaking Mrs Watkins of Lugwardine and Bartestree Parish Council and Mr Akman, a local resident spoke against the

application, and Mr Flint acting on behalf of the applicant spoke in favour of the application. Those objecting to the application wished the land to be kept for the development of accommodation for the elderly or for chronically sick or for disabled persons, rather than being released for general housing.

The Chief Development Control Officer explained that the proposal was for three detached low-density dwellings with separate highway access which would not infringe upon the existing development at Lugwardine Court Orchard. Having considered all the facts in relation to the application, the Committee decided that the application for the modification should be permitted.

**RESOLVED: That**

- 1. the Obligations be modified so that the restriction on occupancy of the land does not apply to the application site; and**
- 2. that planning approval be granted for three detached dwellings under reference CE2003/3749/O subject to conditions considered necessary by officers.**

**51. DESIGNATION OF TREE PRESERVATION ORDERS – ASSESSING AMENITY VALUE**

The Chief Conservation Officer presented a report suggesting the piloting of an evaluation process to determine the amenity value of trees and amend procedures to enable tree preservation orders (TPOs) to be made urgently where necessary. He outlined the powers available to local authorities to make TPOs and explained the procedure involved. He advised that the Secretary of State's view was that TPOs should be used to protect selected trees and woodland where a reasonable degree of public benefit would accrue and removal would have a significant impact on the local environment and its enjoyment by the public. He felt that the procedure involved was not always clear to the public and that the proposed process would significantly improve public understanding. He outlined the emergency powers available to officers to serve a TPO on trees or woodland at risk and suggested a way in which this could be further improved.

The Committee discussed the proposals and were in favour of their introduction subject to approval by the Cabinet Member.

- RESOLVED: THAT**
- (a) it be recommended to the Cabinet Member (Environment) that the Amenity Evaluation Rating provided in Appendix 1 in the report of the Chief Conservation Officer be used as the basis for determining whether a tree, groups of trees or areas of trees be covered by a Tree Preservation Order;**
  - (b) a report upon the utility and appropriateness of this approach be prepared and submitted to Planning Committee and to the Cabinet Member (Environment) after the completion of a 12 month pilot exercise; and**
  - (c) in instances where Head of Planning Services and the County Secretary and Solicitor (or their nominees within the scheme of delegation) are convinced that works to important trees of amenity value are**

**imminent, such that the placing of a TPO on them is urgently necessary, the requirement to consult the Chairman of the Area Planning Committee and local member in advance be dispensed with and they be consulted prior to confirmation of the Order.**

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

A report was presented by the Chief Forward Planning Officer about consultation from the Office of the Deputy Prime Minister (ODPM) on PPS 22. The draft planning policy statement set out the Governments planning policies for renewable energy projects and was intended to replace the existing Planning Policy Guideline 22 which had been issued in February 1993. He advised that responses had to be sent to the ODPM by 30 January 2004. Because of this time-scale an officer response had been submitted and the ODPM notified that the views of the Committee and the Cabinet Member (Environment) would follow.

The Chief Forward Planning Officer provided a summary of PPS 22 in his report, highlighted the key principles and gave an analysis of the implications for the Council. The Committee acknowledged the importance of renewable energy resources and reducing greenhouse emissions but had grave reservations about the proposed reduction in their powers to determine matters locally. PPS 22 would weaken local control over the location of wind turbines which could have a significant effect on the natural beauty of the countryside of Herefordshire and implications for tourism. This had to be balanced against the benefits for the local infrastructure of communities particularly in areas where there was economic decline.

It was agreed that it should be recommended to the Cabinet Member (Environment) that the areas of concern raised by the Committee should be incorporated into a further response to the ODPM and that the local ward councillors in the Golden Valley Ward should be consulted on that response.

**RESOLVED: THAT the Cabinet Member (Environment) be recommended that the Committee broadly welcomes the proposals in Draft PPS22 and looks forward to the publication of the Companion Guide, but that the issue of the effective mitigation of visual impacts of wind turbine developments together with concerns that the Council's planning powers will be diminished should be included in the response to the Office of the Deputy Prime Minister.**

**53. DRAFT PLANNING POLICY STATEMENT (PPS) 11 : REGIONAL PLANNING AND PPS 12 LOCAL DEVELOPMENT FRAMEWORKS**

The Chief Forward Planning Officer presented his report about the proposals contained in PPS 11 on Regional Planning and PPS 12 on Local Development Frameworks. He said that the main principles of Draft PPS11 sought 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 was that the RPG although provided for in government guidance was not a statutory element of the plan-making process. The RSS would be a statutory document forming part of the development plan. He advised that draft PPS 12 focuses on procedural policy on what should happen in preparing local development frameworks. These could be described as a portfolio of local development documents that would collectively deliver the spatial planning strategy for the local authorities area. The new proposals would replace Unitary Development Plans but those under

preparation, such as the Council's, would proceed to be adopted and then would be used for a period of three years. He provided the Committee with the main implications for the new proposals and outlined their likely impact on the regional and local planning framework.

**RESOLVED: THAT it be recommended to the Cabinet Member (Environment) that the points summarised in the Analysis of Implications in the report of the Chief Forward Planning Officer forms the response of Herefordshire Council to be submitted to The Office of the Deputy Prime Minister.**

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

A report was presented by the Chief Forward Planning Officer suggesting the adoption of the Middleton on the Hill and Leysters, Pembridge and the Border Group Parish Plans as interim Supplementary Planning Guidance to the emerging Herefordshire Unitary Development Plan.

The Committee supported the adoption of the Parish Plans and expressed its appreciation of the hard work undertaken by the local community in helping to prepare the document.

**RESOLVED: THAT it be recommended to the Cabinet Member (Environment) that the planning elements of the Middleton on the Hill and Leysters, Pembridge and Border Group Parish Plans be adopted as interim Supplementary Planning Guidance as an expression of local distinctiveness and community participation and that those involved in its preparation be congratulated for their achievements.**

**55. CRADLEY AND STORRIDGE VILLAGE DESIGN STATEMENT**

The Chief Forward Planning Officer presented a report suggesting the adoption of the Village Design Statement (VDS) as supplementary planning guidance to the Malvern Hills District Local Plan. He outlined the main elements of the VDS and the Committee supported its adoption as an important part of the Council's planning framework.

**RESOLVED: THAT it be recommended to the Cabinet Member (Environment) that;**

- (a) the Cradley and Storrige Village Design Statement be adopted as Supplementary Planning Guidance to the Malvern Hills District Local Plan as an expression of local distinctiveness and community participation.**
- (b) the Statement be treated as a material consideration when dealing with planning matters.**

The meeting ended at 11:30 am

**CHAIRMAN**