

## Western Area Planning Committee

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### MINUTES OF THE WESTERN AREA PLANNING COMMITTEE MEETING HELD ON 6 JULY 2022 AT KENNET ROOM - 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 Antonio Piazza, Cllr David Vigar, Cllr Suzanne Wickham and Cllr Mike Sankey (Substitute)

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#### 50 **Apologies**

Apologies for absence were received from Cllr Pip Ridout. Cllr Ridout was replaced for this meeting by Cllr Mike Sankey.

#### 51 **Minutes of the Previous Meeting**

The minutes of the meeting held on 11 May 2022 were presented.

#### **Resolved:**

**To approve as a correct record and sign the minutes of the meeting held on 11 May 2022.**

#### 52 **Highway Consultation Conference Feedback on The Forest & Sandridge Primary School application (PL/2021/06702)**

The Committee received a verbal update from the Development Management Area Team Leader in relation to a request by the Committee at its last meeting held on 11 May 2022, for the Area Team Leader to discuss the highways consultation response for the Forest and Sandridge Primary School (application number PL/2021/06702) with the highways officer and to report back.

The Area Team Leader confirmed that a discussion had taken place with highways officer and a briefing note of that discussion is attached as an appendix to these minutes.

Cllr Vigar enquired about why a pedestrian crossing was not justified and in response, the Area Team Leader confirmed that there was no highway or planning need for an additional highway crossing pursuant to the additional number of pupils to be accommodated within the 2-form entry primary.

## **Briefing Note for Forest and Sandridge School**

### 53 **Declarations of Interest**

Cllr Ernie Clark declared a personal interest in the planning applications at agenda item 8 being considered by the Committee, as he is also a member of Hilperton Parish Council who considered the applications as a consultee.

Cllr Clark spoke and voted on both applications.

### 54 **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.

### 55 **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.

### 56 **Planning Appeals and Updates**

The Planning Appeals Update Report for 29 April 2022 to 24 June 2022 was received.

The Development Management Team Leader concentrated on reporting the recently allowed appeal decision for land at Semington Road, Melksham for up to 50 dwellings. The committee was advised that at the appeal stage, the development parameters were changed at the request of the appellant to provide 100% affordable housing (and not just the 30% as was submitted and determined by the LPA). The Committee was advised that the combination of the affordable housing needs and the lack of land housing supply influenced the inspector's decision in allowing the appeal despite the moderate adverse landscape harm, the material loss of a visual gap between Melksham and Berryfield and the accepted adverse impact of allowing the development in conflict with the recently made Neighbourhood Plan.

Officers responded to queries in relation to the neighbourhood planning and building affordable housing on greenfield sites.

**Resolved:**

**To note the Planning Appeals Update Report for 29 April 2022 to 24 June 2022.**

57 **Planning Applications**

The Committee considered the following applications:

**57a PL/2021/10373: Bekson Farm, 54 Whaddon Lane, Hilperton, BA14 7RN**

**Public Participation:**

- Becky Holloway – applicant - spoke in support of the application

David Cox, Senior Conservation/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 retrospective permanent siting of a Biomass boiler and container for the control unit.

The officer stated that the main issues for consideration by the Committee was an assessment of the principle of development, the environmental impacts (air quality), neighbouring impacts, highway impacts and biodiversity.

The case officer described the site which included detail on the proximity to other properties, 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.

Prior to the committee meeting, members attended a site visit, and it was noted that the boiler was in use but was producing any smoke. Members were also advised that the boiler was not used when there is a south westerly wind.

The report detailed the previously imposed restrictions in terms of the use and hours of operation of the boiler whilst it benefitted from temporary permission, which had now lapsed.

Members heard that the same conditions were recommended for any permanent facility to define the terms of the permission and to provide neighbours with sufficient respite from dispersed smoke or fumes in the evening and weekends and bank holidays.

The Committee noted that the applicant was willing to adhere to the restricted hours of operation and the number of container loads.

For this application a new condition was recommended to secure more robust boiler management plan for its use and operation to reflect best practice.

The officer indicated that during the initial consultation there had been one objection from Hilperton Parish Council, and no objections from the Council's Environmental Health Officer (subject to conditions), the Council's Highways Officer and the Environment Agency. A further letter of objection was received during the second consultation. Overall, the publicity generated seven letters of objection and one in support.

Officers confirmed the options available to the Committee and advised that they should only appraise the application as submitted.

Members of the Committee were then given an opportunity to ask technical questions to the officer. The main issues raised included the justification for making the current temporary permission permanent, comments from Public Protection in relation safeguarding of the environment and residential amenities from potential harmful levels of smoke, fumes and general disturbance, how hours of operation would be enforced, and questioned the long-term source of fuel for the boiler.

In response, officers confirmed that there had been no complaints received pursuant to the use of the boiler during the temporary permission, and advised that through securing an updated Boiler Management Plan, officers were satisfied that the boiler would operate within acceptable parameters. Members were advised that the environmental health officer would undertake random checks on compliance, and the committee was advised that alternative non-hazardous sources of fuel may need to be sourced for the boiler should pallets become unavailable.

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

Local Unitary Member, Cllr Ernie Clark, addressed the Committee and detailed his objections to the application, and confirmed to being unsatisfied that the proposal would be an acceptable permanent facility due to the proximity to neighbouring properties, the failure to protect nearby residential amenity from the smoke produced by the boiler, and that the proposal would be contrary to the adopted Wiltshire Core Strategy Core Policy 57 criterion vii.

Cllr Clark then moved to refuse the application against officer recommendation, which was seconded by Cllr Antonio Piazza.

During the debate, Cllr Vigar commented on concerns about smoke and odour radiating from the boiler when it was in operation and the frequency of out of operational hours visits by Environmental Health officers. He suggested that the length of the flue could be extended to reduce the impact of smoke and odour on neighbouring properties. Cllr Wickham observed that wind direction was not a constant and indeed was liable to change.

At the conclusion of the debate a vote was taken on the motion to refuse the application.

Following which, it was:

**Resolved:**

**To refuse the planning application for the following reason:**

**The Council is not satisfied that this proposal would be an acceptable permanent facility in such relative close proximity to residential properties. The Council argues that by reason of the smoke produced by the boiler it fails to protect nearby residential amenities, contrary to adopted Wiltshire Core Strategy Core Policy 57 vii.**

**(Note – During the debate the Committee intimated that the applicant should be encouraged to submit a separate application for a taller flue to ensure the boiler accords with the enhanced smoke dispersal as outlined in the supporting surveys).**

58 **PL/2022/02786: Yew Tree Cottage, 10 Horse Road, Hilperton Marsh, Trowbridge, BA14 7PE**

Public Participation:

- Andrew Bryant – Neighbouring resident spoke in objection to the application
- Fran Larkin - Applicant spoke in support of the application

Yancy Sun, as the planning case officer presented the report and recommended that planning permission should be approved subject to conditions and informatives as detailed in the report, for additional domestic accommodation in the form of a single-storey annexe located in the rear garden.

The case officer stated that the main issues for consideration by the Committee was an assessment of the principle of development, the impacts on visual amenity, heritage assets, effects on neighbour amenity and highways.

The officer described the site being located within the village settlement limits of Hilperton and relating to a two-storey end of terrace residential property. The site was not subject to any specific land designation constraints and was not at risk of flooding. Members were informed that the Conservation Area was located over 600m to the southeast and the nearest listed building is over 50m away with several other properties and gardens between the nearest heritage asset and the application site.

Prior to the committee meeting, Members attended a site visit and were shown the application site and surroundings and noted that the site was set back from the main road and was not readily seen from the public domain.

The case officer indicated that there was no objection from Hilperton Parish Council, although some Parish Councillors had raised concerns about access for the construction phase. Publicity had generated four letters of objection, three of which were from neighbouring properties.

Members of the Committee were then given an opportunity to ask technical questions to the officer. The main issues raised included the relevance of the applicant's status in relation to the application and permitted development rights allowing for the construction of a slightly smaller building.

In response, officers confirmed that they had not given any weight to the status of the applicant and that the application was assessed on its own merits and land-based planning material considerations. In terms of a permitted development fallback option, the committee was informed that the applicant could construct a slightly smaller building using the provisions set out within Schedule 2, Part 1, Class E of the Town and Country Planning General Permitted Development (England) Order (2015) (As amended) as an alternative to the application before the committee, and the LPA would not have any decision making authority for such an alternative.

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

Local Unitary Member, Cllr Ernie Clark, addressed the Committee and detailed his objections to the application, which specifically related to concerns about the structure being permanent rather than temporary, and the design and appearance being in direct contravention of Core Policy 57. Cllr Clarke also argued that the application would not be well integrated in its surroundings, and that it did not make any significant contribution to the specific area of Hilperton. Additional concerns were raised about the height of the proposed annexe and its impact on neighbouring properties.

Cllr Clark then moved to refuse the application against officer recommendation, which was seconded by Cllr Andrew Davis.

During the debate, Committee members enquired about the potential to restrict the height of the annexe by condition, and sought officer advice in terms of Core Policy 57 and delivering high quality development. In response, officers confirmed that the committee was not able to materially alter what was proposed including the height of the annexe, and if the committee resolved to refuse the application, CP57 would be the policy to refer to defend any subsequent appeal. Members were advised that the applicant could however make use of permitted development rights to construct a slightly smaller annexe without relying on an appeal.

At the conclusion of the debate a vote was taken on the motion to refuse the application.

The vote to refuse the application was lost with 4 votes for and 6 votes against the motion.

A further motion was moved by Cllr Palmen, seconded by Cllr Piazza to grant the application in accordance with the officer recommendation.

Following which, it was:

**Resolved:**

**To grant 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 and block plan Drawing 2114.100, and Proposed plans and elevations: Drawing 21145.102, received 5 April 2022**

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

3. The ancillary annexe accommodation hereby approved shall only endure for the benefit of the owner/occupiers of the host dwelling at Yew Tree Cottage (otherwise known as No.10 Horse Road) and it shall only be used for purposes ancillary to the residential use of the main dwelling and shall remain solely within the same planning unit as the main dwelling and not be sold or let as a separate unit of accommodation.

**REASON:** To define the terms of this planning permission and in the interests of good planning.

4. 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 or any other ancillary domestic outbuildings shall be erected within the curtilage of the host dwelling unless approved under a separate planning application.

**REASON:** It is considered necessary to remove any residual Permitted Development rights for any additional outbuildings to safeguard the character and appearance of the area.

5. No development shall commence on site, until a Construction Method Statement, which shall include details of the following:

- (a) the parking of vehicles of site operatives.
- (b) loading and unloading of plant and materials.
- (c) storage of plant and materials used in constructing the development.
- (d) measures to control the emission of dust and dirt during construction.
- (e) hours of construction, including deliveries.

has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be complied with in full throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement.

**REASON:** To minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase.

6. No development shall commence beyond slab level until full details of the exact colour and finish to the external walls of the annexe as well as the surface water details and the foul connections to be made to the sewerage system 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 and shall be maintained for the lifetime of the development.

**REASON:** In the interests of visual amenity and the character and appearance of the area and to ensure appropriate site servicing connections are made available prior to occupation.

**Planning Informatives:**

Pursuant to condition 3, the applicant is advised that this application is hereby approved on the basis that the ancillary annexe has and maintains a direct, functional and dependant relationship with the main dwelling.

59 **Urgent Items**

There were no Urgent Items.

(Duration of meeting: 3.00 - 4.50 pm)



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