

WESTERN AREA PLANNING COMMITTEE

MINUTES OF THE WESTERN AREA PLANNING COMMITTEE MEETING HELD ON 3 APRIL 2019 AT COUNCIL CHAMBER - COUNTY HALL, TROWBRIDGE BA14 8JN.

Present:

Cllr Christopher Newbury (Chairman), Cllr Phil Alford, Cllr Andrew Davis, Cllr Peter Fuller, Cllr Edward Kirk, Cllr Stewart Palmen and Cllr Pip Ridout

Also Present:

Cllr Tony Jackson

10 **Apologies**

Apologies for absence were received from:

Cllr Jonathon Seed who was substituted by Cllr Jerry Wickham

Cllr Trevor Carbin who was substituted by Cllr Gordon King

Cllr Ernie Clark

11 **Minutes of the Previous Meeting**

The minutes of the meeting held on 6 March 2019 were presented.

Resolved:

To approve as a correct record and sign the minutes of the meeting held on 6 March 2019.

12 **Declarations of Interest**

There were no declarations of interest.

13 **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.

14 **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.

15 **Planning Appeals and Updates**

Public Participation

Francis Morland

The Planning Appeals Update Report for 22/02/2019 and 22/03/2019 was received.

The Area Team Leader, responded to the criticisms raised during the public participation by apologising on behalf of the planning service for the lack of a response given to the aforementioned member of the public following a request he made at the previous meeting on 6 March pursuant to gaining public access to planning enforcement appeal documentation on the Council's public portal. As reported within the minutes for the 6 March meeting, the matter had been deferred to the planning enforcement team leader and technical support manager to resolve and on hearing that there remained a lack of access to what are public records, the officer apologised and reported again that he would escalate the matter.

Details were sought on two appeals which had been allowed with one having an award of costs made against the authority.

The Area Team Leader, in response, provided a summary of the appeal decisions and the committee was informed that the planning service had not received the relevant costs submission from the appellant.

Resolved:

To note the Planning Appeals Update Report for 22/02/2019 and 22/03/2019.

That the Committee supported urgent consideration of a legal challenge to the Inspector's decision at Common Hill, Steeple Ashton (application 18/02867/VAR).

16 **Planning Applications**

The Committee considered the following applications:

17 **18-11871-FUL - Oxford House, 12 The Butts, Bratton**

Public Participation

Steven Curtis spoke in objection to the application

Maurice Johnston spoke in objection to the application
Mr S Ellinger (applicant) spoke in support of the application

The Senior Planning Officer introduced the report which recommended approving the application subject to planning conditions. Members heard that the planning application was a material variation to 18/08346/FUL, that sought consent to construct a replacement dwelling (following the demolition of Oxford House) and to erect three new dwellings with associated landscaping. The principal revision set out within the reported application affected the development of plot 3 which benefitted from extant permission for one house and garaging; and for this to be materially revised to accommodate two properties as a semi-detached building of the same height and broadly comparable width and length as that which benefitted from planning permission.

Key issues included; The scale of the development; the visual impacts on the surrounding area; the relationships with adjoining properties; and, the design of the proposed development relating to the bulk, height and general appearance.

Members of the Committee had the opportunity to ask technical questions of the officer. Details were sought on: whether a decision would have an impact on a current pending appeal which related to a different four house scheme; questions were also asked about the exact size of the semi-detached building to be provided on plots 3 and 4; and confirmation was sought on the increase in hardstanding areas and tree planting.

The Area Team Leader, in response advised Members that the current appeal had reached an advanced stage, the deadline for statements to be made to the Inspectorate had passed; and officers were expecting decision from the planning inspector shortly. To answer the detailed questions about how the proposed development compared with the previous consented scheme, the area team leader left the chamber to access and measure the documented plans for the previous scheme (leaving the case officer to answer member questions on landscaping and areas of hardstanding and ecology matters).

On his return to the Chamber, the area team leader provided confirmation on scaled plan measurement differences between what was now proposed and what benefitted from planning permission.

It was also confirmed that the proposed development would result in an increased area of hardstanding to accommodate additional parking space for plot 3 and that amendments had been made to the tree planting proposals.

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

Following the public forum, Members requested further clarification on: the potential overlooking impacts and the scale of the development.

In response, Members were advised that there would be an 18 metre separation between the houses on plots 3 and 4 and the neighbouring property

to the north which officers considered to be acceptable. To the east, the neighbouring property would not be detrimentally affected and it was confirmed that the proposed window on the eastern gable would be an obscured glazed bathroom window, which would minimise neighbouring impacts.

Cllr Jerry Wickham, as the Division Member, spoke in objection to the development with the key concerns relating to overdevelopment of the site, with particular concern being raised about two four bedroom houses being provided to replace the consented 5-bed house and argued that there would be a consequential impact on the quality of the development. A conflict with Core Policy 57 in terms of design was also raised as well as Core Policy 64 in terms of residential parking standards, additional traffic generation and no communal visitor car parking provision being accommodated on site. Concerns were also raised about Core Policy 50 on ecology and protected species arguing that the proposed increased area of hardstanding would impact on the protected slow worms that were known to be currently on site and the scheme would compromise the mitigation arrangements. It was also observed that the Parish Council had objected to the development.

A motion, to refuse the planning application based on Core Policies 50, 57 and 64, was moved by Councillor Jerry Wickham and seconded by Councillor Pip Ridout.

In response to the motion, the area team leader advised the committee against refusing the application on highway concerns or lack of communal parking provision. Members were advised that the highways officer had not objected and that the site location was within the established village limits accessed off a lane that served numerous properties and that a refusal based on a conflict with CP64 would be very difficult to defend on appeal. Members were also reminded of the provisions set out within paragraph 109 of the NPPF - which was read out aloud, which inter alia would require the authority to demonstrate harm to justify a highways based refusal.

The area team leader also advised against refusing the application on ecology grounds on the basis that the application had been subject to an ecology appraisal to which the Council's ecologist did not object to and that the application would be subject to safeguards set out within an updated ecological mitigation report dated December 2018.

Members were also advised that the design of the application was considered acceptable and Members were reminded of the current planning permission and officers argued that the material amendments would not result in harm of planning policy conflicts.

Responding to a question posed by the Chairman, the area team leader advised that if the application was refused following the reasons set out by the motion it would be difficult to defend and there may be a risk of having costs awarded against the authority.

Following this advice, the motion to refuse planning permission was amended, to refer only to Core Policies 50 and 57 which was seconded by Councillor Pip Ridout.

Following the vote the motion was lost.

A motion to move the officer's recommendation, with an additional condition on landscaping along the eastern boundary of the site and to secure the exact location of the reptile log pile and hibernaculum was moved by Cllr Peter Fuller and seconded by Cllr Stuart Palmen.

Following 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:

Amended proposed block plan dwg no. AH2017/29 Sheet 1 of 7

Plot 1 proposed plans and elevations dwg no. AH2017/29 Sheet 2 of 7

Plot 2 proposed plans and elevations dwg no. AH2017/29 Sheet 3 of 7

Plot 3 and 4 proposed elevations and street scene dwg no. AH2017/29 Sheet 4 of 7

Plot 3 and 4 proposed plans dwg no. AH2017/29 Sheet 5 of 7

Amended garage plans and elevations dwg no. AH2017/29 Sheet 6 of 7

Existing block plan dwg no. AH2017/29 Sheet 7 of 7

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

3 Notwithstanding the terms set by condition 2 above, the final position of the reptile log pile and hibernaculum located in the northern part of the site as illustrated on plan drawing AH2017/29 Sheet 1 of 7 dated 6 February 2019 shall be agreed in writing with the local planning authority prior to the occupation of plots 3 and 4.

REASON: In the interests of ensuring that there is appropriate level of site management and minimised conflict between the future traffic movements and residential use of the site and the need to safeguard and support the slow worm reptile habitat.

4 No development hereby approved shall progress beyond slab level until the exact details and samples of the materials to be used for all 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/or 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 No development hereby approved shall progress beyond slab level until details of all eaves, verges, windows (including head, sill and window reveal details), doors, rainwater goods, chimneys, dormers and canopies 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 Conservation Area.

6 No development hereby approved shall progress beyond 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;
- additional landscape planting along the site's eastern boundary between plot 4 and No. 4 Reeves Piece;
- means of enclosure;
- car park layouts;
- all hard and soft surfacing materials;
- minor artefacts and structures (e.g. refuse and other storage units etc).

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.

7 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 ten 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/ecological features.

8 No development hereby approved shall progress beyond slab level until a scheme for the discharge of surface water from the site (including surface water from the accesses/driveways), incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be first occupied until surface water drainage to serve that part of the development 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 hereby approved shall progress beyond slab level until details of the works for the disposal of sewerage including the point of connection to the existing public sewer have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be first occupied until the approved sewerage details to serve that part of the development have been fully implemented in accordance with the approved plans.

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 proposal is provided with a satisfactory means of drainage and does not increase the risk of flooding or pose a risk to public health or the environment.

10 No dwelling hereby approved shall be first occupied until the access, turning area, visibility splays, parking spaces and garaging to serve each dwelling has 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.

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), the garages hereby permitted shall not be converted to habitable accommodation.

REASON: To secure the retention of adequate parking provision, in the interests of highway safety.

12 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 garages, sheds, greenhouses and other ancillary domestic outbuildings shall be erected on the site.

REASON: To define the terms of the planning permission and to safeguard the character and appearance of the conservation area and the wider setting of heritage assets.

13 The proposed development shall be undertaken in strict accordance with the Ecological Appraisal and Reptile Mitigation and Compensation Report dated 18 December 2018 by ABR Ecology Ltd. The development shall be carried out with liaison with, and supervision by a suitably qualified, licensed and competent ecological consultant. The compensatory bat roosts, reptile habitats, and ecological enhancements including for nesting birds, shall be retained as available for use by bats, reptiles and nesting birds for the lifetime of the development.

REASON: To ensure appropriate mitigation, compensation and enhancement for protected species; and compliance with The Conservation of Habitats and Species Regulations 2017, the National Planning Policy Framework, the NERC Act 2006 and Core Policy 50 of the Wiltshire Core Strategy (adopted January 2015).

INFORMATIVES:

1. The Council offices no longer have the facility to receive material samples. Material samples required by planning condition, must be made available to the appointed planning officer at a mutually convenient time to site as part of any formal discharge of planning condition process.

2. 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

18 **Urgent Items**

There were no Urgent Items.

(Duration of meeting: 3.00 - 4.50 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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