

WESTERN AREA PLANNING COMMITTEE

MINUTES OF THE WESTERN AREA PLANNING COMMITTEE MEETING HELD ON 14 NOVEMBER 2018 AT COUNCIL CHAMBER - COUNTY HALL, TROWBRIDGE BA14 8JN.

Present:

Cllr Christopher Newbury (Chairman), Cllr Jonathon Seed (Vice-Chairman), Cllr Trevor Carbin, Cllr Ernie Clark, Cllr Peter Fuller, Cllr Sarah Gibson, Cllr Edward Kirk, Cllr Stewart Palmen, Cllr Pip Ridout, Cllr David Halik (Substitute) and Cllr Roy While (Substitute)

Also Present:

Cllr Johnny Kidney and Cllr Tony Jackson

63 **Apologies**

Apologies for absence were received from:

Cllr Andrew Dais who was substituted by Cllr Roy While.

Cllr Philip Alford who was substituted by Cllr David Halik.

64 **Minutes of the Previous Meeting**

The minutes of the meeting held on 17 October 2018 were presented.

Resolved:

To approve as a correct record and sign the minutes of the meeting held on 17 October 2018.

65 **Declarations of Interest**

There were no declarations of interest.

66 **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.

67 **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.

68 **Planning Appeals and Updates**

The Planning Appeals Update Report for 5/10/2018 and 2/11/2018 was received.

Resolved:

To note the Planning Appeals Update Report for 5/10/2018 to 2/11/2018.

69 **17/08216/FUL: Land North of 146, Upper Westwood BA15 2DE - Provision of two self-contained camping pods with parking, change of use of land to leisure / tourism (resubmission of 17/02852/FUL).**

Public Participation

Chris Baines spoke in objection to the application

Matt Pugh spoke in objection to the application

George Mumford spoke in objection to the application

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

John Bishop, Chair of Westwood Parish Council, spoke in objection to the application

Mathew Perks, Senior Planning Officer, introduced the report which recommended approval be granted for the provision of two self-contained camping pods with parking, change of use of land to leisure / tourism. This was a resubmission of 17/02852/FUL.

Key issues included; the principle of development, Landscape: Green Belt, Cotswolds AONB and Conservation Area, Impact on neighbour amenity; and Highways.

Members of the Committee had the opportunity to ask technical questions of the officer. Details were sought on: whether the application proposal could be considered to be an exception as recreation related development, as defined by para 145 b) of the NPPF; and questioned the extent of the site, the proposed length and construction of the proposed access road to service the pods and the landscape impacts of the development.

The Officer, in response to the questions advised that; the development provided recreational facilities for visitors and tourists, and that the proposed new road access would be a removable framework known as grasscrete which would allow grass to grow the substrate and make the access road appear less conspicuous. It was accepted that the development site would allow for some long range visibility from public vantages gained across the valley at Turleigh and Winsley; and, the site would be open to views from the immediate

neighbouring property positioned 50m away from where the proposed pods would be sited.

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

In response to points raised during the public forum, the officer made reference to the points included in the report with regard to the assessment on impacts pursuant to: neighbours, nuisance, highways, landscape and visual impacts. It was also reported that whilst the pods would have a degree of permanence by virtue of being bolted in place, they would be low key structures measuring a few metres in height and would have limited impact.

The local member, Councillor Johnny Kidney, spoke in objection to the development noting that there had been a large number of objections raised by local residents and noted that the site was located within a highly protected landscape and close to the conservation area and was not secluded but open to views from across the valley and a neighbouring property – which would all be negatively impacted on so much so that the proposed development would conflict with the NPPF Greenbelt Policy, CP39, CP51, CP57 and CP58; and, there would be highway/access issues.

A motion was moved to hold a site visit by Councillor Jonathon Seed, which was seconded by Councillor Pip Ridout.

At the end of the debate it was;

Resolved

To defer making a decision until after a member site visit which was scheduled for 10 December 2018 at 1.15pm.

70 **18/07286/FUL: Adjacent To 489a Semington Road Melksham SN12 6DR - Erection of 4 no. dwellings (resubmission of 17/04649/FUL)**

Public Participation

Martin Haffenden spoke in objection to the application

Dr Sawson Williams, Applicant, spoke in support of the application.

David Cox, Senior Planning Officer, introduced the report which recommended approval be granted, subject to conditions, for the erection of 4 dwellings. This was a resubmission of 17/04649/FUL.

Members were advised on the content of a late representation which had been received prior to the meeting; which in addition to setting out the neighbours' concerns, the submission included a request to consider restricting the construction hours on the site by way of a planning condition.

The key issues were identified as; the principle of development and appraising the appeal decision (which was appended to the committee report), to appraise

the amenity/living standards of future occupants, and the impacts on neighbouring amenity, as well as consider highway safety and parking and the overall impacts on the street scene,

Members of the Committee had the opportunity to ask technical questions of the officer. Details were sought on the specification and effectiveness of the proposed solar tubes which were proposed for the middle properties.

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

The local member, Councillor Roy While, spoke on the application noting that the Parish Council had objected to the development and it was acknowledged that the previous application had been refused by officers, which was appealed and although dismissed, the planning inspector concluded that the development would not be out of keeping with the evolving character of the area (fully mindful of the recently approved 150 house development on land to the rear and other residential development approved along Semington Road), and it would not be inappropriate development if the amount of private amenity could be enhanced. As reported by officers and included within the officers report, it was accepted that the applicant had made material revisions to reduce the height and floor plan of the proposed terrace and to increase the size of the rear gardens and that officers now recommended approval of the application. It was also accepted that the inspector's conclusions on certain aspects of the proposal influenced the officer recommendation for this particular case.

A motion, to approve planning permission with a condition added to restrict construction hours, was moved by Councillor Jonathon Seed and was seconded by Councillor David Halik.

A debate followed where the following points were raised: issues about the terrace design including its roof and proposed parking provision.

At the end of the debate it was;

Resolved

To approve planning 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, Block Plan, Ground Floor Plan, First Floor Plan, Second Floor (attic) Plan, Front (south) Elevation Plan - all received 31 July 2018; 3D Photomontage comparisons, Solatube technical drawings and details, Street scene comparison plan (W/489a/Com) and Ridge and slab height comparison plan (2356/B/6 Rev A) - received 29 August 2018 and revised North and Rear Elevation Plans Rev A and Parking Plan - received 12 September 2018

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

- 3 No development above slab level shall commence on site until full details and samples of the stone walls and slate roof materials to be used on the development have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the 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 The development hereby permitted 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.

- 5 No part of the development hereby permitted shall be occupied until the access, parking spaces and footpath have been completed in accordance with the 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.

- 6 No dwelling shall be first occupied until visibility splays have been fully demonstrated on an updated Block Plan, and that those splays shown on the approved plan have been cleared of any obstruction to visibility at and above a height of 900mm measured above the nearside carriageway level. Thereafter the visibility provision shall be maintained free of obstruction above 900mm in perpetuity.**

REASON: In the interests of highway

- 7 No development above slab level shall commence on site until a scheme for the discharge of surface water (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 above slab level 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 :-**

- full details of any tree or hedgerow to be retained, together with measures for their protection in 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.**
- Details of bin muster points**

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.

- 9 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.

- 10 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending those Orders with or without modification), no development within Part 1, Classes A, D and E shall take place on the dwellinghouse(s) hereby permitted or within their curtilage.

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.

- 11 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 or other form of openings other than those shown on the approved plans, shall be inserted in gable elevations and the rear elevation(s) above ground floor ceiling level of the development hereby permitted.

REASON: In the interests of residential amenity and privacy.

- 12 No construction works on the site shall take place outside the following hours: 08:00 to 18:00 Mondays to Fridays; and 08:30 to 13:00 on Saturdays; and at any time on Sundays or Bank Holidays.

REASON: In the interest of protecting the amenity of nearby residential properties.

INFORMATIVE 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/communityinfrastructurelevy.

INFORMATIVE TO APPLICANT: 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.

A five minute comfort break was taken between 16:25pm and 16:30pm.

Councillor David Halik left the meeting at 16:25pm

71 **18/08115/FUL: 392 A Ham Green, Holt BA14 6PX - Demolition of conservatory and proposed rear extensions. Alterations to the front boundary treatments.**

Public Participation

John Palmer spoke in objection to the application

James Greenwell, Applicant, spoke in support of the application.

Bob Mizen, spoke on behalf of Holt Parish Council, in objection to the application

Kenny Green, Development Management Team Leader, introduced the report which recommended approval be granted for the demolition of a conservatory and proposed rear extensions and alterations to the front boundary treatments.

Members were informed that a late representation had been received, which had been circulated to committee members prior to the meeting, however the officer read out the concerns expressed by the concerned neighbour. The concerns comprised reference to overdevelopment, overbearing and loss of privacy impacts and loss of light to the neighbouring property and garden located to the east. The officer advised members that the unscaled sketched extension to the property in the form of an amended photograph could not be verified as being accurate, although the scaled plan measurements were clearly reported to the committee.

The committee was advised that Holt Parish Council, as part of their submitted objection, referenced Policy H18 which remains as being saved from the West Wiltshire District Plan, within in their representation, however, the committee members were advised that the Policy was not relevant to the development proposal since it related to ancillary domestic development and not new housing development. Members were also advised that the impacts of the development would be acceptable in planning terms and the development would not detrimentally affect the protected part of the village.

Members of the Committee had the opportunity to ask technical questions of the officer. Details were sought on: the height of the railings and the light impacts on the neighbouring property.

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

Local Member, Councillor Trevor Carbin, spoke on the application noting: the detrimental impact on the area of minimum change, overshadowing, detrimental impact on neighbours amenity, the change in character of the property and dynamic of the community, making reference to saved West Wiltshire District Plan – 1st Alteration policy H18, and adopted Wiltshire Core Strategy Core Policy 57 and Core Policy 58.

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

A debate followed where the following points were made: that the railings would change the character of the property and be out of keeping in an area that is protected, that the development proposal conflicted with the neighbourhood plan and that the extensions would have a detrimental impact on neighbouring interests and would be in conflict with adopted and saved plan policy.

Before a vote was taken, the presenting planning officer provided his professional interpretation of saved policy H18 and advised the committee that the whilst saved Policy sets out a presumption against the construction of new housing development within the protected area of minimum change, it did not extend to other development that is not new housing development. In addition, the present legal officer, David Kerfoot, further advised Members that he shared the same opinion and advised that the policy clearly did not refer to the construction of ancillary buildings such as extensions, and consequently, the policy would not apply to this particular case.

Following the vote the motion was lost.

A motion, to delegate the approval of the application to officers subject to the removal of the railings and gate, was moved by Councillor Jonathon Seed and was seconded by Councillor Pip Ridout.

At the end of the debate it was;

Resolved

To delegate the approval of the application to officers subject to the removal of the railing and gate.

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Urgent Items

There were no Urgent Items.

(Duration of meeting: 3.00 - 5.30 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

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