

Western Area Planning Committee

MINUTES OF THE WESTERN AREA PLANNING COMMITTEE MEETING HELD ON 12 APRIL 2023 AT COUNCIL CHAMBER - COUNTY HALL, BYTHESEA ROAD, TROWBRIDGE, BA14 8JN.

Present:

Cllr Christopher Newbury (Chairman), Cllr Bill Parks (Vice-Chairman), Cllr Trevor Carbin, Cllr Ernie Clark, Cllr Andrew Davis, Cllr Edward Kirk, Cllr Stewart Palmen, Cllr Jonathon Seed, Cllr David Vigar, Cllr Suzanne Wickham and Cllr Mike Sankey (Substitute)

Also Present:

Cllr Tony Jackson

9 **Apologies**

Apologies for absence were received from Cllr Pip Ridout, who was substituted by Cllr Mike Sankey.

10 **Minutes of the Previous Meeting**

The minutes of the meeting held on 18 January 2023 were presented.

Resolved:

To approve as a correct record and sign the minutes of the meeting held on 18 January 2023.

11 **Declarations of Interest**

There were no declarations of interest.

12 **Chairman's Announcements**

The Chairman asked that all phones were switched off or turned to silent mode to minimise any potential disturbances and explained the procedure if a fire alarm were to sound.

13 **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.

14 **Planning Appeals and Updates**

The Planning Appeals Update Report for 6 January 2023 to 31 March 2023 was received.

Public Participation:

- Francis Morland noted the date error listed for the appeals report and informed the committee that he wished the recent appeal dismissal decision for housing at land northeast of 150 High Street, Chapmanslade to be submitted by the Council to the planning inspectorate in support of its appeal defence for refusing the housing proposal at Thoulstone Farm. The Development Management Team Leader, Kenny Green confirmed that he would do so.

The Development Management Team Leader, Kenny Green further reported that the appeal received for Plot D2, land at Kingdom Avenue, Westbury was expected to be withdrawn as the Section 106 agreement for a subsequent application had now been agreed and was at the time of the committee meeting, pending being signed and sealed by the Council's legal team.

Cllr Stewart Palmen raised concern about the potential for appeals being lodged against enforcement notices after the 28-day deadline had passed. The Development Management Team Leader, Kenny Green advised that the planning inspectorate decide upon the validity of appeals, but it remains the case that the planning inspectorate have a sizeable backlog and the date the LPA is informed of a valid appeal can be several months after it has been submitted to the planning inspectorate, which most likely explained the deadline anomaly.

Resolved:

To note the Planning Appeals Update Report for 6 January 2023 to 31 March 2023.

15 **PL/2022/05120 - Land off Ashton Rise, Hilperton, Trowbridge**

Steven Sims, Senior Conservation/Planning Officer introduced the report which recommended that planning permission be approved, for reasons detailed in the report, for the erection of a five-bedroom detached dwelling with attached double garage and associated private garden with vehicular access off Ashton Rise, including the re-surfacing of an existing public right of way.

The officer advised that the key issues for consideration included, the principle of development/Wiltshire's 5-year housing land supply, the impact on the living conditions of neighbouring residents, impact on the character on the area/adjacent Conservation Area/public footpath, highway, ecology and drainage issues.

The Committee noted that an additional representation had been received after the publication of the agenda about the width of the access and accuracy of the submitted plans.

The Committee noted that the local member, Cllr Ernie Clark, had called-in the application for reasons relating to the scale of development, the relationship to adjacent properties, the design, bulk, height and general appearance, environmental/highway impact, the application site being located outside the village Policy Limits/Settlement Boundary and not being allocated in the adopted Hilperton Neighbourhood Plan, and the positioning of the house on the site, the diversion of the Public Right of Way and its use to access the site, the suitability of the access, and whether the site could be better utilised.

The report summarised the responses to the statutory consultations and the public consultation.

In response to technical questions asked by the Committee, the officer explained that the site was a sustainable housing site and the separation distances to neighbouring properties was acceptable. The Committee was informed that the applicant had amended the application to retain the existing routing of the PRow and that the Councils PRow team had no objections subject to a planning informative. Members were advised to note the recommended planning conditions including condition no. 5 relating to site landscaping.

In response to Member questions, officers advised against imposing a condition removal permitted development rights for the proposed new dwelling as such a condition could not be justified on the necessity test.

So that the Committee had something to debate, Cllr Johnathon Seed proposed a motion to approve the application with conditions and informatives as detailed in the report. This was seconded by Cllr Stewart Palmen.

A debate followed where Members discussed and requested that an additional planning informative be imposed to inform the applicant to ensure that any vegetation / landscaping does not encroach on the public Right of Way.

At the conclusion of the debate, it was

Resolved:

To defer and delegate to the Head of Development Management to issue the decision following the completion of a S106 legal agreement to grant planning permission, following

- a) receipt of written confirmation from Natural England that they are satisfied with the Council's ecology team conclusion that the development would not result in significant or harmful ecological effects; and**

b) the sealing of a s106 legal agreement covering the matters set out within section 10 of this report; and subject to the following planning 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 and supporting details:**

Location plan scale 1:500 drg no. 001

Site plan scale 1:100 drg no.003 rev C

Proposed ground floor plan scale 1:50 drg no. 004 rev C

Proposed first floor plan scale 1:50 drg no. 005 rev D

Proposed northeast elevation scale 1:50 drg no. 006

Proposed southeast elevation scale 1:50 drg no. 007 rev A

Proposed southwest elevation scale 1:50 drg no. 008

Proposed northwest elevation scale 1:50 drg no. 009

Preliminary Ecological Appraisal (Seasons Ecology, May 2022)

Proposed Landscape Plan drg no. (00) 003 (Urban Fox, January 2023)

Ecological Parameters Plan (Seasons Ecology, January 2023)

Landscape and Ecology Management Plan (Seasons Ecology, January 2023)

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

- 3. No development above ground floor slab level 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 thereafter be carried out in accordance with the approved details.**

REASON: 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 and adjacent Conservation Area.

- 4. No development shall commence on site above ground floor slab level until full details of the new fencing and wall in elevation have been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be carried out in accordance with the approved details.**

REASON: In order that the development is undertaken in an acceptable manner and to ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

5. All the additional planting as set out within the approved landscape plans shall be carried out in the first planting and seeding season following the first occupation of the building 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, 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.

6. No development shall commence on site until details of protective fencing for the protection of the mature hedgerow subject to a TPO located adjacent the western boundary of the site has been submitted to and approved in writing by the Local Planning Authority. The protective fencing shall be erected in accordance with the approved details. The protective fencing shall remain in place for the entire development phase and until all equipment, machinery and surplus materials have been removed from the site.

REASON: In order that the development is undertaken in an acceptable manner and to enable the Local Planning Authority to ensure the protection of the mature hedgerow subject to a TPO.

7. No development hereby approved shall commence above ground floor slab level until a detailed scheme for the discharge of foul water from the site, has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be first occupied until foul water drainage has been constructed in accordance with the approved scheme.

REASON: In order that the development is undertaken in an acceptable manner and to ensure that the development can be adequately drained.

8. No development hereby approved shall commence above ground floor slab level until a detailed 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 and including all necessary permits, consents and permissions, has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be first occupied until surface water drainage has been constructed in accordance with the approved scheme.

REASON: In order that the development is undertaken in an acceptable manner and to ensure that the development can be adequately drained.

9. The development hereby approved shall be carried out in strict accordance with all of the recommendations for on-site biodiversity mitigation and compensation as set out in the Preliminary Ecology Appraisal by Seasons Ecology dated May 2022 and in accordance with the Ecological Parameters Plan by Seasons Ecology dated January 2023.

REASON: To ensure adequate protection and mitigation for protected species through the implementation of detailed mitigation measures that were prepared and submitted with the application before determination.

10. Before the dwellinghouse hereby approved is first occupied, the first-floor window that serves the gym/office/guest bedroom on the eastern side elevation shall be glazed with obscure glass only [to an obscurity level of no less than level 4] and the windows shall be maintained with obscure glazing in perpetuity.

REASON: In the interests of residential amenity and privacy.

11. 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 have been submitted to and approved in writing by the Local Planning Authority. The plans shall be in accordance with the appropriate Environmental Zone standards set out by the Institution of Lighting Professionals in their publication GN01:21, 'Guidance Note 1 for the reduction of obtrusive light 2021' (ILP, 2021), and Guidance Note GN08-18 'Bats and artificial lighting in the UK', produced by the Bat Conservation Trust and Institution of Lighting Professionals. The approved lighting shall be installed and 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 in order to minimise unnecessary light spillage above and outside the development site and to ensure lighting meets the requirements of the Trowbridge Bat Mitigation Strategy.

12. No part of the development hereby permitted shall be first occupied until the turning area and parking spaces for the proposed dwelling have been provided and completed in accordance with the details shown on the approved plans. The areas shall always be maintained for those purposes thereafter.

REASON: In the interests of highway safety.

13. Prior to the commencement of works, including demolition, ground works/ excavation, site clearance, vegetation clearance and boundary treatment works, a Construction Environmental Management Plan (CEMP) shall be submitted to the local planning authority for approval in writing. The Plan shall provide details of the avoidance, mitigation and protective measures to be implemented before and during the construction phase, including but not necessarily limited to, the following:

- a) Identification of ecological protection areas/buffer zones and tree root protection areas and details of physical means of protection, e.g. exclusion fencing.**
- b) Working method statements for protected/priority species, such as nesting birds and reptiles.**
- c) Mitigation strategies already agreed with the local planning authority prior to determination, such as for great crested newts, dormice or bats; this should comprise the preconstruction/construction related elements of strategies only.**
- d) Work schedules for activities with specific timing requirements in order to avoid/reduce potential harm to ecological receptors; including details of when a licensed ecologist and/or ecological clerk of works (ECoW) shall be present on site.**
- e) Key personnel, responsibilities and contact details (including Site Manager and ecologist/ECoW).**
- f) Timeframe for provision of compliance report to the local planning authority; to be completed by the ecologist/ECoW and to include photographic evidence.**

Development shall be carried out in strict accordance with the approved CEMP

REASON: To ensure adequate protection and mitigation for ecological receptors prior to and during construction, and that works are undertaken in line with current best practice and industry standards and are supervised by a suitably licensed and competent professional ecological consultant where applicable.

Informatives to Applicant:

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/communityinrastructurelevy

Dorset & Wiltshire Fire and Rescue Service advise the following - A core objective of the Dorset & Wiltshire Fire and Rescue Service is to support and encourage an increase in the provision of residential sprinklers in domestic properties. Residential sprinklers are not new and, although a British invention, significant developments have been made in the United States, Australia and New Zealand. In these countries there are whole communities with such installations and a zero fatality rate from domestic fires where a sprinkler system is installed. The following information may be of interest to you:

- Sprinklers work from a standard main, although a 32mm connection is required**
- Are inexpensive to install, particularly in a new building**
- Do not activate by accident causing unwanted damage**
- Only operate through individually activated heads, not the whole system**
- Are not unsightly as they fit flush to the ceiling behind a flat cover**
- Cause less water damage in a fire than normal fire fighting operations**
- Significantly reduce fire and smoke damage**
- If you would like more information on these systems please contact this Authority.**

The applicant should note that it is a criminal offence to obstruct a public right of way under section 130 of the highways Act 1980 and therefore no materials, plant, temporary structures or excavations of any kind should be deposited / undertaken which obstruct or adversely affect the public right of way HILP30 whilst development takes place, without prior consultation with, and the further permission of, the highways authority at Wiltshire council.

If a temporary closure is required during the works this must be applied for 3 months before any work is carried out. The applicant should contact the Countryside Access Officer or email rightsofway@wiltshire.gov.uk.

The applicant should ensure that no landscape planting obstructs or encroaches the PRow and that it is properly maintained at all times to ensure the unencumbered use of the PRow is not compromised.

Public Participation:

- Mrs Holloway – spoke in support of the application

David Cox, Senior Planning Officer presented the report that recommended planning permission should be approved subject to the conditions and informatives as detailed in the report, for the revised and retrospective permanent siting of a Biomass boiler with a 6m high flue and container for the control unit (Resubmission of PL/2021/10373)

The officer advised that the main issues for consideration and described the site which included detail on the proximity to other properties, the access and the use of the adjoining agricultural fields. He explained that the boiler was powered by burning wooden pallets, which were stored both outside and inside. Members were advised that heat from the boiler is used to dry wood chip which is sold on for biomass boilers to use.

Committee members were reminded that the boiler, with a 4m high flue had been given a temporary 2-year planning permission on 10 February 2020, and prior to the temporary permission expiring, the applicant had applied for permanent consent, which was considered by the Committee on 6 July 2022, but had refused permission for the reasons stated in the Committee report.

The Committee noted that the local member, Cllr Ernie Clark, had called-in this current application for reasons relating to environmental and highway impacts.

The report summarised the responses to the statutory consultations and the public consultation. It was noted that 7 letters of objection and 1 letter of support had been received. In addition, a late representation had been received.

In response to technical questions asked by the Committee, the officer explained that Environmental Health Officers would continue to monitor the site on an ad-hoc basis, and it was confirmed that they had visited the site three times in the past month, with no concerns reported. Members were informed that to verify any environmental complaint, neighbours/third parties would be expected to complete a logbook to record any nuisance episodes from the burning of the woodchips, including noting the weather conditions and wind direction. Members were advised that to date, no substantiated evidence had been submitted to the Council's public protection team.

So that the Committee had something to debate Cllr Stewart Palmen proposed a motion to approve the application with conditions and informatives as detailed in the report. This was seconded by Cllr David Vigar.

A debate followed where Members commented further on monitoring by Environmental Health Officers and the submission of a further updated Boiler Management Plan by the applicants.

At the conclusion of the debate, it was

Resolved:

To approve the planning permission subject to the following conditions and informatives:

- 1. The development hereby approved is subject to the following plans and associated documents:**

Site Location Plan, Block Plan, Biomass Boiler and Container details (photos), Air Quality Statement (dated December 2019), Cover letter (supporting statement), Biomass details, Biofuel Report, Biomass Manufacturer details and Biomass Boiler Service Record – all received 17 November 2022 and; Management Plan (for the operation of a Glen Farrow Biomass Boiler) and Boiler Operation and Maintenance Plan – dated and received 27 March 2023.

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

- 2. The operation of the boiler shall strictly adhere to, at all times thereafter, the approved details of the Management Plan (dated 27 March 2023).**

REASON: In the interests of residential amenity to protect from potentially harmful levels of smoke, fumes and general disturbance from the operation of the boiler.

- 3. The use and operation of the boiler hereby permitted shall only take place between the hours of 06:00 and 18:00 from Mondays to Fridays. The use and operation of the boiler shall not take place at any time on Saturdays, Sundays and Bank or Public Holidays.**

REASON: In the interests of residential amenity to protect from potentially harmful levels of smoke, fumes and general disturbance from the operation of the boiler.

- 4. No more than two container loads of woodchip for biomass shall be dried on site in a week.**

REASON: In the interests of residential amenity to protect from potentially harmful levels of smoke, fumes and general disturbance from the operation of the boiler and in the interests of highway safety.

INFORMATIVES TO APPLICANT:

- 1. The applicant is respectfully advised that compliance with the boiler management plan, conditions would not preclude the Council's**

Environmental Health Department taking formal action should a statutory nuisance ever be proven following receipt of complaint.

- 2. The applicant is respectfully advised that the boiler should not be operated if the wind direction is such that it would lead to smoke going toward the nearest receptor which is approximately 120m to the North East (at Knoll Farm).**

17 **Urgent Items**

There were no Urgent Items.

(Duration of meeting: 3.00 - 4.20 pm)

The Officer who has produced these minutes is Stuart Figini of Democratic Services,
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