

Strategic Planning Committee

MINUTES OF THE STRATEGIC PLANNING COMMITTEE MEETING HELD ON 25 APRIL 2023 AT COUNCIL CHAMBER - COUNTY HALL, BYTHESEA ROAD, TROWBRIDGE, BA14 8JN.

Present:

Cllr Howard Greenman (Chairman), Cllr Tony Trotman (Vice-Chairman), Cllr Ernie Clark, Cllr Adrian Foster, Cllr Sarah Gibson, Cllr Carole King, Cllr Christopher Newbury, Cllr Pip Ridout, Cllr James Sheppard, Cllr Robert Yuill and Cllr Richard Britton (Substitute)

Also Present:

Cllr George Jeans and Cllr Tony Jackson

39 **Apologies**

Apologies were received from Councillor Elizabeth Threlfall, who was substituted by Councillor Richard Britton.

40 **Minutes of the Previous Meeting**

The minutes of the meeting held on 22 March 2023 were presented for consideration.

Subject to the amending of minute 31 to include apologies from Councillor James Sheppard, it was,

Resolved:

To approve and sign as a true and correct record the minutes of the meeting held on 22 March 2023, subject to the amendment of minute 31 to include apologies from Councillor James Sheppard.

41 **Declarations of Interest**

There were no declarations of interest.

42 **Chairman's Announcements**

The Chairman announced that following the meeting there would be a private training session for Members on the 5 year housing land supply.

43 **Public Participation**

The procedures for public participation were detailed and noted.

44 **Planning Appeals and Updates**

The planning appeals update was received as set out in the agenda.

In response to a query it was clarified that the hearing for the Land off Melksham Road, Holt appeal would be held on 13 June 2023.

Members also sought details on the costs for the Westbury Incinerator appeal. Officers explained that information received from the applicant was currently being considered by the legal team, so there was no confirmed figure at present. The applicants had given a total cost figure of approximately £400,000, with an expectation for Wiltshire Council to pay 25% of that cost. Members felt that this was unrealistic.

45 **20/07643/FUL - Land at Janes Oaks Farm, Mere, Warminster, Wilts, BA12 6LH**

Public Participation

Shaun Lyons spoke in objection to the application.

Bill Price spoke in objection to the application.

Quentin Skinner spoke in objection to the application.

Philip Brown (agent) spoke in support of the application.

Councillor Lesley Travers of Mere Town Council spoke in objection to the application.

Lynda King (Senior Planning Officer) presented a report which recommended that planning permission be granted, subject to conditions, for application 20/07643/FUL, Land at Janes Oaks Farm, Mere, Warminster, Wilts, BA12 6LH for the change of use of land to use as a residential caravan site for 4 gypsy families. Laying of hardstanding, access improvements and erection of two amenity buildings.

Key details were stated to include the principle of the development, impact on highways and impact on character, appearance and visual amenity of the locality.

The officer explained that the site was situated approximately 1km south of Mere in the open countryside and was not within the Cranbourne Chase Area of Outstanding Natural Beauty (AONB). The site was previously agricultural land. The application was for a change of use of land, to a residential caravan site with 4 pitches, each comprising of 2 caravans, made up of a static/mobile home and a touring caravan. There would also be 2 amenity buildings on site and a package sewage treatment plant. The access to the site was to be revised to locate it away from a tree with a Tree Protection Order (TPO).

The officer took the Committee through the presentation slides for the application as published in agenda supplement 1. The road approaching the site was relatively narrow and the passing bays would need to be improved, therefore a condition regarding this had been included as part of the

recommendation. The condition of the site, which was overgrown and rather dilapidated, pre-dated the applicants ownership of the site.

The relevant planning policy was explained by the officer, as per the details in the agenda. Particularly relevant was Wiltshire Core Strategy (WCS) Core Policy 47 (CP47).

Work was progressing towards the council's Gypsy and Traveller Development Plan Document (DPD), and to inform this a recent Gypsy and Traveller Accommodation Needs Assessment (GTAA) had been undertaken. The council had not met its requirement to have a 5 year supply of pitches and a need for 79 pitches over the period 2022-2027 had been identified. This was a material consideration.

There had been significant local objection to the proposal, but there had been no objections (subject to conditions) from statutory consultees. The application met with local and national policy and therefore was recommended for approval.

Members of the committee then had the opportunity to ask technical questions of the officer. Clarification was sought around condition 17 and the passing bays. In response the officer explained that the land was all part of the public highway and no third-party land was required. It had been agreed that the passing places could be widened. Regarding the wording of the condition and where it referred to passing/waiting bays and then passing/parking bays, the officer stated that this was the wording provided by the Highways officer. It was not felt that the bays were intended for parking and if Members were minded to approve the application, the officer was happy to amend the wording of that condition to remove reference to parking.

In response to further questions the officer stated that the road was a rural road. A traffic count had been provided which had been assessed by the Highways officer, they did not feel that additional traffic caused by the site would be an issue. Condition 15 covered the number of caravans that could be on site, which was limited to 8, of which no more than 4 could be static caravans. Regarding accessibility in terms of a disabled person, the amenity buildings were single story and could be adapted for disabled access if required, likewise, the mobile homes could have ramps added if required.

Members queried whether there was safe pedestrian access to the site. It was confirmed that there were no pavements on the road to the site. It was likely that the occupants would use cars. This was not an unusual situation and had been accepted in appeal cases.

Members also questioned the shortfall in provision of sites and the slippage of the Gypsy and Traveller DPD, which was years overdue. Officers explained that the intention had been to adopt the Gypsy and Traveller DPD much sooner, but there was a need to align it with the Local Plan review, as there were overlapping issues that could be addressed in parallel. Unfortunately, timelines had slipped, but work on these complex documents was ongoing and the aim

was to work to the published timeline and have the Local Plan and Gypsy and Traveller DPD in place by the end of 2024.

In response to further questions, it was confirmed that comments from Mere and Gillingham Town Councils were included in full in the agenda report; electric vehicle charging points were dealt with under building regulations and there would be a package sewage treatment plant on site.

Members queried the whether the dilapidated state of the site was relevant. The officer explained that this was not usually taken into account when considering planning applications. However, the policies surrounding this specific type of application meant that it was relevant and brownfield or dilapidated greenfield sites were focused on. Members commented that this may need to be considered when the local plan was reviewed so that landowners were not encouraged to leave land to go derelict.

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

The unitary division member, Councillor George Jeans spoke in objection to the application. The main points raised covered the frequency of buses; that the shortfall of Gypsy and Traveller sites should not guarantee that permission was granted; and the impact of the proposal on the ancient monument at Castle Hill. If it were to be approved additional conditions or informatives were suggested, which included the use of generators on site, the prevention of parking in the passing bays, the removal of permitted development rights, the inclusion of a sign emphasising the vehicle weight limit on site of 3.5 tonnes, and the inclusion of electric vehicle charging points.

In response to public statements the officer stated that the landscape officer had supported the application, which was rare, and the case referenced regarding Castle Hill was for 134 dwellings which were much closer to Castle Hill, this site would be far harder to see. Regarding the proposed conditions the officer felt that inclusion of a sign to limit vehicles on site to 3.5 tonnes seemed excessive, it was already conditioned for and this was not something that was usually included; applicants should be treated consistently. The landscape officer had suggested that fences should be 1.2 metres high, in any case there was a condition covering the fences which stated that details would need to be submitted. It was not felt that getting the site serviced with electricity could be conditioned for, however an informative regarding electric vehicle charging points would be acceptable.

Councillor Tony Trotman opened the debate, stating that he had carefully listened to the presentation, everyone's views and the technical questions. He felt that the site would be adequate for the extended family and therefore proposed a motion to approve planning permission as per the officer recommendation in the agenda, but with the deletion of the word parking from condition 17 (to ensure it was clear the passing bays were for passing and not parking) and the addition of a condition that if generators were used they were housed in buildings to mitigate noise. This was seconded by Councillor James

Sheppard. Councillor Sheppard requested that an additional informative be added to the motion that electric vehicle charging points should be included on site. This was accepted by the proposer as a friendly amendment and therefore became part of the substantive motion.

During debate points raised included that the site would have an adverse impact on the open countryside, that the site could not be considered sustainable, that the site was too far out of Mere with unsafe pedestrian access and that the fact the site was currently derelict was not a reason to give planning permission. Some felt that the application should be deferred pending a site visit. Others felt that as the Council did not currently have an up-to-date Gypsy and Traveller DPD sites had to be provided for Gypsies and Travellers.

Discussion was had surrounding services to the site, with concerns raised regarding water, power and drainage. The officer explained that it was not usual to condition that a site should be serviced by mains electric, as some people may wish to live off grid. It may be possible to add as an informative. Following further discussion and in a break with protocol, the Chairman requested that the agent provide details and it was confirmed that the site was already connected to mains water and arrangements were underway to connect the site to mains electricity.

During further debate the motion was slightly amended. The final motion put to the vote was that planning permission be granted, as per the officer recommendation, with the removal of the word parking from passing/parking bays in condition 17; the addition of a condition regarding generators on site, in order to limit their noise (the final wording of the condition would be delegated to officers) and the addition of an informative to add electric vehicle charging points. This was put to the vote and it was,

Resolved:

To grant permission, 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, received on 28th September 2020

Site Layout Plan, received on 30th March 2021

Plans and elevations of Proposed Amenity Buildings, received on 28th September 2020

Post and Rail Fence Plan, received on 28th September 2020

Gillingham Road Passing Places Plan, received on 20th February 2023

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 railings, fences, gates, walls, bollards and other means of enclosure development shall be erected in connection with the development hereby permitted until details of their design, external appearance and decorative finish have been submitted to and approved in writing by the Local Planning Authority. All gates and fences shall be rural in appearance. Development shall be carried out in accordance with the approved details prior to the development being occupied.

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

5) 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 :-

a detailed planting specification showing all plant species, which shall not include non-native species, supply and planting sizes and planting densities;

**all hard and soft surfacing materials
car parking layout**

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.

6) 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

7) No development shall commence on site until a scheme for the discharge of surface water from the site/phase, including sustainable drainage systems and all third-party approvals, has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The development shall be carried out strictly in accordance with the approved details.

REASON: To comply with Core Policy 67: Flood Risk within the Wiltshire Core Strategy (adopted January 2015) and to ensure that the development can be adequately drained without increasing flood risk to others.

8) No development shall commence on site until a scheme for the discharge of foul water from the site/phase, including all third party approvals, has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out strictly in accordance with the approved details.

REASON: to ensure that the development can be adequately drained without increasing flood risk to others.

9) No development shall commence unless the site has been cleared of all current material, structures, non-roadworthy vehicles and waste, including existing close-boarded fencing, and metal gates. All materials shall be suitably disposed of offsite either at a licenced tip or recycling centre.

REASON: In the interests of the amenities of the residents and to protect the landscape character of the area.

10) No new 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 Institute of Lighting Professionals in their publication "Guidance Note 01/21 The Reduction of Obtrusive Light" (ILP, 2021)", 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.

11) No development shall commence on site until the trees on the site which are protected by a Tree Preservation Order have been enclosed by protective fencing, in accordance with British Standard 5837 (2012): "Trees in Relation to Design, Demolition and Construction - Recommendations". Before the fence is erected its type and position shall be approved with the Local Planning Authority and after it has been erected, it shall be maintained for the duration of the works and no vehicle, plant, temporary building or materials, including raising and or, lowering of ground levels, shall be allowed within the protected areas(s).

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 Local Planning Authority to ensure the protection of trees on the site in the interests of visual amenity.

12) No development shall commence on site until a full 'No-Dig' specification for works within the root protection area/canopies of protected and retained trees has been submitted and approved in writing by, the Local Planning Authority. The construction of the surface shall be carried out in accordance with approved details and thereafter retained.

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 order to protect trees on and adjacent to the site which are to be retained with surfacing placed near to or over the trees root system.

13) 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 buildings or structures, or gate, wall, fence or other means of enclosure, other than those shown on the approved plans, or the subsequently approved landscaping and means of enclosure plans, shall be erected or placed anywhere on the site on the approved plans.

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

14) The site shall not be occupied by any persons other than gypsies and travellers, defined as persons of a nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own

or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.

REASON: Planning permission has only been granted on the basis of a demonstrated unmet need for accommodation for gypsies and travellers and it is therefore necessary to keep the site available to meet that need.

15) No more than eight caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 as amended, of which no more than four shall be static caravans, shall be stationed on the site at any time in accordance with the Proposed Site Layout Plan, received on 30th March 2021.

REASON: In the interests of the appearance of the site and the amenities of the area, and to limit the number of caravans on the site in this countryside location where planning permission would not normally be granted.

16) No vehicle over 3.5 tonnes shall be stationed, parked or stored on this site, and no commercial activity or use, including the storage of materials and waste, shall be carried out on the site.

REASON: In the interests of the appearance of the site and the amenities of the area.

17) No development shall commence on site until full technical details of passing/waiting bay/widening (in accordance with submitted drawing) to be formed at Gillingham Road have been submitted to, and approved in writing by, the Local Planning Authority. No part of the development shall be occupied or first brought into use until the passing/waiting bay/widening has been provided in accordance with the approved details or an agreed timetable. The passing/waiting bay/ widening shall be kept clear of obstructions and available for the passing of vehicles at all times thereafter.

REASON: To enable vehicles to pass/stand clear of the highway in the interests of highway safety.

18) No part of the development hereby permitted shall be first occupied until the access, turning area and parking spaces have been completed in accordance with the details shown on the approved plans and has been consolidated and surfaced (not loose stone or gravel). This includes the access to be properly consolidated and surfaced for the first 10m (not loose stone or gravel) and gates open away from highway. If required the ditch shall be piped accordingly. The areas shall be maintained for those purposes at all times thereafter.

REASON: In the interests of highway safety.

19) Notwithstanding the submitted details, the proposed development shall not be occupied until works have been implemented to prevent private water from entering the highway.

REASON: To ensure that the private water does not flow onto the highway.

20) No development shall commence on site until details of the stopping up of the existing vehicle access, both pedestrian and vehicular, have been submitted to and approved in writing by the Local Planning Authority. That stopping up shall take place in accordance with the approved details (including verge and hedge re-instatement) within one month of the first occupation of the development. No later than one month after the first occupation of the development, the sole means of vehicular and pedestrian access to the development shall be as shown on the plans hereby approved.

REASON: In the interests of highway safety.

21) Prior to the installation of any generator on the site, details of the noise levels generated by the equipment and any mitigation to ameliorate the sound shall be first submitted to, and agreed in writing by, the LPA, and the development thereby approved shall be carried out in accordance with the agreed noise levels and any consequent mitigation at all times.

REASON: in the interests of the amenity of the area.

Informatives (4)

1) The application involves creation of a new vehicle access and stopping up of the previous access. The consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a licence will be required from Wiltshire's Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. Please contact our Vehicle Crossing Team on vehicleaccess@wiltshire.gov.uk and/or 01225 713352 or visit their website at <http://wiltshire.gov.uk/highways-streets> to make an application.

2) 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 including for example, breeding birds and reptiles. The protection offered to some species such as bats, extends beyond the individual animals to the places they use for shelter or resting. 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.

3) Consultation with the Environment Agency is likely to be required in relation the purposed package treatment plant.

If discharge to a watercourse is purposed, then: Wiltshire Council is the land drainage authority under the Land Drainage Act 1991. Land drainage consent is required if a development proposes to discharge flow into an ordinary watercourse or carry out work within 8m of an ordinary watercourse.

4) Provision should be made for electric vehicle charging points in accordance with the requirements of Part S of the Building Regulations.

46 **Urgent Items**

There were no urgent items.

(Duration of meeting: 1.30 - 3.35 pm)

The Officer who has produced these minutes is Tara Hunt of Democratic Services, direct line 01225 718352, e-mail tara.hunt@wiltshire.gov.uk

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