

Eastern Area Planning Committee

MINUTES OF THE EASTERN AREA PLANNING COMMITTEE MEETING HELD ON 23 FEBRUARY 2023 AT WESSEX ROOM - THE CORN EXCHANGE, MARKET PLACE, DEVIZES, SN10 1HS.

Present:

Cllr Philip Whitehead (Chairman), Cllr Dr Brian Mathew, Cllr Kelvin Nash, Cllr Tony Pickernell and Cllr Iain Wallis

Also Present:

Cllr Jane Davies and Cllr Tamara Reay

1. **Apologies**

Apologies were received from:

- Cllr Sam Pearce-Kearney
- Cllr Stuart Wheeler
- Cllr Paul Oatway QPM

2. **Minutes of the Previous Meeting**

On the proposal of the Chairman, seconded by Cllr Nash, it was:

Resolved

To approve the minutes of the previous meeting, on 1 December 2022, as a true and correct record.

3. **Declarations of Interest**

There were no declarations of interest.

4. **Chairman's Announcements**

There were no Chairman's announcements.

5. **Public Participation**

The Chairman detailed the procedure for the meeting and the procedures for public participation which were set out at item 5 of the agenda.

6. **Planning Appeals and Updates**

On the proposal of the Chairman, seconded by Cllr Wallis, it was:

Resolved

To note the report on completed and pending appeals.

7. Planning Applications

The following applications were considered:

8. PL/2022/09068 - Woodpeckers, Berhills Lane, Seend, Melksham, SN12 6RR

Public participation:

- John Armstrong (Armstrong Architecture) – spoke in favour of the application
- Chris Sleightholme – spoke in favour of the application

Meredith Baker, Senior Planning Officer, introduced the report which recommended that planning permission be refused, for reasons detailed in the report, for the erection of two new three bedroomed dwellings with associated vehicular access.

The officer advised that the site was located at the edge of the hamlet of Sells Green within the Melksham Community Area. The land was stated to be used for residential purposes but was considered by the local planning authority to be agricultural land. The site was bounded by trees to the north and south, with a small woodland area to the east. She explained that the settlement area was not identified for any type of growth by the settlement strategy and therefore, for the purposes of assessing the planning merits of the proposal, the site would fall within the open countryside. The site bordered open countryside and was outside of the defined limits of development.

She explained that, as the site was not deemed to be brownfield land, the application conflicted with Core Policy 1 and Core Policy 2 of the Wiltshire Core Strategy as well as SP11 of the Seend Parish Neighbourhood Plan. By reason of its siting, design and layout of the dwellings, together with the associated residential paraphernalia within the open countryside, the proposal would be harmful to the visual amenities of the area and to landscape character. Furthermore, due to its distance from local services and amenities the proposal would result in a heavy reliance of use of the private motor transport in conflict with the principles of sustainable development and contrary to Core Policies 60 and 61 of the Wiltshire Core Strategy.

In response to technical questions to the Committee the Legal Representative Ros Trotman (Thrings Solicitors) explained that in the National Planning Policy Framework (NPPF) land in built up areas, such as residential gardens, are excluded from the brownfield definition and the application site had been deemed by the Senior Planning Officer to be in a built-up area. The Committee

were informed that there was insufficient evidence on the balance of probability to say that the land had been in continuous residential use as a garden for 10 years. It was also confirmed that the site had no known archaeological significance.

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

In response to the issues raised during the public participation about the impact of the development on its surroundings, the planning officer explained that the layout and siting would be harmful to visual amenities and landscape character contrary to Core Policy 51 of the Wiltshire Core Strategy.

So the Committee had something to debate, the Chairman, seconded by Cllr Dr Mathew, proposed the application was refused for the reasons outlined in the officer recommendations.

A debate followed where some Members commented that they felt the plot to be nicely situated and that it was well supported by the local community. One Member did raise concerns that the development site could have a negative visual impact as it could be seen a long distance along the adjoining road.

The proposal was then put to a vote but was defeated with the majority of Members voting against the recommendation to refuse the application.

Cllr Dr Mathew then proposed that the application be approved, contrary to officer recommendation, in line with Core Policy 57 of the Wiltshire Core Strategy.

The Development Management Team Leader clarified that the application was not policy compliant but could be approved if Members so wished if they considered that other material considerations would outweigh this.

Cllr Dr Mathew then proposed that the application be approved, following the above advice from the planning officer with suggested conditions and the informative having been outlined. Cllr Dr Mathew's proposal was seconded by Cllr Wallis.

Resolved

To APPROVE the application subject to 15 conditions and an informative.

9. PL/2022/09381 - Newlands, Hyde Lane, Marlborough, SN8 1JN

Public participation:

- Oliver Kirby-Johnson – spoke in objection to the application
- David Ripley – spoke in objection to the application

Meredith Baker, Senior Planning Officer, confirmed that there was an error in the pack and the red line on pages 49 and 51 had been superseded. The correct boundary line was shown on page 38.

The officer then introduced the report which recommended that planning permission be granted, for reasons detailed in the report, to change the use of an existing building from (Class C3) residential to (Class C2) student accommodation, in association with Marlborough College.

The officer advised that the change of use to student accommodation was considered to comprise sustainable development with no unacceptable planning implications such as highways or safety impacts. The development was considered to accord with the Development Plan and therefore was being recommended for approval subject to conditions.

There were no technical questions asked by the Committee.

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

The unitary division Member, Cllr Jane Davies, spoke in opposition to the application. Cllr Davies explained that, although not in a conservation area, the property was in an area designated as being an area of special quality within the neighbourhood plan. She noted that being located in the area of special quality was referenced in the reasons for the refusal of a nearby application. She also highlighted that Marlborough held a dark skies festival and was part of an area of outstanding natural beauty, so raised concerns about external lighting at the property. Furthermore, she reported privacy concerns from neighbours being overlooked by the proposed external fire escape and asked that if planning grounds were insufficient to refuse the application, conditions could be imposed to restrict its usage.

In response to issues raised during public participation and the unitary Member statement, the planning officer reassured the Committee that external lighting would be controlled through the third condition included within the recommendation, which stated no external lighting could be installed on site unless details had first been submitted and approved by the local planning authority and unless it met the appropriate environmental zone standards. She highlighted that the 'area of special quality' was referenced in the report in the context of the designated conservation area not the neighbourhood plan as that is how it had been referred to by a member of the public in their representation on the application. In any event, the officer advised that the proposed change of use was not considered to cause harm to the character and appearance of the area. She also noted that the external staircase was situated approximately 27 metres from the property boundary, so was deemed to be acceptable.

So that the Committee had something to debate the Chairman proposed a motion to approve the application in line with the officer recommendation, which was seconded by Cllr Dr Mathew.

A debate followed where Members discussed whether screening could be controlled by way of condition to address privacy concerns raised by neighbours. They also discussed the potential privacy and health and safety issues in the event that the platform at the top of the external fire escape were to be used as an area for socialising.

At the conclusion of the debate, it was:

Resolved

That planning permission be GRANTED subject to 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:**

Location Plan - Drawing No. MC/NL/LP2 dated 29/09/2022 and received 25/01/2023

Site Plan - Drawing No. MC/NL/SP3 dated 20/10/22 and received 25/01/2023

Proposed Plan + Section Through - Drawing No. MC/NL/002 dated 28/09/22

Elevations - Drawing No. MC/NL/001 dated 14/10/22

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

- 3. No external lighting shall be installed on-site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage in accordance with the appropriate Environmental Zone standards set out by the Institution of Lighting Professionals in their publication "The Reduction of Obtrusive Light" Guidance Note 01/21 (reference GN01/21), have been submitted to and approved in writing by the Local Planning Authority. The approved lighting shall be installed and shall be maintained in accordance with the approved details and no additional external lighting shall be installed**

REASON: In the interests of the amenities of the area and to minimise unnecessary light spillage above and outside the development site.

- 4. The external staircase hereby permitted shall be used solely for access purposes and not as a balcony or similar amenity area.**

REASON: In the interests of residential amenity.

5. The change of use hereby permitted shall not be implemented until a scheme of hard and soft landscaping, to provide additional screening along the boundaries with neighbouring properties, has been submitted to and approved in writing by the Local Planning Authority. The submitted hard landscaping details shall include the height, positioning and design of any new screening. The soft landscaping details shall include species, height at planting, positioning and planting densities. All landscaping works shall be carried out in accordance with the approved details prior to the first occupation of the building in connection with the use hereby permitted or in accordance with a programme to be agreed in writing by the Local Planning Authority. All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any tree 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 with the Local Planning Authority.

REASON: Insufficient details have been provided and are required in the interests of residential amenity.

Informative:

1. The applicant should note that under the terms of the Wildlife and Countryside Act (1981) and the Habitats Regulations (2010) it is an offence to disturb or harm any protected species, or to damage or disturb their habitat or resting place. Please note that this consent does not override the statutory protection afforded to any such species. In the event that your proposals could potentially affect a protected species you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works. Please see Natural England's website for further information on protected species.

10. Urgent items

There were no urgent items.

(Duration of meeting: 3.00 - 4.00 pm)

The Officer who has produced these minutes is Matt Hitch of Democratic Services, direct line 01225 718059, e-mail matthew.hitch@wiltshire.gov.uk

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