

EASTERN AREA PLANNING COMMITTEE

MINUTES OF THE EASTERN AREA PLANNING COMMITTEE MEETING HELD ON 17 NOVEMBER 2016 AT WESSEX ROOM - THE CORN EXCHANGE, MARKET PLACE, DEVIZES, SN10 1HS.

Present:

Cllr Charles Howard (Chairman), Cllr Mark Connolly (Vice Chairman), Cllr Peter Evans, Cllr Nick Fogg MBE, Cllr Richard Gamble, Cllr Jerry Kunkler, Cllr Paul Oatway QPM and Cllr James Sheppard (Substitute)

Also Present:

Mike Wilmott (Head of Development Management)
Sarah Marshall (Senior Solicitor)
Sally Madgewick (Rights of Way Officer)
Kieran Elliot (Senior Democratic Services Officer)
Becky Holloway (Democratic Services Officer)

54. Apologies for Absence

Apologies were received from Cllr Stewart Dobson, who was substituted by Cllr James Sheppard

55. Minutes of the Previous Meeting

A motion was proposed by Cllr Mark Connolly and seconded by Cllr Paul Oatway QPM, that the minutes of the Eastern Area Planning Committee held on 15 September 2016 were an accurate record.

Resolved:

To approve the minutes of the meeting of the Eastern Area Planning Committee on 15 September 2016 as an accurate record

56. Declarations of Interest

Cllr Mark Connolly declared a non-pecuniary interest in application 16/05090/FUL by virtue of being a town councillor for Tidworth. He stated he had only advised the council on technical issues regarding the application, and so would debate and vote on the application with an open mind

57. Chairman's Announcements

There were no chairman's announcements

58. **Public Participation**

The chairman explained the rules of public participation and confirmed that no questions had been submitted from the public

59. **Planning Appeals and Updates**

The written update on appeals was received.

60. **16/05090/FUL: Home Farm, Tidworth, Wiltshire, SP9 7AQ**

Public Participation

Mr Aaron Smith, agent, spoke in support of the application

Cllr Chris Franklin, mayor of Tidworth, spoke in support of the application

The Head of Development Management, Mike Wilmott, introduced the report which outlined the application for the Tidworth Home Farm development, to include the demolition of agricultural buildings and associated hardstanding, conversion of existing barns to form 7 dwellings, and the erection of 7 dwellings with parking and associated landscaping. It was reported at the meeting that an associated section 106 agreement would include one unit of affordable housing, and the conversion of 3 hectares of arable land into accessible natural greenspace with a £30,000 cash contribution towards the associated costs.

The officer recommended that the application be refused for the reasons set out in the report. Key issues were stated to include that the site lay outside of the limits of development defined for Tidworth in the Wiltshire Core Strategy; that the proposed new build housing would have an adverse impact on the character and appearance of the area; that the proposal did not make sufficient provision for on-site affordable housing; and that the proposal does not provide for contributions towards waste and recycling containers.

Members of the Committee were invited to ask technical questions of the officer. In response to queries it was stated that if approved, one affordable unit would be offered at 75% of market value, and that the section 106 agreement could only be appealed after 5 years or with special permission of the council

Members of the public were then invited to speak as detailed above.

The local unitary division member, Cllr Mark Connolly, then spoke in support of the application

Cllr Connolly, seconded by Cllr Paul Oatway QPM, moved that the application be delegated to the Head of Development Management to approve subject to a section 106 legal agreement and appropriate conditions.

In the debate that followed the following points were discussed:

It was noted the site lay outside the limits of development for the town, however it was also stated that the site was no longer considered viable for use as a farm and would continue to deteriorate. It was discussed whether the proposed

conversions of the historic structures and new housing to support the conversion was appropriate and beneficial, as well as offering alternative housing options for the area. It was confirmed that the conditions would include the provision of adequate drainage for the site. The extent of any section 106 contribution should the application be approved was also debated

At the conclusion of debate, it was, resolved:

To delegate to the Head of Development Management to approve subject to a section 106 agreement (for the provision of 1 discount market unit; the provision of the accessible natural greenspace and £30,000 commuted sum for its maintenance; and the contribution for the waste recycling containers (£1,274)), and 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:

Plan Ref: 140902-01 Location Plan

Plan Ref: 140902-02 Rev B Site Plan 1

Plan Ref: 140902-04 Block Plan

Plan Ref: 140902-05 Demolition Plan

Plan Ref: 140902-101 Plot 1

Plan Ref: 140902-102 Plots 2-6 Plans

Plan Ref: 140902-103 Plots 2-6 Elevations

Plan Ref: 140902-107 Plot 7

Plan Ref: 140902-03 Site Plan 2

Plan Ref: 140902-110 Plots 8,9,10

Plan Ref: 140902-111 Plots 11 & 12

Plan Ref: 140902-113 Plots 13 & 14

Plan Ref: ACLA/BFJ03 Planting Plan, Whole Site

Plan Ref: ACLA/BFJ04 Planting Plan, Detail Area

Plan Ref: W01169-010 Rev P01 Proposed Drainage Layout

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

(3) No works shall commence on site until an appropriate programme of building recording (including architectural/historical analysis) has been carried out in respect of the buildings to be converted. This record shall be carried out by an archaeologist/building recorder or an organisation with acknowledged experience in the recording of standing buildings which is acceptable to the Local Planning Authority. The recording shall be carried out in accordance with a written specification, and presented in a form and to a timetable, which has first been agreed in writing with the Local Planning Authority.

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 enable the recording of any matters of archaeological interest.

(4) No development shall commence within the proposed development site until:

- a) A written programme of archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved by the Local Planning Authority; and**
- b) The approved programme of archaeological work has been 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, to enable the recording of any matters of archaeological interest.

(5) 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, together with permeability test results to BRE365 including the determination of ground water levels, has been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be first occupied until surface water drainage for that dwelling has been constructed in accordance with the approved scheme and the last dwelling to be occupied on the site shall not be so occupied until the surface water drainage scheme for the whole of the site has been completed 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.

(6) No development shall commence until details for the provision of a water supply and fire hydrants necessary to meet the fire-fighting needs of the housing development (including the installation arrangements and the timing of such an installation) have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented in full accordance with the agreed details.

REASON: To ensure that adequate measures for fire-fighting can be incorporated into the development, including the construction phase.

(7) The development shall be constructed in strict accordance with the recommendations given in the Ecology report by Abbot Ecology dated March 2016.

REASON: In order that the development is undertaken in an acceptable manner, to mitigate against the loss of existing biodiversity and nature habitats.

(8) No development shall commence until a Landscape & Ecological Mitigation and Enhancement Plan has been submitted to and approved in writing by the local planning authority. This will show where provision of bat roosting and bird nesting (e.g. nest boxes and bat tubes) will be located within the site and timing for provision. The development shall be completed in accordance with the approved plan.

REASON: In order that the development is undertaken in an acceptable manner, to mitigate against the loss of existing biodiversity and nature habitats.

(9) No dwelling shall be occupied until a lighting plan has been submitted to and approved in writing by the local planning authority. The plan shall show that light levels of 1 lux or less can be achieved at the edges of all tree lines and hedgerows, and shall be implemented in accordance with the agreed details.

REASON: In order to protect commuting wildlife species at night.

(10) Notwithstanding the approved plans, no development shall commence on the new build units until parking details are submitted for unit 14 to demonstrate there is at least 5.5m manoeuvring space. No part (one part being the conversion of the existing buildings and the other part the new build) of the development hereby permitted shall be occupied until the access, turning area and parking spaces for that part of the development have been completed in accordance with the approved details including 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 development shall commence on site until an investigation of the history and current condition of the site to determine the likelihood of the existence of contamination arising from previous uses has been carried out and all of the following steps have been complied with to the satisfaction of the Local Planning Authority:

Step (i) A written report has been submitted to and approved by the Local Planning Authority which shall include details of the previous uses of the site for at least the last 100 years and a description of the current condition of the site with regard to any activities that may have caused contamination. The report shall confirm whether or not it is likely that contamination may be present on the site.

Step (ii) If the above report indicates that contamination may be present on or under the site, or if evidence of contamination is found, a more detailed site investigation and risk assessment has been carried out in accordance with DEFRA and Environment Agency's "Model Procedures

for the Management of Land Contamination CLR11” and other authoritative guidance and a report detailing the site investigation and risk assessment shall be submitted to and approved in writing by the Local Planning Authority.

Step (iii) If the report submitted pursuant to step (i) or (ii) indicates that remedial works are required, full details have been submitted to the Local Planning Authority and approved in writing and thereafter implemented prior to the commencement of the development or in accordance with a timetable that has been agreed in writing by the Local Planning Authority as part of the approved remediation scheme. On completion of any required remedial works the applicant shall provide written confirmation to the Local Planning Authority that the works have been completed in accordance with the agreed remediation strategy.

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 land contamination can be dealt with adequately prior to the use of the site hereby approved by the Local Planning Authority.

(12) No construction or demolition work shall take place on Sundays or Public Holidays or outside the hours of 07:30 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays.

REASON: To minimise disturbance to nearby residents during the demolition/construction stages.

(13) No development shall commence on any of the buildings to be converted until a detailed conversion construction method statement has been submitted to and approved in writing by the local planning authority. This shall include a full schedule and specification of repairs including any remedial work to structural defects (to include plans identifying the extent of any areas of rebuild and repointing). The development shall only be completed in accordance with the approved construction method statement.

REASON: To ensure that the scheme can be delivered via conversion of the existing buildings without significant reconstruction that would otherwise amount to new build housing in the open countryside.

(14) Notwithstanding the approved drawings, no works shall commence until details of the following have been submitted to and approved in writing by the Local Planning Authority:

(i) Large scale details of all external joinery including windows and doors (1:5 elevation, 1:2 section) including vertical and horizontal cross-sections through openings to show the positions of joinery within openings, depth of reveal, heads, sills and lintels;

(ii) Full details of proposed rooflights, which shall be set in plane with the roof covering;

(iii) Full details of external flues, background and mechanical ventilation, soil/vent pipes and their exits to the open air;

- (iv) Full details of proposed meter and alarm boxes;
- (v) Full details of all new or replacement rainwater goods (which shall be finished in black) and their means of fixing to the building
- (vi) The exact details and samples of the materials and finishes to be used for the external walls, roofs and external joinery.

The works 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/or 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 preserving the character and appearance of the area.

(15) No development shall commence on site until a scheme of hard and soft landscaping for the conversion and new build elements of the scheme has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:

- * details of the protection of retained trees during the course of development;
- * a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
- * 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.

(16) 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.

(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), there shall be no additions/extensions or external

alterations to any building forming part of the development hereby permitted.

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 external alterations.

(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 windows, doors, dormer windows, rooflights, or other form of openings, other than those shown on the approved plans, shall be inserted in the elevations or roofslopes of the development hereby permitted.

REASON: To safeguard the character and appearance of the area.

(19) The new build dwellings hereby approved shall achieve a level of energy performance at or equivalent to Level 4 of the Code for Sustainable Homes. No dwelling shall be occupied until evidence has been issued and submitted to, and approved in writing by, the local planning authority certifying that this level or equivalent has been achieved.

REASON: To ensure that the objectives of sustainable development equal or equivalent to those set out in Policy CP41 of the Wiltshire Core Strategy are achieved.

(20) Before any of the dwellings hereby approved are first occupied, the buildings shown on the demolition plan 140902-05 as being removed shall be demolished and the remains removed from the site.

REASON: To protect the character and appearance of the area and the amenity of the residents of the dwellings.

(21) Before the last of the new build dwellings hereby approved is first occupied, the conversion works on the seven dwellings to be converted shall be completed.

REASON: The new dwellings have only been permitted to assist in the redevelopment of the site as a whole, to ensure that the appearance of the former farmstead is enhanced by the conversion of the existing buildings, in the interests of the amenity and appearance of the area.

INFORMATIVES TO APPLICANT:

Archaeological work

The archaeological work should be conducted by a professionally recognised archaeological contractor in accordance with a written scheme of investigation approved by this office and there will be a financial implication for the applicant.

Drainage

FRA says testing to BRE 365 needed for testing to determine size of soakaways – There is also a need to check level of ground water to ensure that base of soakaway is at least 1m above the level of the ground water including seasonal variation

Contact required with sewerage undertaker to:

Determine if there is sufficient capacity to serve the development or whether off site works are required

Confirm if build over permission will be given, or need to divert the sewers or whether layout needs to change

Dorset & Wiltshire Fire & Rescue

The applicant should be made aware of the letter received from Dorset & Wiltshire Fire & Rescue Service regarding advice on fire safety measures. This letter can be found on the application file which can be viewed on the council's website against the relevant application record.

Public Protection

In order to minimise disturbance to nearby residents during the demolition/construction stages no burning of waste or other materials shall take place on the development site during the demolition/construction phase of the development.

It has been noted that there is a sewage treatment works to the south east of the site, approximately 450m away. We have considered the distance between the proposed development and the sewage works and reviewed our database for previous odour complaints in the area. I can confirm that we have not received any complaints previously in relation to the treatment works and given the distance and other nearby residential properties located at similar distances, it is unlikely that odour will be an issue. However, any future occupants should be made aware of the nearby sewage works.

Materials

Please note that Council offices do not have the facility to receive material samples. Please deliver material samples to site and inform the Planning Officer where they are to be found.

Bridleway

The property would be accessed via Humber Lane. This is not recorded as a public vehicular highway; the only recorded public rights along it are bridleway rights – i.e. on foot, horse and bicycle. In order to drive a vehicle along here, householders would require a demonstrable private right of vehicular access. Without this private right the householders would be committing an offence under Section 34 of the Road Traffic Act 1988. The granting of planning permission would not grant the householders a vehicular right of access over the bridleway. The developer / householders are advised to take private legal advice on this matter.

Community Infrastructure Levy

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/communityinfrastucturelevy.

61. **COMMONS ACT 2006 - SECTIONS 15(1) AND (2) APPLICATION TO REGISTER LAND AS A TOWN OR VILLAGE GREEN THE GREEN, BONDFIELD, WOODBOROUGH**

Public Participation

Mr Karl Lloyd spoke in support of the application

Miss Olivia Weremijenko spoke in support of the application

Cllr Paul Oatway QPM, on behalf of Woodborough parish council, spoke in support of the application

Sally Madgwick, Rights of Way Officer, introduced the report which outlined the application for village green status to be granted to an area of land in Woodborough under section 15 (1) and (2) of the commons Act 2006. It was explained that the land is currently in the ownership of Astor Property and that registration of land as a town or village green can be granted if: a significant number of inhabitants of a locality or neighbourhood have indulged in sports and pastimes for a period of 20 years, in a manner that is 'as of right' and continue to do so at the time of the application. Details of witness statements and testimonies, as well as legal arguments by the parties, were included within the report.

It was explained the options available to the Committee were to approve the registration of the land, reject the application, to hold a non-statutory public inquiry before determination, or seek the view of counsel on whether the council should determine the application without an inquiry, which was the recommendation in the report.

Legal advice was also presented to the Committee on the acceptable grounds to refuse or approve an application

Members of the meeting were invited to ask technical questions of the officer. In response to queries it was stated that most village green applications were determined by officers under delegated powers, but that where objections had been received, as in this case, it was usual to hold a non-statutory public inquiry. However, officers were of the view that as the key purpose of an inquiry would be to test the validity of witness testimonies, and that the principle objections to the application were instead on legal points, it was not necessary to hold an inquiry in order to determine the application.

Members of the public were then invited to speak as detailed above.

The local unitary division member, Cllr Paul Oatway QPM, spoke with regard to the application.

Cllr Oatway, seconded by Cllr Nick Fogg MBE, moved that the application be approved.

In the debate that followed, it was noted that the report had been written by a very experienced officer who had recommended in the supporting decision report that an inquiry was not required before approval, and considered whether it was necessary to seek further advice if they were of the view the application should be approved given the evidence presented in the report. The Committee noted the pressure on the landowners to develop housing, but considering the evidence with an open mind it was felt that the application would benefit a great number of people in the local community who had demonstrated the longstanding public use of the land, the site was inappropriate for development, and that there was no compelling reason to delay determination.

At the conclusion of debate, it was

Resolved:

To approve the recommendation that the area of land shown edged and cross hatched in red on the plan attached hereto being called The Green, Bondfield should be registered as a Town or Village Green and that the Register of Town and Village Greens be amended accordingly.

At the request of the Committee, it was noted the resolution had been unanimous.

62. **Urgent items**

There were no urgent matters

(Duration of meeting: 6.00 - 7.10 pm)

The Officer who has produced these minutes is Becky Holloway of Democratic Services, direct line 01225 718504, e-mail becky.holloway@wiltshire.gov.uk

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