

WESTERN AREA PLANNING COMMITTEE

MINUTES OF THE WESTERN AREA PLANNING COMMITTEE MEETING HELD ON 12 DECEMBER 2018 AT COUNCIL CHAMBER - COUNTY HALL, TROWBRIDGE BA14 8JN.

Present:

Cllr Christopher Newbury (Chairman), Cllr Jonathon Seed (Vice-Chairman), Cllr Phil Alford, Cllr Trevor Carbin, Cllr Ernie Clark, Cllr Andrew Davis, Cllr Sarah Gibson, Cllr Stewart Palmen, Cllr Pip Ridout and Cllr David Halik (Substitute)

Also Present:

Cllr Johnny Kidney

73 **Apologies**

Apologies for absence were received from:

Cllr Edward Kirk who was substituted by Cllr David Halik.

Cllr Phil Alford sent his apologies for the start of the meetings and arrived at 15:55.

74 **Minutes of the Previous Meeting**

The minutes of the meeting held on 14 November 2018 were presented.

Resolved:

To approve as a correct record and sign the minutes of the meeting held on 14 November 2018.

75 **Declarations of Interest**

There were no declarations of interest.

76 **Chairman's Announcements**

There were no Chairman's Announcements.

The Chairman gave details of the exits to be used in the event of an emergency.

77 **Public Participation**

No questions had been received from councillors or members of the public.

The Chairman welcomed all present. He then explained the rules of public participation and the procedure to be followed at the meeting.

78 **Planning Appeals and Updates**

The Planning Appeals Update Report for 02/11/2018 and 30/11/2018 was received.

Resolved:

To note the Planning Appeals Update Report for 02/11/2018 and 30/11/2018.

79 **Appeals Report**

Noted as detailed in minute number 79.

80 **Planning Applications**

The Committee considered the following applications:

81 **17/08216/FUL Land North of 146, Upper Westwood BA15 2DE**

Public Participation

George Mumford spoke in objection to the application

Chris Baines spoke in objection to the application

James Crawford spoke in objection to the application

Chris Beaver, Agent, spoke in support of the application.

Tim Leader, on behalf of Westwood Parish Council, spoke in objection to the application

Matthew Perks, Senior Planning Officer, introduced the application, which had been deferred at the last meeting for a member site visit, which took place on Monday 10 December 2018. The committee was informed that since the last meeting, the application had been materially revised which comprised the deletion of one of the proposed pods along with a reduced red lined site boundary plan with enhanced landscape planting proposals, the committee was presented with an updated report and list of planning conditions. Officers recommended the application for one self-contained camping pod with parking and change of use of land to leisure / tourism use be approved, subject to conditions. The committee was advised that following receipt of the revisions, a fresh consultation was completed lasting 10 days. Members of the committee

were advised that late representations had been received which were circulated to members of the committee on the day.

Key issues included; The principle of development, impacts on the Green Belt, Cotswolds AONB and special landscape, the impacts on the Conservation Area and neighbouring amenity; and highways impacts.

Members of the Committee had the opportunity to ask technical questions of the officer. Additional clarity was sought on whether the development comprised inappropriate development in the green belt, an appraisal of relevant case law and appeal decisions; and, the impacts of the additional vehicle movements.

In addition to responding to the matters raised, officers advised that only the site area outlined in red would be subject to the proposed change of use.

Members of the public, as detailed above, had the opportunity to speak on the application.

Local Member, Councillor Johnny Kidney, spoke in objection to the development highlighting the sensitive nature of the site, the damage the development would have on the openness of the Green Belt and that the development was considered contrary to the NPPF and Core Policies 39, 51, 57 and the Cotswold AONB Management Plan.

A motion to refuse the application was moved by Councillor Trevor Carbin, which was seconded by Councillor Ernie Clark.

A debate followed where the following points of clarification were answered by officers: the relevance of the Cotswold AONB Management Plan, the current use of the land and what permission the land benefitted from. There was also a discussion about the relevance of a recent decision to grant permission for a new car park at Dorothy House and the committee were informed of the very special circumstances that applied to that particular case. Members were advised to appraise and weigh up the merits of the application and not be influenced by the determination of a separate application which did not share the planning description and was not in the same settlement or immediate locality.

At the end of the debate it was;

Resolved

To refuse planning permission for the following reasons:

1. The proposal, without very special circumstances, would constitute as inappropriate development in the Green Belt that would be harmful to its openness and detrimental to the special landscape character and quality of the surrounding landscape contrary to the 2018 NPPF - in particular paragraphs 143, 145, 170 and 172; and, policies CP39 and CP51 of the Wiltshire Core Strategy and the Cotswold AONB Management Plan (2018).

2 . The proposed development would be detrimental to existing residential amenity by reason of increased noise, loss of privacy, general activity and vehicle movements contrary to CP57 of the Wiltshire Core Strategy.

Cllr Phil Alford entered the meeting at 15:55 and refrained from voting on the first application.

82 **18/06893/FUL Former Health Clinic The Halve Trowbridge Wiltshire BA14 8SA**

Public Participation

Fiona Watson spoke in objection to the application

Steve Morris spoke in objection to the application

Darren Odell spoke in objection to the application

David Cox, Senior Planning Officer, introduced the report which recommended that approval be granted, subject to conditions for the proposed development of the former health clinic building comprising a new second floor with 7 apartments and enlargement of the ground floor to accommodate a dental practice (D1 use class) within unit 1, the relocation of unit 2 and reduce the floor area of unit 3 with a new 2 bedroom apartment being created within the existing first floor (above the relocated ground floor unit 2) and external works.

The committee was informed prior to the officer's slide presentation of a typographical error contained within the report. It was confirmed that the proposed 2 bed flat would be 43sq.m and not 53sq.m as reported.

The committee was also informed that three late representations had been received since the agenda publication, including a petition in support of the development submitted by the dental practice, which had 400 signatures. Members were however advised that the petition was handed in immediately before the start of committee proceedings and as a consequence, officers did not have the opportunity to review or confirm all the signatories. Members were however informed of the headline petition reasons for support.

The two other late representations raised objection against the application and it was noted that these had been circulated to members of the committee earlier in the week. The case officer as part of his presentation, referenced the objection letters and informed the committee that within one of representations illustrations and impacts were included which the case officer considered to be inaccurate and for the benefit of the committee, the officer clarified the scaled measured dimensions and separation distances.

Reference was also made to a light assessment and the application of a 25 degree rule which was explained with the benefit of slides in addition to the content included within the published report. The committee was advised that whilst officers accepted the additional storey would result in some overshadowing and loss of direct sunlight to residential properties on the other

side of the public carriageway, the development would not substantively fail the 25 degree test and that the impacts would not be severe enough to warrant a reason for refusal.

Members of the committee had the opportunity to ask technical questions of the officer with clarity being sought on: whether the application should have been submitted as an application for 14 flats by virtue of the proposed modifications to the consented first floor flats. Additional clarification was sought on the development being car free and the proposed arrangements for on-site car parking for the consented flats and D1 uses on the ground floor. The committee also sought clarity on whether the application was CP45 compliant and whether the proposed amenity space would be sufficient enough for the number of flats being proposed. Members also sought clarification on the enforceability of the recommended parking and travel management plan condition.

In response, the officers explained the extant nature of the 2013 consented scheme and advised the committee that it was not permissible to require the applicant to pay s106 financial contributions for a scheme of less than 10 units. The site's location close to the town centre (within walking distance) and close proximity to the Lovemead car park and good public transport links made it a highly sustainable site where a car free development (for the second floor flats) could be supported. Reference was also made to the 2017 strategic housing market assessment which identified the shortage and lack of one bed units and that the development was not considered to conflict with CP45. Although it was accepted that the proposed external amenity space was limited, officers argued that it would be sufficient as a communal provision and mindful that the town park was relatively close by, the objection raised on lack of amenity was not shared by officers. Members were advised of the reasons why officers sought to secure a switch in the on-site parking provision to avoid obstructions to the bin store and the necessity for the site and travel management plan. Members were advised that the site would require a degree of self-policing and mutual cooperation.

Members of the public, as detailed above, had the opportunity to speak on the application.

Following on from additional issues raised by members of the public, the officers advised the committee that if found to be present, asbestos had to be removed by licensed contractors and that a planning informative could be added to the recommendation if so desired by members. The request to restrict the use of flats was earmarked as being unreasonable and permitted development rights were explained in summary. The committee was advised that ring fencing CIL payments solely for road traffic calming and infrastructure works along the Halve could not be secured by way of a planning condition. The concern and request made to limit the construction hours was not recommended by officers, but if it was the will of committee it could be condition appropriately.

Local Member, Councillor Stewart Palmen, spoke to the application noting that whilst the local community and town council welcomed the re-development of

the site, the scheme was considered a missed opportunity and the applicant had failed to properly engage with the local community and had not presented a scheme that would secure a high quality mixed use of the existing building with additions. The proposed development was considered unacceptable and contrary to CP45 in light of the predominance of 1 bed units, CP57 conflicts by virtue of the lack of on-site parking, loss of light to neighbours and CP58 conflicts with conservation interests.

A motion to refuse the application was moved by Councillor Stewart Palmen and seconded by Councillor Sarah Gibson.

A debate followed and the key points were noted as: whether the size of the one bedroomed flats would satisfy government guidelines and the conservation impacts.

Following the vote the motion was lost.

A motion to defer the application for more information pursuant to the size of the proposed flats in relation to the guidelines was moved by Councillor Trevor Carbin and was seconded by Councillor Stewart Palmen.

Following the vote the motion was lost.

A motion was then moved to defer and delegate the approval of the application to the leading officer, subject to the development satisfying the minimum size standards was moved by Councillor Jonathon Seed which was seconded by Councillor David Halik. The motion was however caveated stressing that in the event of the applicant failing to engage with officers or satisfy the requirements, the application would need to be reported back to committee for member determination.

At the end of the debate it was;

Resolved

To defer and delegate the approval of the application to officers following direct liaison with the applicant to secure confirmation that the flats would satisfy the minimum size requirements.

There was a five minute comfort break taken between 17:00 and 17:05.

Cllr David Halik left the meeting at 17:00

**82a 18/05384/FUL Land at Auckland Farm, Codford Warminster BA12
0LZ**

Public Participation

Tony Kernon, Agent, spoke in support of the application.

Tom Thornton, spoke on behalf of Codford Parish Council, in objection to the application

Steven Sims, Senior Planning Officer, introduced the report which recommended approval be granted for the Proposed detached farm workers dwelling with integral garage and vehicular access.

Members of the Committee had the opportunity to ask technical questions of the officer. Details were sought on: the proximity to the nearest neighbour, the proximity to the AONB and to identify the proposed internal utility space.

Members of the public, as detailed above, had the opportunity to speak on the application.

Local Member, Councillor Christopher Newbury, spoke on the application noting the difference of opinions of the AONB officer and agricultural consultant.

A motion to approve the officer's recommendation was moved by Councillor Jonathon Seed and seconded by Councillor Pip Ridout which was caveated to require condition 9 to be made amended to clarify and secure more robust boundary planting.

A debate followed during which time the committee was advised of the recommended occupancy condition, which in accordance with case law and established planning practices, the agricultural tie allows for retired farm workers, widows, widowers or any resident dependants.

At the end of the debate it was;

Resolved

To approve the application 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:

Amended site location plan scale 1:1250;

Amended proposed ground and first floor plans scale 1:50 dwg no. 02;

Amended proposed south and west elevation plan scale 1:50 dwg no. 03;

Amended proposed east and north elevation plan scale 1:50 dwg no. 04;

Amended block/street scene plan scale 1:250 dwg no. 05A;

Amended block plan scale 1:500 dwg no. 06A;

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

3 The occupation of the dwelling hereby approved 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.

REASON: The site is in an area where residential development for purposes other than the essential needs of agriculture or forestry is not normally permitted and this permission is only granted on the basis of an essential need for a new dwelling/residential accommodation in this location having been demonstrated.

4 No development shall commence above ground floor slab level until 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.

5 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 to, or extensions or enlargements of 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 enlargements.

6 The existing single storey building on site shall be completely demolished with all material and debris being removed from the site prior to the construction of the dwellinghouse.

REASON: In the interests of amenity and protecting the rural character of the area.

7 No development shall commence above ground floor slab level 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.

8 No development shall commence above ground floor slab level until a scheme for the discharge of foul water from the site, including any required offsite capacity improvements to existing sewer system to provide capacity to serve the site, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until foul 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.

9 No development shall commence above ground floor slab level 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:-

- a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
- finished levels and contours;
- means of enclosure;
- car park layouts;
- 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.

NOTE: The Elected Members of the WAPC resolved that the landscape planting scheme shall be robust and comprise substantive boundary planting.

10 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.

11

The development hereby approved 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.

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

REASON: In the interests of highway safety.

INFORMATIVES: 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

The applicant should contact Wessex Water to secure appropriate water connections

Councillor Sarah Gibson left the meeting at 17:45 and did not vote on the application.

83 **Urgent Items**

There were no Urgent Items.

(Duration of meeting: 3.00 - 6.00 pm)

The Officer who has produced these minutes is Jessica Croman of Democratic Services, direct line 01225 718262, e-mail jessica.croman@wiltshire.gov.uk

Press enquiries to Communications, direct line (01225) 713114/713115