

WESTERN AREA PLANNING COMMITTEE

DRAFT MINUTES OF THE WESTERN AREA PLANNING COMMITTEE MEETING HELD ON 6 APRIL 2016 IN THE COUNCIL CHAMBER - COUNTY HALL, TROWBRIDGE BA14 8JN.

Present:

Cllr Christopher Newbury (Chairman), Cllr John Knight (Vice Chairman), Cllr Trevor Carbin, Cllr Ernie Clark, Cllr Andrew Davis, Cllr Dennis Drewett, Cllr Pip Ridout, Cllr Jonathon Seed, Cllr Roy While, Cllr Gordon King (Substitute) and Cllr Graham Payne

Also Present:

Cllr Fleur de Rhé-Philippe

21 Apologies for Absence

An apology was received from Councillor Magnus Macdonald substituted at the meeting by Cllr Gordon King.

22 Minutes of the Previous Meeting

The minutes of the meeting held on 16 March 2016 were presented.

Resolved:

To approve as a correct record and sign the minutes of the meeting held on 16 March 2016.

23 Chairman's Announcements

The Chairman informed the meeting about the passing of Councillor Jeff Osborne who was a member of the committee. A moment of silence was observed in respect of his memory.

The Chairman also read out a statement informing the meeting about the circumstances surrounding application **13/06782/OUT - Land North West Of Boreham Mill, Bishopstrow Road, Warminster**. He noted that as a result of a legal challenge by a third party, the High Court had quashed the original

decision and the planning application was effectively reinstated as undetermined and to be determined again by the Council as the local planning authority. He reminded members to keep an open mind and only make a final decision after all the evidence and arguments had been seen and heard; he reiterated that the decision had to be made in the context of the development plan, national planning guidance and advice and other material considerations as they currently exist and not as they were in 2014.

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

24 **Declarations of Interest**

Cllr Andrew Davis declared that he was a member of the Warminster Town Council that was against application **13/06782/OUT - Land North West Of Boreham Mill, Bishopstrow Road, Warminster**. He noted that he was on the Warminster Town Council in an advisory capacity and would participate in the Committee's deliberations for the day with an open mind and solely on the information submitted.

25 **Public Participation and Councillors' Questions**

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

Questions had been received from Mr Alistair Wright and Cllr Ernie Clark.

Question from Mr Alistair Wright

What is the step by step process sites go through to prove they are not in flood effected areas (from all source) and that they will not increase risk to others now or in the future, how is this information used in the sequential and exception test to ensure that the least flood effected areas are used first and that flood prone areas and the floodplain are protected from development by the LPA and how would the council react if sequential tests were not done or pertinent information was not supplied to it? If additional information has been requested but not supplied what is the council's policy for dealing with lacking or missing data?

Response

Government advice, as set out in the National Planning Policy Framework (NPPF), supplemented by the Technical Guidance on Flood Risk is that development should be directed away from areas at highest risk. These are defined as Flood Zones 2 and 3; or land within flood Zone 1 which has critical drainage problems and which has been notified to the local planning authority

by the Environment Agency. Where development within these zones is necessary, it should be made safe without increasing flood risk elsewhere. The Government advice is to steer new development to areas with Flood Zone 1. If a developer can demonstrate that a proposed site is within this flood zone, no sequential or exceptional test is required. The advice on the application of the sequential test in zones 2 and 3 is set out in the Technical Guidance. Proposals for major developments and developments within Flood Zones 2 and 3 should be accompanied by a flood risk assessment. When the Council receives a major development accompanied by a Flood Risk Assessment, it seeks the views of the Environment Agency to inform the decision making process. In this way, the Council and the Environment Agency work together to protect vulnerable flood zone areas. Where the Environment Agency considers that they require additional information to prepare their response on a planning application, the Council requests that this be supplied by the applicant.

Question from Councillor Ernie Clark, Hilperton Division

I am advised that it is now the policy of WC planning, that all applications for 200+ houses will go to the Strategic Planning Committee irrespective of the officer recommendation and whether or not the local member has called the application in. Is this correct? If it is, when, and by whom, was this decision made as I do not think that it complies with the agreed protocol on planning matters.

Response

The Scheme of Delegation requires that 'large scale major developments (in housing terms this is defined as 200 or more houses) which by their nature have wider strategic implications and raise issues of more than local importance shall be dealt with by the Strategic committee.'

Not every housing scheme for 200 or more houses will have 'wider strategic implications' and raise issues of 'more than local importance' – for example, approval of reserved matters on a site already granted outline planning permission. However, where a site of this scale lies outside of the existing limits of development for a settlement, then it will almost invariably have wider strategic implications as the decision may be cited by other developers of large scale schemes in the same housing market area, thereby raising issues of more than local importance. Furthermore, schemes of this size may well have

implications for the housing land supply across the relevant housing market area, and/or may affect more than one parish.

26 **Planning Appeals Update Report**

Mr. Morland read a statement regarding the Planning Appeals Update Report drawing attention to Minutes Item 19. in which further information was to be presented in the next appeals update report regarding the appeal decisions on the applications:

14/10213/CLP- Sandridge Park House, Sandridge Hill, Melksham
15/01975/PNCOU - Tiled Barn, Bradford-on-Avon
15/03555/PNCOU - Oakley Farm, Lower Woodrow, Melksham
15/03564/PNCOU – The Store, Winsley, Bradford-on Avon.

Mr. Wilmott gave a verbal update on Minute item 19.

Cllr Trevor Carbin questioned why so many planning application appeals were being lost.

Mr. Wilmott responded that there were no endemic problems involved and it was purely a case of the nature of the particular planning applications concerned.

The Planning Appeals Update Report for forthcoming hearings and public inquiries between 21/03/2016 and 30/09/2016 was received.

Resolved:

To note the Planning Appeals Update Report for forthcoming hearings and public inquiries between 21/03/2016 and 30/09/2016.

27 **Planning Applications**

The Committee considered the following applications:

13/06782/OUT - Land North West Of Boreham Mill, Bishopstrow Road, Warminster

15/11030/FUL - 10 Warren Road, Staverton, Trowbridge, Wiltshire, BA14 8UZ

16-00563-FUL - 118 Silver Street Lane, Trowbridge, BA14 0JR

28 13/06782/OUT - Land North West Of Boreham Mill, Bishopstrow Road, Warminster

The Area Development Manager outlined the report that recommended that the application be approved with conditions.

Mr. Nick Parker, Mr. Alistair Wright, Mr. Paul McDonald and Mr. Jeremy Kelton, Bishopstrow Parish Meeting, spoke in objection to the application; Mr. Chris Beaver, agent of the applicant and Mr. Holdoway, the applicant, spoke in support of the application.

Cllr. Andrew Davis spoke as the local member.

Issues discussed in the course of the presentation and debate included: The location of the site, the limits of development, issues relating to the five year land supply, the highway safety, flood risk, ecology, conservation, neighbouring impacts and general feeling among the local residents. The listed building consent proposal covered by the application for which approval was granted in 2014 and which was not legally challenged was also discussed.

Cllr. Andrew Davis proposed, subsequently seconded by Cllr Christopher Newbury that the Committee should refuse the application.

In questioning the Area Development Manager, the Committee sought clarity on what constitutes a self-build or custom-build development, the areas within the policy limits, the current status of HAB as an applicant, the 5 year housing land supply policy, the application of CP2 and whether there was any provision in the local area for custom-build housing.

In response to the above, the Area Development Manager explained that a custom-build development is where a person enters into partnership with a developer and has a comprehensive involvement in the design and outcome of the building. He pointed out that who the developer was did not constitute a planning matter and the reference to HAB Housing Limited as the applicant though currently alleged to have withdrawn from the development was not an issue under consideration. HPH Ltd & HAB Housing Limited was the original name used for the application and would continue to be used unless formerly withdrawn or changed.

Core Policy 2 (CP2) sets out the delivery strategy and advises that within the limits of development, as defined on the policies map, there is a presumption in

favour of sustainable development at Market Towns. The Planning Policy Framework (NPPF) seeks to ensure that the Council demonstrates a five year housing supply for the north and west housing market area that includes Warminster.

The Area Development Manager noted that in applying CP2 the proposal was not in accordance with the development plan, in that it lies outside of the limits of development for Warminster and was in conflict as the site had not been brought forward through the plan led process identified in policy CP2. He emphasised that he was not challenging a judicial ruling but there was a need to consider whether there were adverse impacts that would demonstrably outweigh the benefits of the scheme in light of the current situation concerning 5 year land supply in the north and west housing market area. He informed the members that he was unaware of any sites in the local area that had permission for custom-build housing.

The legal representative present added that Government policy is material in any consideration and would have weight in any application. The meeting was informed that there were 19 people on the register for self-build and custom-build housing.

Resolved to refuse planning permission for the following reasons:

- 1. The site lies outside of the limits of development defined for Warminster in the Wiltshire Core Strategy. In this location, the proposed development for residential purposes would conflict with Core Policy 2 of the Wiltshire Core Strategy which only allows residential development beyond these limits through a plan led process of a Site Allocations Development Plan and/or a Neighbourhood Plan. The proposal has not been brought forward through either of these means and therefore conflicts with the delivery strategy of the Wiltshire Core Strategy.*
- 2. Furthermore, the proposal would result in the development of a site that is currently undeveloped countryside that forms part of the gap between the built-up area of Warminster and the nearby village of Bishopstrow. The Council consider it important to maintain this gap of undeveloped countryside to prevent the coalescence of the town with Bishopstrow, which was one of the objectives behind the setting of the town limits in this location when they were originally defined. The significant alteration in the character and appearance of this area of open countryside through the construction of this unplanned urban development would seriously erode the remaining gap between the town and village and would have an adverse impact on the character and appearance of the area. This would conflict with Core Policy 51 of the Wiltshire Core Strategy that seeks to maintain the separate identity of settlements. The Council considers that the adverse impact of the loss of a significant part of this gap and the change in the character and appearance of the area that*

would result from the development of this site significantly and demonstrably outweighs the benefits of the proposal.

29 **15/11030/FUL - 10 Warren Road, Staverton, Trowbridge, Wiltshire, BA14 8UZ**

The Planning Officer outlined the report that recommended that the application be approved with conditions.

Cllr. Trevor Carbin spoke as the local member noting that the initial strong objection to the application by the parish council had over the course of time been overcome by the amended plans.

Issues discussed in the course of the presentation and debate included: Visual impact upon the surrounding area, relationship to adjoining properties, impact on parking, ownership of parking and highways.

Cllr. Trevor Carbin proposed, subsequently seconded by Cllr Ernie Clark that the Committee should approve the application as per the officer's recommendations detailed in the report.

In questioning the Planning Officer, the Committee sought clarity on ownership of parking spaces and the impact on the spaces.

In response to the above, the Planning Officer informed the meeting that there would be 3 parking spaces which would meet the requirements for parking.

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 materials to be used in the construction of the external surfaces of the development hereby permitted shall match in material, colour and texture those used in the existing building.

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

- 3 The development hereby permitted shall not be used at any time other than for purposes ancillary to the residential use of the main dwelling, known as 10 Warren Road.

REASON: The development is sited in a position where the Local Planning Authority, having regard to the reasonable standards of residential amenity, access, and planning policies pertaining to the area, would not permit alternative uses.

- 4 The development hereby permitted shall be carried out in accordance with the following approved plans:

Drg. 222/1 Plans, elevation as existing and site and location plans received 5/11/2015. Site plan existing received 5/11/2015. Amended plan - car parking and wall received 10/3/2016. Drg. No. 222/2 Plans and elevations proposed received 5/11/2015

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

30 **16-00563-FUL - 118 Silver Street Lane, Trowbridge, BA14 0JR**

The Planning Officer outlined the report that recommended that the application be refused.

Mr. Adrian Belcher spoke in objection to the application.

Cllr. Graham Payne spoke as the local member.

Issues discussed in the course of the presentation and debate included:
The scale of the development, the visual impact on the surrounding area, the relationship to adjoining properties, Design – bulk and general appearance.

Cllr. Graham Payne proposed, subsequently seconded by Cllr John Knight that the Committee should refuse the application as per the officer's recommendations detailed in the report.

Resolved to refuse planning permission for the following reason:

1. The proposed development by reason of the increase in height, together with its form, mass and scale in this prominent location would appear incongruous and overly dominant within the street scene and as such would have a detrimental impact on the spatial form and character of the vicinity, contrary to Core Policy 57 of the Wiltshire Core Strategy.

31 Urgent Items

There were no Urgent Items.

(Duration of meeting: 3.00 - 5.05 p.m.)

The Officer who has produced these minutes is Shirley Agyeman, of Democratic Services, direct line 01225 718089, e-mail <mailto:Shirley.Agyeman@wiltshire.gov.uk>

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