

Eastern Area Planning Committee

MINUTES OF THE EASTERN AREA PLANNING COMMITTEE MEETING HELD ON 15 OCTOBER 2020 AT ONLINE MEETING.

Present:

Cllr Mark Connolly (Chairman), Cllr Paul Oatway QPM (Vice-Chairman), Cllr Ian Blair-Pilling, Cllr Stewart Dobson, Cllr Peter Evans, Cllr Richard Gamble and Cllr James Sheppard

36. **Apologies**

Apologies were received from Cllr Nick Fogg MBE.

37. **Minutes of the Previous Meeting**

The minutes of the meeting held on 10 September 2020 were presented for consideration and it was;

Resolved:

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

38. **Declarations of Interest**

There were no declarations of interest.

39. **Chairman's Announcements**

The Chairman explained the procedure should a recess be required.

40. **Public Participation**

The Chairman detailed the procedure for the meeting and the procedures for public participation which were set out at item 5 of the agenda.

41. **Planning Appeals and Updates**

Resolved:

To note the report on completed and pending appeals.

42. **Planning Applications**

The following planning application was considered.

43. **20/05329/VAR - Thicket Cottage, Malthouse Lane, Upper Chute, SP11 9EG**

Public Participation:

- Stella Turner, Agent, spoke in support of the application.
- Dominic Hughes, Chairman of Chute Parish Council spoke in objection to the application.

Mike Wilmott, Head of Development Management, presented a report which recommended that planning permission be granted with conditions for the variation of conditions 2 and 5 of 20/01143/FUL to include the extension of the ground floor by 8m, and the formation of a rooftop terrace with external staircase.

The officer explained some of the planning history of the site. The applicants had previously applied for planning permission for a pseudo Georgian replacement dwelling under 19/06565/FUL. This was refused by Wiltshire Council but was allowed at appeal. The applicants then put in another application for a replacement dwelling of a different design under 20/01143/FUL. This application was approved with conditions and the applicants had demolished the cottage that was previously on the site and had started building the approved dwelling. The application before the committee was a variation to the approved proposal.

The dwelling under development was of a contemporary design and the variation proposed was to extend each wing by approximately 4 metres either side and to add roof terraces to the single-story sections of the building. The proposal included a small wall on the roof terraces which would be below the height of the double story block which had approval. The site was a short distance (approximately 180 metres) outside of the settlement of Upper Chute and within the Area of Outstanding Natural Beauty (AONB).

Key issues to be considered were stated to include impact on the character and appearance of area, neighbour amenity and highway safety. The officer stated that the variations to the proposal did not have any significant adverse impact on the AONB landscape, neighbour amenity and highway safety. Therefore, the application was recommended for approval, with conditions.

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

Comments from the public in support included that the officer's report addressed how the scheme was considered to be acceptable by virtue of having no significant adverse impact on the AONB landscape, neighbour amenity and highway safety. The recent appeal decision was highlighted, which stated that unless it could be demonstrated that the scale of the replacement dwelling had a harmful visual impact on the landscape then the size restrictions imposed by Policy HC25 were unfounded. Inspectors had held that the wording of Policy HC25 did not require a proposal to meet specific size guidelines in

order to have no impact upon the landscape area. It was stated that the site already benefited from planning permission for a replacement dwelling and the proposed amendments to the scheme would comply with the development plan.

Comments from the public in objection included that the new application would significantly alter the character of the new dwelling and hence of the village and its setting within the AONB. It was felt that Wiltshire Core Strategy (WCS) Core Policy (CP) 51, had not been taken into account. This policy gave clear protection to visually sensitive skylines and topographical features, important views, visual amenity, tranquillity and the need to protect against intrusion from light pollution, noise, and motion. It was stated that the twin factors of scale and the addition of roof terraces were a clear and obvious intrusion to all of these aspects of the setting. It was also felt that WCS CP 26 and the Tidworth Area Strategy had not been adhered to. It was stated that the inspectors appeal decision had not dismissed outright the Kennet Local Plan (KLP) saved policy HC25 and the Village Design Statement, but rather had given it limited weight.

The unitary division member, Cllr Ian Blair-Pilling, spoke in objection to the Application. Points raised included the following. The residents of the Chute's were fiercely proud of living in an AONB and were keen to preserve and enhance the character of their beautiful village. The recent planning history of the site was relevant. The applicants had changed their mind on the design from the original pseudo Georgian building whose planning permission was granted at appeal. The new design was out of character for the area and had a large increase in footprint, however local residents had not objected as most of the building would not be seen. It was stated that the addition of the roof terraces and the further increase in footprint made the proposal unacceptable to local residents. The roof terraces would make the dwelling much more visible at night and the area needed protection from light pollution. Cllr Blair-Pilling felt that the application did not comply with WCS CP 51 and 57 and therefore should be refused.

In response to public statements the officer stated that the applicants/developers had the right to build in accordance with the approved design. A condition could be added to the existing proposed conditions in order to mitigate light pollution, for example not having lights on the roof terrace. However, the officer stated that there would already be some light pollution from the first-floor block in the approved design. The officer felt that the context of the roof terrace should be kept in mind, there was only a 20cm high wall proposed. This would be lower than the already approved first-floor block.

The Chairman proposed a motion to approve planning permission, with conditions as set out in the agenda report. This was seconded by Cllr Stewart Dobson.

A debate followed where it was stated by some Members that they were surprised that there had been no objections to 20/01143/FUL, the new design of dwelling, which had already received planning permission and was being built. They found it hard to understand why the new proposal being considered, 20/05329/VAR was so different. These Members stated that they suspected if

20/01143/FUL had come to the committee it would not have been granted planning permission. Whilst they had sympathy with the village residents and Parish Council, they felt there was no valid planning reason to refuse the application and that if the committee did so they were likely to lose at appeal.

Cllr Mark Connolly then proposed an amendment to his motion, which was to add a condition to mitigate light pollution by restricting lighting on the roof terraces, with the final wording of this condition to be delegated to officers. This was seconded by Cllr Stewart Dobson.

Other Members stated that the new proposal would have a huge impact. The proposal, if granted, would have a huge footprint and the proposal did not enhance or preserve the setting. It was stated the roof terraces also made a great difference. These Members stated that at appeal a different inspector may have a different opinion. They felt that the committee should adhere to policy and to principles and therefore not grant the permission. Some stated that they did not agree with the original appeal decision on 19/06565/FUL (the pseudo Georgian design replacement dwelling). It was stated that saved policy HC25 of the Kennet Local Plan did apply and carry weight. Likewise, WCS CP 51 and 57 applied and gave valid reasons to refuse this application.

Further comments included that the statements in debate made by some Members in objection to the application applied to the whole dwelling which already had planning permission and could be built, so were therefore not relevant. It was also stated by other Members that the committee could not second guess the outcome of an appeal.

The Members voted and the motion to approve planning permission, with the conditions stated in the report and the amendment detailed above, was not carried.

Therefore, the Chairman requested that a new motion be proposed.

Cllr Ian Blair Pilling proposed a motion to refuse planning permission as the application did not comply with:

- WCS CP 51 (Landscape);
- WCS CP 57 (Ensuring high quality design and place shaping);
- NPPF chapter 15 (Conserving and enhancing the natural environment) paragraph 172.

This was seconded by Cllr Paul Oatway.

There was no further debate and therefore the motion was put to the vote. It was;

Resolved:

To refuse planning permission, against officer recommendation.

REASONS:

The proposed development, by virtue of the increase in size and consequent resulting development mass, and the potential for increased light pollution from the roof terraces, would have an adverse impact on the character and appearance of this part of the North Wessex Downs Area of Outstanding Natural Beauty at this sensitive site on the approach to Upper Chute. The development would also result in a building that is much larger than the dwelling it replaced. This would conflict with policies CP51 (vii) and CP57 (iii and vii) of the Wiltshire Core Strategy; The Position Statement on housing published by the North Wessex Downs AONB (paragraph 323 xiv) and paragraph 172 of the NPPF, which gives great weight to the conservation and enhancement of the landscape of the AONB.

44. **Urgent items**

There were no urgent items.

(Duration of meeting: 3.00 - 4.00 pm)

The Officer who has produced these minutes is Tara Shannon of Democratic Services, direct line 01225 718352, e-mail tara.shannon@wiltshire.gov.uk

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