

**MINUTES of the meeting of Southern Area Planning Sub-Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday, 15th August, 2007 at 2.00 p.m.**

**Present:** Councillor G Lucas (Chairman)  
Councillor PD Price (Vice Chairman)

**Councillors:** CM Bartrum, H Bramer, PGH Cutter, MJ Fishley, AE Gray, JA Hyde, JG Jarvis, TMR McLean, RH Smith, DC Taylor and JB Williams

**In attendance:** Councillors TW Hunt

**54. APOLOGIES FOR ABSENCE**

No apologies for absence were received.

**55. DECLARATIONS OF INTEREST**

The following declarations of interest were made:

<b>Councillor</b>	<b>Item</b>	<b>Interest</b>
PD Price	Agenda Item 7 DCSW2006/3762/F – Use of land as an occasional airstrip (retrospective application) <b>Byecross Farm, Preston-on-Wye, Herefordshire, HR2 9LJ.</b>	A prejudicial interest was declared and the member left the meeting for the duration of the item.

**56. MINUTES**

The Democratic Services Officer advised Members of an error in respect of attendance details for the Minutes of the meeting held on 18th July, 2007.

**RESOLVED:** That the Minutes of the meeting held on 18th July, 2007 be approved as a correct record and signed by the Chairman subject to the amended attendance details.

**57. ITEM FOR INFORMATION - APPEALS**

The Sub-Committee noted the Council's current position in respect of planning appeals for the southern area of Herefordshire.

**58. DCSW2007/1882/F - MILLENNIUM HOUSE, ALLENSMORE, HEREFORDSHIRE, HR2 9BE. (AGENDA ITEM 5)**

Councillor MJ Fishley, the local ward member, noted the concerns of the Parish Council in respect of the size of the dwelling but on balance she felt that the sub-

committee had no option but to remove the condition relating to agricultural occupancy.

**RESOLVED**

**That planning permission be granted.**

**59. DCSW2007/2010/F - UPPER NEWTON FARM, NEWTON ST. MARGARETS, VOWCHURCH, HEREFORDSHIRE, HR2 0QU. (AGENDA ITEM 6)**

The Principal Planning Officer reported the following:

- Newton Parish Council make the following observations:

“The Council wish to support this application as it complies with all the criteria for new agricultural dwellings.

The proposed new dwelling is sited near the present farm complex and is well off the road and will not impinge on the landscape. No new access roads are required.

Mr. John Powell has recently had several serious operations which have rendered him unable to undertake any strenuous physical work. It is imperative that his son Mark takes a more active part in the work and management of the farm to make it viable. This can only be achieved if he lives closer to the farm.”

In accordance with the criteria for public speaking, Mr Herdman, representing Newton parish Council and Mr. Howie, the applicant’s agricultural consultant, spoke in support of the application.

Councillor JB Williams, the local ward member, noted the officer’s comments regarding the utilisation of existing buildings but confirmed that all of the existing farm buildings were used for agricultural purposes. He advised members that the access was acceptable and although visibility was limited to the right, a series of bends in the road prior to the entrance would slow vehicles down considerably. He also felt that young farm workers should be encouraged to remain in the area and therefore felt that the application should be approved contrary to the officer’s recommendation.

In response to a question from the Southern Team Leader, the local ward member confirmed that he felt that an agricultural occupancy condition would be beneficial to the application.

Councillor MJ Fishley advised members that the applicant currently resided in her ward and had to commute to the farm on a daily basis, she felt that this was unacceptable and supported the application fully.

Councillor JG Jarvis noted his concerns in respect of the application. He felt that it was contrary to policy H7 and H8 of the Unitary Development Plan and therefore felt that it should be refused. He felt that members were being led by the emotive nature of the application and felt that if they were keen to approve applications of this nature they should consider amending the UDP prior to doing so.

A number of members commented on the application and felt that the current arrangement was unacceptable for the applicant. They also felt that the application was not contrary to policy H7 and H8 of the UDP.

In response to a number of points raised by members the Southern Team Leader confirmed that the applicants parents would be permitted to live in the new dwelling as the agricultural occupancy condition permitted this. He also confirmed that the application was contrary to policy H8 which was based on national planning policy. He felt that there was a functional requirement for an agricultural dwelling on the site but that this requirement could be met by the existing farm dwelling.

**RESOLVED**

**The Southern Area Planning Sub-Committee is minded to approve the application subject to the conditions set out below (and any further conditions felt to be necessary by the Head of Planning Services) provided that the Head of Planning Services does not refer the application to the Planning Committee.**

- E28 The occupation of the dwelling shall be limited to a person solely or mainly working or last working, in the locality in agriculture or in forestry, or a widow or widower of such a person, and to any resident dependants.**

**If the Head of Planning Services does not refer the application to the Planning Committee, officers named in the Scheme of Delegation to Officers be instructed to approve the application to such conditions referred to above.**

[Note: Following the vote on this application, the Development Control Manager advised that he would refer the decision to the Head of Planning Services.]

**60. DCSW2006/3762/F - BYECROSS FARM, PRESTON-ON-WYE, HEREFORDSHIRE, HR2 9LJ. (AGENDA ITEM 7)**

In accordance with the criteria for public speaking, Mr Fenn, the applicant, spoke in support of his application.

Councillor H Bramer noted that the applicant had endeavoured to address the concerns of the local residents and felt that the application should be approved.

**RESOLVED**

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

- 1. Except in emergency, the use of the airstrip shall be restricted to that by microlight aircraft (as defined from time to time by the Civil Aviation Authority) first registered in the UK on or after 1st April, 1986.**

**Reason: In order to define the terms to which the application relates.**

- 2. The number of aircraft movements (with take off and landing counting as separate movements) from the airstrip shall not exceed 8 per week.**

**Reason: To enable the planning authority to retain control over the development in the interests of the residential amenity of local residents.**

- 3. Except in emergency no touch-and-go activity shall take place.**

**Reason: To enable the planning authority to retain control over the development in the interests of the residential amenity of local residents.**

4. This permission shall enure for the benefit of Mr. A. Fenn only and not for the benefit of the land or any other persons interested in the land, and only at such time as he occupies Byecross Farm.

Reason: The nature of the development is such that it is only considered acceptable in this location having regard to the applicant's special circumstances.

5. F32 (Details of floodlighting/external lighting ) (amended wording)

Reason: To safeguard local amenities.

6. The hedgerow planting set out in the FWAG Report received on 2nd May, 2007 shall be carried out to the satisfaction of the local planning authority in the first planting and seeding seasons following the first use of the runway, any trees/plants which within a period of 5 years from first planting are removed or seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 5 years defect period.

Reason: In order to protect the visual amenities of the area and provide mitigation for hedgerow removal previously.

**Informative(s):**

1. The siting or use of an existing building for storing an aircraft will require separate planning permission.
2. N19 - Avoidance of doubt
3. N15 - Reason(s) for the Grant of Planning Permission

**61. DCSW2007/2173/O - FARADAY HOUSE, MADLEY, HEREFORD, HR2 9PJ. (AGENDA ITEM 8)**

The Planning Officer reported the following:

- Welsh Water observations:

"We would request that if you are minded to grant planning permission for the above development that the Conditions and Advisory Notes listed below are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets".

Councillor DC Taylor, the local ward member, supported the application but felt that the dwellings should be restricted to single storey buildings to remain in keeping with other properties in the vicinity.

Councillor TMR McLean noted that planning permission had been granted for 20 dwellings to the north of the application site. She felt that as these dwellings would be primarily 2 storey buildings it would be inappropriate to limit the application site to single storey dwellings.

Councillor H. Bramer noted his concerns in respect of the application. He felt that the

existing dwelling was in a good state of repair and should therefore not be demolished in order to enable a larger number of buildings on the site. He also had concerns in respect of the access to the site.

**RESOLVED**

**That planning permission be granted subject to the following conditions**

- 1. A02 (Time limit for submission of reserved matters (outline permission))**  
**Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.**
- 2. A03 (Time limit for commencement (outline permission))**  
**Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.**
- 3. A04 (Approval of reserved matters)**  
**Reason: To enable the local planning authority to exercise proper control over these aspects of the development.**
- 4. A05 (Plans and particulars of reserved matters)**  
**Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.**
- 5. E16 (Removal of permitted development rights)**  
**Reason: In order to limit the enlargement of such development.**
- 6. F18 (Scheme of foul drainage disposal)**  
**Reason: In order to ensure that satisfactory drainage arrangements are provided.**
- 7. F48 (Details of slab levels)**  
**Reason: In order to define the permission and ensure that the development is of a scale and height appropriate to the site.**
- 8. G08 (Retention of trees/hedgerows (outline applications))**  
**Reason: To safeguard the amenity of the area.**
- 9. H03 (Visibility splays)**  
**Reason: In the interests of highway safety.**
- 10. H27 (Parking for site operatives)**  
**Reason: To prevent indiscriminate parking in the interests of highway safety.**
- 11. Notwithstanding the approved plan, the Local Planning Authority requires that the site provides housing in the form of bungalows only**

**and that no other dwelling type be proposed.**

**Reason: To protect the character and appearance of the locality.**

**Informative(s):**

- 1. HN01 - Mud on highway**
- 2. HN04 - Private apparatus within highway**
- 3. HN05 - Works within the highway**
- 4. HN10 - No drainage to discharge to highway**
- 5. HN22 - Works adjoining highway**
- 6. N19 - Avoidance of doubt**
- 7. N15 - Reason(s) for the Grant of Planning Permission**

The meeting ended at 3.05 p.m.

**CHAIRMAN**