

## **EASTERN AREA PLANNING COMMITTEE**

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### **MINUTES OF THE EASTERN AREA PLANNING COMMITTEE MEETING HELD ON 19 APRIL 2018 AT WESSEX ROOM - THE CORN EXCHANGE, MARKET PLACE, DEVIZES, SN10 1HS.**

#### **Present:**

Cllr Mark Connolly (Chairman), Cllr Paul Oatway QPM (Vice-Chairman), Cllr Richard Gamble, Cllr Jerry Kunkler (Substitute) and Cllr Christopher Williams (Substitute)

#### **Also Present:**

Cllr Stuart Wheeler

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#### **11. Apologies**

Apologies were received from Cllr Peter Evans, Cllr Nick Fogg MBE, Cllr James Sheppard, Cllr Stewart Dobson who was substituted by Cllr Jerry Kunkler and Cllr Ian Blair-Pilling who was substituted by Cllr Christopher Williams.

#### **12. Minutes of the Previous Meeting**

The minutes of the meeting held on 22 March 2018 were presented for consideration, and it was:

##### **Resolved:**

**To approve and sign as a true and correct record the minutes of the meeting held on 22 March 2018.**

#### **13. Declarations of Interest**

There were no declarations of interest.

#### **14. Chairman's Announcements**

The Chairman thanked officer Kieran Elliott for his work supporting the Eastern Area Planning Committee.

#### **15. Public Participation**

The rules on public participation were noted.

16. **Planning Appeals and Updates**

The report on completed and pending appeals was presented for consideration.

**Resolved:**

**To note the updates.**

17. **Planning Applications**

The following planning applications were considered.

18. **18/01938/FUL Land off Aldbourne Road, Baydon, Wiltshire**

Public Participation:

Mr Nick Patterson-Neild, Agent, spoke in support of the application.

Mr Bill Evans, Applicant, spoke in support of the application.

The Planning Officer, Jonathan James, introduced a report which recommended that planning permission be refused for the erection of a residential dwelling. Key details were stated to include the principle of development, as the site lies within open countryside outside any defined Limits of Development and impact upon the character and appearance of the landscape, as the site lies within the North Wessex Area of Outstanding Natural Beauty.

Attention was drawn to late correspondence circulated at the meeting which was summarised by the officer.

Members of the Committee then had the opportunity to ask technical questions of the officer. Details were sought on whether the Parish was in the process of preparing a Neighbourhood Plan.

Members of the public then had the opportunity to present their views to the committee as detailed above.

A debate followed, whereby the key issues raised included; that the site was outside the settlement boundary of the village of Baydon; and that the application did not meet the criteria for an exception to the policy to restrict residential development outside of the settlement boundary. Paragraph 55 of the NPPF was cited, which supports dwellings, beyond those necessary for essential needs or supporting heritage, where they are considered to be of exceptional quality or of innovative nature in design. However, the Design Review Panel did not feel that the applied for dwelling met those criteria. Other issues raised included the location of the site in the Area of Outstanding Natural Beauty, and the potential for other similar applications in the open countryside and the precedent this would set.

Following debate, and following a motion from Cllr Mark Connolly, seconded by Cllr Jerry Kunkler, the Committee voted on the motion to refuse as recommended by officers and it was:

**Resolved:**

**To refuse planning permission for the following reasons:**

- 1. The site is located in open countryside, outside of the limits of development for any nearby settlements (as defined in the Wiltshire Core Strategy) and in a location poorly-served by local services and amenities, where none of the exceptions policies listed at paragraph 4.25 are applicable. Nor has the site been identified through the neighbourhood planning process. The proposal would therefore conflict with Core Policies 1, 2, 14 and 60 of the Wiltshire Core Strategy (2015), which seeks to properly plan for sustainable development of housing in Wiltshire and to central government policy contained within the National Planning Policy Framework.**
  - 2. The proposal would result in residential development and associated domestic paraphernalia within the countryside which, in turn, would erode the rural character of the area and negatively impact on the appearance of the landscape, which is designated as the North Wessex Downs Area of Outstanding Natural Beauty. This would conflict with Core Policies 51 and 57 of the Wiltshire Core Strategy and with paragraph 115 of the National Planning Policy Framework, which gives great weight to conserving the landscape of areas of outstanding natural beauty.**
19. **18/01196/FUL Land to the rear of 11 White Street, Market Lavington, SN10 4DP**

**Public Participation:**

Mr Fred Davis spoke in objection to the application.

Mr John Williams spoke in objection to the application.

Miss Rada Tintor spoke in objection to the application.

Mr Paul Oakley, Agent, spoke in support of the application.

Ian Myhill of Market Lavington Parish Council spoke in objection to the application.

The Planning Officer, Ruaridh O'Donoghue, introduced a report which recommended that planning permission be granted, subject to conditions, for the demolition of existing garages and the erection of two houses with garages plus the provision of a passing space adjoining The Clays (amendment to 17/07414/FUL). Key issues were stated to include; the principle of residential development on the site; impact upon neighbouring residents; impact on the conservation area, and impact upon highway safety/parking arrangements.

The main issue to be considered was whether the proposal had now overcome the Committee's reason for refusal on highways grounds in respect of the previous application at its meeting on 2 November 2017. The applicant had amended the plans to include a passing bay to try to address this issue.

Attention was drawn to the late observations, which were summarised by the officer.

Members of the Committee then had the opportunity to ask technical questions of the officer. In response to questions, the officer clarified that The Clays is a Bridleway, so is designated for use by horses, pedestrians and bicycles; there are no vehicular access rights. However, there are at present cars using the bridleway - 6 or 7 properties currently use it for access. It was confirmed by the officer that no complaints have been received regarding unauthorised use of The Clays, so residents either have a demonstrable private right to use The Clays or have not caused a nuisance that has been reported. The officer also advised that the garages currently on the site pre-date some of the houses so the applicant may well be able to demonstrate a right of access. It was further confirmed that the granting of planning permission does not give applicants a vehicular right of access.

Members of the public then had the opportunity to present their views to the committee as detailed above.

In response to public statements the planning officer stated that a condition was proposed requiring the submission and approval of a construction method statement to ensure that safe vehicle access by construction vehicles can be achieved.

A debate followed, whereby the main issues raised included access and parking. Some members felt that, although a small improvement had been made to the application through the addition of a passing bay, it was not felt that this was sufficient to overcome the previous highway refusal reason. It was also raised that there was evidence of other problems, including damage to local buildings and emergency vehicles not being able to gain access due to parking problems in the area, and that parking rules were not currently being obeyed and subsequently enforced. Concerns were raised that the construction of these properties would make the situation worse. However, some members felt that changing the site's use from garages to residential would result in a reduction in traffic and that the narrowness of the lane restricted speed. Therefore, conflict with other Bridleway users would be reduced and they were in support of the application.

During the debate Cllr Richard Gamble proposed a motion to refuse planning permission, against officer recommendation, for the same reasons as the original application as it was considered that the addition of the passing bay did not go far enough in addressing the highway safety concerns previously raised. This was seconded by Cllr Chris Williams.

Following debate, the Committee voted on the motion to refuse, and it was:

**Resolved:**

To refuse planning permission for the following reason:

1. **The Clays is a bridleway (MLAV24) with a definitive width of just 3 metres across its entire length. It is unsuitable, by reason of its narrow width and poor quality surfacing, to provide safe and suitable access to the development or to accommodate the additional vehicular movements associated with it. This would cause conflict with users of the bridleway, including cyclists and pedestrians. Furthermore, the proposed layout is such that the development cannot be readily serviced by vehicles, in particular Plot 1. The proposal would therefore be contrary to Core Policy 61 of the Wiltshire Core Strategy, which requires that proposals are capable of being served by safe access to the highway network, Core Policy 57 (vi) of the Wiltshire Core Strategy, which requires that development should take account of a site's characteristics and relate effectively to the immediate setting and the wider character of the area, and paragraph 32 of the National Planning Policy Framework, which requires that safe and suitable access to the site can be achieved for all people.**

20. **18/00127/FUL The Elms, Kingstone Road, Shalbourne, SN8 3QF**

Public Participation:

Mr Mike Long, the occupant of Beekeepers Cottage, spoke in objection to the application.

Ms Rebecca Lord, Agent, spoke in support of the application.

Mr Mike Lockhart of Shalbourne Parish Council spoke in objection to the application.

The Planning Officer, Ruaridh O'Donoghue, introduced a report that recommended that planning permission be granted, subject to conditions, for the erection of one detached dwelling and detached garage. Key issues were stated which included the principle of development and the impact upon the Shalbourne Conservation Area and local heritage assets. It was stated that there was extant planning permission on the site, for a dwelling, and that it would be possible to construct both schemes. As such, it was stated that a legal agreement could be put in place to prevent both applications being built.

Members of the Committee then had the opportunity to ask technical questions of the officer. Details were sought on the legal agreement. It was clarified that the legal agreement usually takes the form of 'This permission shall not be exercised in conjunction with the extant permission', so if the new permission was granted, the applicant would not be able to implement the extant planning permission as well.

Members of the public then had the opportunity to present their views to the committee as detailed above.

The unitary division member, Cllr Stuart Wheeler then spoke in objection to the application.

There was also a question as to whether a section 106 agreement may be required. The officer clarified that the proposed informative numbered 2 on the condition list refers to the section 106 agreement and that a legal agreement is stronger than a condition - this would be used to ensure that if permission was granted for this application, only one of the permissions on the site could be implemented.

After further questions the officer clarified that the property, The Elms, would be retained. If granted permission, the new house in the application would be built. The legal agreement would prevent the extant planning permission being exercised if they chose to implement the new consent. However, there was nothing to prevent them applying for further planning permissions in the future.

Cllr Mark Connolly proposed a motion to grant the permission, with conditions, as per the officer recommendation. This was seconded by Cllr Jerry Knuckler.

A debate followed whereby in opposition to the proposed motion to approve the application, some members stated that they did not consider the application met the requirements of Core Policy 57 in relation to high quality design, or Core Policy 58 in relation to ensuring conservation of the historic environment. The scale of the property in relation to the site was debated, and whether it constituted overdevelopment of the site. Issues of amenity were also raised, in relation to the storage of bins adjacent to Beekeepers Cottage and the subsequent impact this would have on occupants' living conditions by reason of smell.

Following the debate, the Committee voted on the motion to grant planning permission with conditions. The motion was lost.

A motion to refuse planning permission was then proposed by Cllr Gamble and seconded by Cllr Oatway. Grounds for refusal included overdevelopment, not being sympathetic to historic buildings and landscapes, not enhancing the special character of the conservation area and not being compatible with neighbouring issues. Specifically, the proposal was considered to be contrary to Core Policy 57, points i, iii, iv, vi, vii and Core Policy 58. It was felt that the previous reasons for refusal on this site, stated in paragraphs 2 and 3 on page 56 of the agenda (save for reason for refusal 4) covered the reasons for refusal for this application subject to some revision. Councillors were happy to delegate the final wording of the reason for refusal to officers.

Following a vote on the motion to refuse planning permission it was:

**Resolved:**

**That planning permission be refused for the following reasons:**

1. The proposed development would be excessively large and would represent an overdevelopment of the site. As such, it would not be complimentary to the locality and would conflict with Wiltshire Core Strategy Core Policy 57 point i which requires development to enhance local distinctiveness, to point ii) which requires development to relate positively to the existing pattern of development, to point iii which requires development to respond positively to the existing townscape in terms of building layout, form, height, mass, scale, plot size and materials, to point iv, which requires development to be sympathetic to the historic environment and to point vi, which requires development to be appropriate to the immediate setting of the site and the wider character of the area. For this reason, the proposed development would also cause less than substantial harm to the character and appearance of Shalbourne Conservation Area and less than substantial harm to the setting of both the grade II listed Bee Keepers and The Old Chapel, which is a non-designated heritage asset. There are no public benefits arising from the proposal which would outweigh the identified level of harm and it would conflict with paragraph 134 of the National Planning Policy Framework. The proposal would also be contrary to Core Policy 58 of the Wiltshire Core Strategy, which requires development to protect, conserve and where possible enhance the historic environment.
2. The proposed development would result in material harm to the level of amenity currently enjoyed by the occupiers of Beekeepers Cottage. It would therefore be contrary to Core Policy 57 of the Wiltshire Core Strategy and to the core planning principle set out in paragraph 17 of the National Planning Policy Framework that planning should always seek to secure a good standard of amenity for existing occupants of land and buildings.

21. **Urgent items**

There were no urgent items.

(Duration of meeting: 3.00 - 5.00 pm)

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