

## WESTERN AREA PLANNING COMMITTEE

---

### MINUTES OF THE WESTERN AREA PLANNING COMMITTEE MEETING HELD ON 21 AUGUST 2019 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 Andrew Davis, Cllr Peter Fuller, Cllr Sarah Gibson, Cllr Edward Kirk, Cllr Stewart Palmen and Cllr Pip Ridout

#### Also Present:

Cllr Richard Gamble, Cllr Horace Prickett and Cllr Fleur de Rhé-Philippe

---

#### 34 Apologies

Apologies for absence were received from Cllr Darren Henry.

#### 35 Minutes of the Previous Meeting

The minutes of the meeting held on 24 July 2019 were presented.

#### **Resolved:**

**To approve as a correct record and sign the minutes.**

#### 36 Declarations of Interest

There were no declarations of interest.

#### 37 Chairman's Announcements

There were no Chairman's Announcements.

#### 38 Public Participation

The Committee noted the rules on public participation.

#### 39 Planning Appeals and Updates

The Committee noted the contents of the appeals update.

40 **Planning Applications**

The Committee considered the following applications:

41 **19/03732/FUL 93 Sand Street Longbridge Deverill**

Public participation

Megan Campbell, the applicant, spoke in support to the application.

Lucy Hagg, local resident, spoke in support to the application.

Peter Grist, the agent, spoke in support to the application.

The Planning Officer, Steven Sims, introduced the report which recommended the refusal of planning permission for the proposed demolition of an existing domestic garden outbuilding and erect a single dwelling with a detached garage (re-submission of refused application 18/10459/FUL).

Key issues highlighted included: the principle of development with a detailed explanation of the adopted WCS policy on residential infill for small villages; the impact on the character of the area and AONB; the impact on the living conditions of neighbouring residents; the impact on the character of adjacent listed building; parking/highways issues; flood risk constraints and self-build issues.

Members of the Committee then had the opportunity to ask technical questions of the officer which focused on: the usage of the existing outbuilding; whether the development of the site would satisfy the Council's infill policy; discussing the lack of a defined settlement boundary for Longbridge Deverill (being identified as a small village only without limits of development); officers were also ask whether the existing domestic outbuilding could be converted under class Q; and questioned on the proposed height and use of the proposed detached garage. Officers were also asked about the pending appeal that related to refused application 18/10459/FUL, and what conditions may be appropriate should the committee be minded to grant permission.

Members of the public then had the opportunity to address the Committee, as detailed above.

Cllr Fleur de Rhé-Philipe, the Division Member, spoke in favour of the application and argued that the development forms a clear part of the garden linked to the host property and that the site is not open countryside; and that the application proposal should be supported as an infill development opportunity for the village adding that it would not cause harm to the character of surrounding area or neighbouring properties. The local ward member also argued that the application should be tested on its own merits and that no precedent would be set by allowing the application.

At the start of the debate Cllr Pip Ridout put forward a motion to approve the application (subject to conditions), which was seconded by Cllr Stewart Palmen contrary to the officer recommendation with conditions to be imposed relating to commencement, approved plans, on site drainage; landscaping; ecology; parking; light spillage limitation measures and external lighting.

During further member debate, officers advised on: the pending appeal decision for APP/Y3940/W/19/3227029; the differences between the present application and the refused 18/10459/FUL submission; the lack of a settlement boundary for Longbridge Deverill, and the need to make an informed planning judgement on whether the site would be a policy compliant and acceptable infill site for an additional dwelling. The level of public support for the application was duly noted along with the fact that the highways authority reported no objection in terms of access and highway safety.

Following the debate, the motion was defeated.

A proposal was then moved by Cllr Trevor Carbin, seconded by Cllr Ernie Clark, to refuse the application as per officer recommendation.

## **Resolved**

**That the application be refused for the following reasons:**

- 1. Having regard to all the submissions and relevant policies, including the policies of the National Planning Policy Framework taken as a whole, this application is considered to be an inappropriate, unsustainable form of development which would significantly and demonstrably outweigh the benefit of providing one additional dwelling in a countryside location. The proposed development, in the absence of suitable justification, is not considered to represent a sustainable development being contrary to Core Policies 1, 2, 31, 60 and 61 of the Wiltshire Core Strategy and the policies of the National Planning Policy Framework taken as a whole.**
- 2. The new dwelling and garage, due to its design, height, bulk and siting, would result in a development that detracts from the rural character of the area - which is a landscape which is considered 'so precious' that it is protected for the nation; and, that the development would contribute towards light pollution that would adversely impact on the dark night skies status of the AONB - being one of its much valued and key attributes. The development is therefore contrary to Core Policy 51 and Core Policy 57 of the Wiltshire Core Strategy and paragraph 172 of the Framework.**
- 3. The applicant has failed to demonstrate how the development would deliver net gains for biodiversity contrary to paragraph 170 of the Framework and Core Policy 50 of the Wiltshire Core Strategy.**

42 **19-06212-FUL High Sands, 5 Longlands Close, Edington, BA13 4QB**

Public participation

Simon Hill, the agent, spoke in support of the application.

Lisa Palmley, the agent, spoke in support of the application.

John Pollard, Chairman of Edington Parish Council, spoke in objection to the application.

The Planning Officer, Verity Giles-Franklin, introduced the report which recommended the granting of planning permission, subject to conditions, for the replacement of a two-story dwelling following the demolition of an existing dormer bungalow.

Key issues highlighted included: the principle of development; the impact of the development on the character of the area and special landscape area; impacts on neighbouring amenity, archaeology, public rights of way and highway safety.

Members of the Committee then had the opportunity to ask technical questions of the officer which focused on the proposed re-siting of the dwelling and its distance from the public footpath and boundaries.

Members of the public then had the opportunity to address the Committee, as detailed above.

Cllr Richard Gamble, spoke against the application and invited members to consider the policy safeguards set by the adopted Wiltshire Core Strategy and the impacts the proposed development would have on the character of the area by virtue of the scale of development and the bulk and height of the proposed new dwelling.

Planning officers responded to the concerns raised by the Parish Council and Cllr Gamble and explained the appropriate policy tests Policy H20 and the planning conclusions which were set out within the report alongside discussing the expressed local concerns relative to parking/highway safety; neighbouring impacts and ecological issues as well the permitted development fall-back provisions that exist for the existing house.

Following on from the above, Cllr Jonathon Seed put forward the motion to approve the application, subject to conditions as recommended by officers which was seconded by Cllr Edward Kirk for the reasons as set out in the report.

**Resolved**

**That planning permission be approved 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:

**Drawing Nos:** 0182 PL01, Location Plan and Site Plans; 0182 PL02, Existing Floor Plans; 0182 PL03, Existing Elevations; 0182 PL04, Proposed Floor Plans; 0182 PL05, Proposed North-West and South-West Elevations; 0182 PL06, Proposed South-East and North-East Elevations; 0182 PL07, Existing and Proposed Views Elevations; 0182 PL08, Landscaping Plan; as received on 27 June 2019.

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

3. No development shall commence on site pursuant to any below ground works until a written programme of archaeological investigation to include on-site work and off-site analysis, publishing and archiving of all the results and finds, has been submitted to and approved by the Local Planning Authority; and that the approved programme of archaeological work shall be carried out in accordance with the approved details.

**REASON:** To enable the recording of any matters of archaeological interest.

4. No development beyond 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:

- location and current canopy spread of all existing trees and hedgerows on the land;
- full details of any 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;
- finished levels and contours;
- means of enclosure;
- car park layouts (for the construction phase and post completion);
- other vehicle and pedestrian access and circulation areas;
- all hard and soft surfacing materials

**REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.**

- 5. The tree and landscape planting proposals hereby approved 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 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. Any gates shall be set back 4.5 metres from the edge of the carriageway, such gates to open inwards only, in perpetuity.**

**REASON: In the interests of highway safety.**

- 7. 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), there shall be no additions to, or extensions or enlargements of any building forming part of the development hereby permitted.**

**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.**

- 8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (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 the north-east elevation above ground floor ceiling level of the development hereby permitted.**

**REASON: In the interests of residential amenity and privacy.**

9. The hereby approved replacement dwelling shall not be occupied until the existing dwelling has been completely demolished with all material and debris removed from the site.

**REASON:** In the interests of amenity and protecting the rural character of the area.

10. No development shall commence above ground floor slab level until a scheme for the discharge of surface water from the site (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.

#### **Planning Informatives:**

1. 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](http://www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy)
2. The applicant should contact Wessex Water to secure appropriate water and foul sewage connections.

43 **19-03240 Homefield Farm, 4 West Ashton Road, Yarnbrook**

Public participation

Richard Burbidge, the applicant, spoke in support of the application.

The Planning Officer, David Cox, introduced the report which recommended that the application be refused planning permission for the proposed erection of a two-bedroom cottage on the footprint of a former cottage which was demolished 35 years ago.

Key issues highlighted included the principle of development with a detailed explanation of the adopted WCS policy on residential infill for small villages, an explanation was also given to the lack of any in principle fall-back once a dwellinghouse has been demolished (with case law and appeal references given) as well as highlighting highway safety concerns and the lack of an appropriate assessment pursuant to bats and the SAC.

Members of the Committee then had the opportunity to ask technical questions of the officer which focused on: the objection raised by the Highways Authority; the ownership of footpath (WASH20); the boundary of the property and the possible implications if the Ashton Park urban extension development proceeds.

Members of the public then had the opportunity to address the Committee, as detailed above.

Cllr Horace Prickett, the Division Member, spoke in support of the application and focused on the supportive comments made by both West Ashton Parish Council and North Bradley Parish Council and argued that the development should be supported and that highway concerns would not be severe to warrant a refusal; and moreover, the endorsed urban extension at Ashton Park would include once implemented, the introduction of relief road for the A350 and would reduce traffic volumes.

Officers addressed the issues raised by the ward member and the applicant and maintained the argument that officers do not consider the site to be policy compliant as a residential infill opportunity; and moreover, argued that the highway concerns and the lack of an appropriate assessment for bats (being a lawful requirement before any grant of planning permission) would be substantive grounds to refuse the application.

Following on from the above, Cllr Edward Kirk, seconded by Cllr Sarah Gibson put forward a motion to defer the application for more information regarding the Trowbridge Bat Mitigation Strategy's requirements and complete an appropriate assessment for bats, and to instruct officers to secure additional/corrected plans from the applicant pursuant to land ownership and potential provision of visibility splays and that members should arrange to visit the site before the application is reported back to the committee.



During further debate members discussed whether the site would be a policy compliant infill opportunity and the merits of members having a committee site visit.

### **Resolved**

**To defer this application and to instruct officers to secure additional information pertaining to highway matters specifically confirming the extent of the applicant's landholding and provisions to improve visibility, to advance with the completion of an appropriate assessment for the SAC and for a member site visit to be scheduled when the application is to be brought back to committee.**

#### 44 **Urgent Items**

There were no Urgent Items.

(Duration of meeting: 3.00 - 5.25 pm)

The Officer who has produced these minutes is Craig Player of Democratic Services, direct line 01225 713191, e-mail [craig.player@wiltshire.gov.uk](mailto:craig.player@wiltshire.gov.uk)

Press enquiries to Communications, direct line (01225) 713114/713115

This page is intentionally left blank