

SOUTHERN AREA PLANNING COMMITTEE

MINUTES OF THE SOUTHERN AREA PLANNING COMMITTEE MEETING HELD ON 10 JANUARY 2018 AT ALAMEIN SUITE - CITY HALL, MALTHOUSE LANE, SALISBURY, SP2 7TU.

Present:

Cllr Fred Westmoreland (Chairman), Cllr Richard Britton (Vice-Chairman), Cllr Brian Dalton, Cllr Matthew Dean, Cllr Christopher Devine, Cllr Jose Green, Cllr Mike Hewitt, Cllr Sven Hocking, Cllr Ian McLennan and Cllr John Smale

Also Present:

243 **Apologies**

- Cllr George Jeans

244 **Minutes of the Previous Meeting**

The minutes of the meeting held on Thursday 14 December 2017 were presented.

Resolved

To approve as a correct record and sign the minutes.

245 **Declarations of Interest**

There were none.

246 **Chairman's Announcements**

The Chairman explained the meeting procedure to the members of the public.

247 **Public Participation**

The committee noted the rules on public participation.

248 **Planning Appeals and Updates**

The committee received details of the appeal decisions as detailed in the agenda.

Resolved

To note the update for the period 01/12/2017 to 21/12/2017.

249 **Planning Applications**

250 **17/10079/FUL: Nightwood Farm, Lucewood Lane, West Grimstead, SP5
3RN**

Public Participation

Peter Claydon (CPRE) spoke in objection of the application.

David Hogan spoke in objection to the application.

Geoff Lownds spoke in objection to the application.

Tony Allen (Agent) spoke in support of the application.

Cllr Elaine Hartford spoke in objection, on behalf of Alderbury Parish Council

Cllr Gill Sowerby spoke in objection, on behalf of Grimstead Parish Council

The Senior Planning Officer, Matthew Legge, introduced the report which recommended that the retrospective application for a grass planted bunds in the south-western corner of the site at Nightwood Farm, West Grimstead be approved subject to conditions.

It was noted that at the rear of the site was an ancient woodland. The reason for the creation of the bund given by the applicant had been due to the placement of waste materials arising from restoration work on the existing agricultural buildings on the site. These materials included asbestos from the roof panel and soil from the ground in-between the buildings.

Members then had the opportunity to ask technical questions of the Officer, it was clarified that whilst the Environmental Health Officer had provided a written response, it was not known whether they had actually attended the site. The soil report had indicated that the asbestos was a fibre kind from the roofing materials.

Members of the public then had the opportunity to present their views as detailed above.

The red boundary shown on the report was questioned as incorrect and misleading.

The resident in the adjacent site ran a holiday let and had concerns surrounding the health and safety of the asbestos in the bund and the associated contamination of the watercourse and the impact of the development on the ancient woodland, with substantial harm already caused by the removal of some trees.

The Forestry Commission had previously written to the Officer to state there had been trees felled on the site.

It was felt that the asbestos had been illegally dumped on the site in a criminal manner and remained a health hazard to residents for years to come, and the approval of this application would encourage further hazardous waste disposal by others.

Soil and Air tests had been carried out, the associated report stated there was no risk, if the bund had a capping of fresh soil across the top.

The applicant had agreed to replant some trees to replace those that had been felled.

Representatives from Alderbury and Grimstead Parish Councils, which were both affected by this development, spoke in objection to the application.

The Unitary Division Member Cllr Britton moved the motion of refusal, this was seconded by Cllr Devine.

Cllr Richard Britton then spoke in objection to the application, noting the resentment and anger of the residents and parishes.

To access the site with a HGV, you either had to violate the 7.5t limit in Alderbury or navigate winding roads.

For months, the Enforcement Officers sought a retrospective application for a turning circle, eventually it was felt that no application was required as it followed the original piggery. In addition, a retrospective application was sought to cover the building works, eventually they were persuaded by the agent that one was not required.

It appeared that in this case, the two statutory bodies were each doing their best to slope their shoulders and responsibility at Nightwood farm. The Environment Agency had said this was a matter for the Local Authority and the Local Authority were passing it back to the Environment Agency.

These bunds serve no purpose other than a repository for getting rid of asbestos. This amounted to fly tipping asbestos waste in ancient woodland.

The Environment Agency did talk about the leeching of possible fibres into the air if removal of the materials in the bund were to take place, however no one had looked at the possible leaking down in to the ancient watercourse.

The applicants reason for not removing the asbestos from the site was to minimise vehicle movements for residents.

He feared for the harm that would be caused, if fly tipping in ancient woodland was allowed.

A debate followed where the key issues raised included, that the cost of using a contractor to remove the asbestos from the site correctly would be quite high, despite this, landowners should be responsible for taking appropriate action when carrying out building works on their land.

The support of the statutory bodies in place to make judgements on cases such as these was questioned. The Committee felt that it had been let down in this instance and proposed that the dumping of asbestos in a manner outside of that which was prescribed may be illegal.

Land owners had the responsibility to manage their land properly, in this case the land owner had not done this. This was a retrospective application, because the land owner had already moved the asbestos from between the buildings to the bund site. If the application had been applied for prior to the creation of the bund, the Committee felt that it would not have granted permission to bury asbestos on site, as it would be expected that the appropriate channels were adhered to in the disposal of asbestos by an approved contractor.

The loss of trees in the ancient woodland was not acceptable, this was a loss of amenity if historic woodland was removed, as planting new trees was not a substitute.

The Committee then voted on the motion of refusal, against Officer's recommendation.

Resolved

That application 17/10079/FUL be refused for the following reasons:

The application site is located outside of an established mixed used site (Agricultural & B8 storage) and is sited on the edge of a County Wildlife Site and ancient woodland known as Nightwood Copse. The proposal, involving the dumping and retention of contaminated soil and general rubble identified in the form of a bund is considered, by reason of the associated removal of the ancient woodland and its position, to constitute unnecessary development in the countryside which has had unjustified and a detrimental impact on the ecological value of the area. The proposals are therefore considered to be contrary to the provisions of the National Planning Policy Framework paragraphs 118 and 120; and Wiltshire Core Strategy policies CP50 (Biodiversity and Geodiversity), CP51 (Landscape) and criteria ii, iv and vi of CP57 (Design and Place Shaping).

Members further resolved that enforcement action be taken to remove the existing bund and restore the land to it's previous use as ancient woodland.

251 17/09192/FUL: Land at Manor Farm House, Newton Toney, SP4 0HA

Public Participation

Michael Fowler (Architect) spoke in support of the application.

Simon Hunt (applicant) spoke in support of the application.

Bob Edwards (Heritage consultant) spoke in support of the application.

The Senior Planning Officer, Georgina Wright, introduced the report which recommended that the application for the erection of one two storey dwelling; associated access, turning, parking, landscaping and private amenity space be refused.

A site visit had taken place earlier in the day.

It was noted that the revised report contained the following amendments:

- A Heritage Statement has been received since the earlier committee report was written (Section 5 of the attached report)
- The Conservation Officer provided additional comments as a result of this heritage statement (Section 7 of the attached report)
- The Highway Authority provided additional comments as a result of the revised access arrangements/amended plans (Section 7 of the attached report)
- The Drainage officer had provided additional comments as a result of the amended plans (Section 7 of the attached report)
- The Environment Agency provided comments (Section 7 of the attached report)
- An additional appeal reference was added to the housing land supply commentary in Section 9.1 of the attached report
- Additional commentary has been added to section 9.2 of the attached report to reflect the Conservation Officer's comments and submitted Heritage Statement
- The commentary in section 9.4 of the attached report has changed to reflect the Highway Authority comments
- The second reason for refusal has been altered to reflect the Conservation Officer's comments

Members then had the opportunity to ask technical questions of the Officer. There were none.

Members of the public then had the opportunity to present their views as detailed above.

Enormous effort to discuss the proposals with the local residents and the parish council had taken place, and no objections had been received. The parish council was behind the proposed development 100%.

The Unitary Division Member Cllr John Smale moved the motion of approval against Officer's recommendation, this was seconded by Cllr Hewitt.

Cllr Smale then spoke in support of the application, noting that he was also a member of the parish council.

The definition of infill was a building between two existing buildings. This was the case with this application.

There had formerly been a cottage stood here in the garden where the greenhouse was. The problem in using the same space to build the new dwelling was that now, this area was a flood zone. This was why the development has been moved back to avoid the flooding.

Highways, the Environment Agency and Wessex Water had not objected and the Parish council was 100% behind this project.

There would always be sustainability issues in small villages, in a rural location, people were able to overcome this with the use of a vehicle.

A debate followed where the key issues raised included, that Highways had objected on sustainability. In planning terms, this location was unsustainable.

The ground beyond the walled garden rose sharply, so the proposed house would be higher compared to the road level, even though it was set back which could detract from the listed building.

The benefits of having another unit in the village outweighed any negative impacts.

There was a drainage objection relating to foul drainage. This would need to be included as a condition should the application be approved.

There were good replicas of fencing available to replace like for like.

The design was sympathetic to the streetscene.

LBC was required for some of the works and would be obtained before those works could go ahead.

CP2 was clear about the nature of development in villages, housing need for low cost housing or affordable housing. The proposed development was for a 4-bedroom dwelling, which did not meet the terms of housing need. However, villages needed to be allowed to grow. If the village is happy to accept a small dev then so be it.

The Committee considered that the proposals represented an infill form of development within the existing parameters of the village and therefore was compliant with the provisions of Wiltshire Core Strategy policy CP2 (Delivery Strategy). In addition, the evidence of historic development of the walled garden confirmed that the introduction of a new dwelling in the position proposed would be a natural continuation of the existing development in this street scene and would not cause any harm to the significance of the listed building or conservation area. The opportunity to enable a new dwelling to be built in the village that was well designed, attractive and supported locally was welcomed to ensure the long-term future/health of the village and it was considered that any harm that may be caused could either be controlled by condition or would be outweighed by the benefits of the scheme.

The Committee then voted on the motion of approval with conditions.

Resolved

That application 17/10079/FUL be approved with the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:**

Ref: 170414 - 01 Location Plan. Received - 21.09.2017

Ref: 170414 - 03 Rev C. Design Scheme. Received - 16.11.2017

Ref: 170414 - 04 Rev B. Site Plan. Received - 16.11.2017

REASON: For the avoidance of doubt and in the interests of proper planning.

- 3 No development shall commence on site until the exact details and samples of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.**

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, in the interests of visual amenity and the character and appearance of the area.

- 4 No flint work shall be constructed to any buildings or walls on site until a sample panel of flint work, not less than 1 metre square, constructed using flints hand laid in a random pattern (with no preformed panels to be used), has been erected on site, inspected and approved in writing by the Local Planning Authority. The panel shall then be left in position for comparison whilst the development is carried out. Development shall be carried out in accordance with the approved sample panel, using flints hand laid in a random pattern with no preformed panels.**

REASON: In the interests of visual amenity and the character and appearance of the area.

- 5 No development shall commence on site until details of all eaves, verges, windows (including head, sill and window reveal details), doors, rainwater goods, chimneys, dormers and canopies have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.**

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, in the interests of visual amenity and the character and appearance of the area.

- 6 No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:-**

- o location and current canopy spread of all existing trees and hedgerows on the land;**
- o full details of any to be retained, together with measures for their protection in the course of development;**
- o a detailed planting specification showing all plant species, supply and planting sizes and planting densities;**
- o finished levels and contours;**
- o details of all means of enclosure, including full details of the reuse/reposition of the frontage boundary railings;**
- o car park layouts;**
- o other vehicle and pedestrian access and circulation areas;**
- o all hard and soft surfacing materials;**

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

- 7 All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance**

with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

- 8 The development hereby permitted shall not be first occupied until the first five metres of the access, measured from the edge of the carriageway, has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.

REASON: In the interests of highway safety.

- 9 Any gates shall be set back 4.5 metres from the edge of the carriageway, such gates to open inwards only, in perpetuity.

REASON: In the interests of highway safety.

- 10 No part of the development hereby permitted shall be occupied until the access, turning area and parking spaces have been completed in accordance with the details shown on the approved plans. The areas shall be maintained for those purposes at all times thereafter.

REASON: In the interests of highway safety.

- 11 No part of the development shall be first occupied until the visibility splays shown on the approved plans have been provided with no obstruction to visibility at or above a height of 1m above the nearside carriageway level. The visibility splays shall be maintained free of obstruction at all times thereafter.

REASON: In the interests of highway safety

- 12 The finished floor levels of the dwelling hereby approved shall be set no lower than 81.04 metres above Ordnance Datum (AOD) as stated in the Flood Risk Assessment (AAH Planning Consultants, August 2017, Job Reference 81854).

REASON: To reduce the risk of flooding to the proposed development and future occupants.

- 13 No spoil, or any other material, arising from any ground lowering shall be deposited within the floodplain (flood zones 3 and 2) of the River Bourne as shown in Figure 1 on page 7 of the Flood Risk Assessment (AAH Planning Consultants, August 2017, Job Reference 81854). There shall be no raising of ground levels within the floodplain of the River Bourne.

REASON: To ensure that there will be no increased risk of flooding to

other land/properties due to impedance of flood flows and/or reduction of flood storage capacity of the floodplain.

- 14 No development shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the access/driveway), incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until surface water drainage has been constructed in accordance with the approved scheme.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure that the development can be adequately drained.

- 15 No development shall commence on site until details of the works for the disposal of sewerage including the point of connection to the existing public sewer have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be first occupied until the approved sewerage details have been fully implemented in accordance with the approved plans.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure that the proposal is provided with a satisfactory means of drainage and does not increase the risk of flooding or pose a risk to public health or the environment.

- 16 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending those Orders with or without modification), no development within Part 1, Classes A-E shall take place on the dwellinghouse(s) hereby permitted or within their curtilage.

REASON: In the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions, extensions or enlargements.

- 17 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), no windows, doors or other form of openings other than those shown on the approved plans, shall be inserted in the north

western or south eastern of the development hereby permitted.

REASON: In the interests of residential amenity and privacy.

- 18 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), no gates, fences, walls or other means of enclosure, other than those shown on the approved plans, shall be erected or placed anywhere on the site.

REASON: In the interests of the heritage and visual amenities of the area.

- 19 No development shall commence on site (including any works of demolition), until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The statement shall include the following:

- a) the parking of vehicles of site operatives and visitors;
- b) loading and unloading of plant and materials;
- c) storage of plant and materials used in constructing the development;
- d) a scheme for recycling/disposing of waste resulting from demolition and construction works; and
- e) hours of construction, including deliveries;

The approved Statement shall be complied with in full throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase.

INFORMATIVES:

- 1) The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. If the development is determined to be liable for CIL, a Liability Notice will be issued notifying you of the amount of CIL payment due. If an Additional Information Form has not already been submitted, please submit it now so that we can determine the CIL liability. In addition, you may be able to claim

exemption or relief, in which case, please submit the relevant form so that we can determine your eligibility. The CIL Commencement Notice and Assumption of Liability must be submitted to Wiltshire Council prior to commencement of development. Should development commence prior to the CIL Liability Notice being issued by the local planning authority, any CIL exemption or relief will not apply and full payment will be required in full and with immediate effect. Should you require further information or to download the CIL forms please refer to the Council's Website www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy

- 2) The applicant is reminded of the need to obtain separate listed building consent for certain works in addition to this planning permission
- 3) The applicant's attention is drawn to the comments made by the Environment Agency about the application and in particular the recommendations and informatives made that you are advised to note
- 4) The applicant's attention is drawn to the comments made by the Wessex Water about the application and in particular the recommendations and informatives made that you are advised to note
- 5) The applicant's attention is drawn to the comments made by Wiltshire Council's Drainage Officer about the application regarding the requirements of any building regulation application and in order to satisfy conditions 14 & 15

252 Urgent Items

There were no urgent items

(Duration of meeting: 3.00 - 5.00 pm)

The Officer who has produced these minutes is Lisa Moore of Democratic Services, direct line (01722) 434560, e-mail lisa.moore@wiltshire.gov.uk

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