

Western Area Planning Committee

MINUTES OF THE WESTERN AREA PLANNING COMMITTEE MEETING HELD ON 9 OCTOBER 2024 AT COUNCIL CHAMBER - COUNTY HALL, BYTHESEA ROAD, TROWBRIDGE, BA14 8JN.

Present:

Cllr Christopher Newbury (Chairman), Cllr Trevor Carbin, Cllr Ernie Clark, Cllr Andrew Davis, Cllr Stewart Palmen, Cllr Horace Prickett, Cllr Pip Ridout, Cllr Jonathon Seed, Cllr David Vigar, Cllr Suzanne Wickham, and Cllr Mike Sankey (Substitute)

Also Present:

Cllr Bill Parks

67 **Apologies**

Apologies for absence were received from:

- Councillor Bill Parks, who was substituted by Councillor Mike Sankey

68 **Minutes of the Previous Meeting**

The minutes of the previous meeting held on 4 September 2024 were considered. Following which, it was:

Resolved:

The Committee approved and signed the minutes of the previous meeting held on 4 September 2024 as a true and correct record.

69 **Declarations of Interest**

There were no declarations of interest.

70 **Chairman's Announcements**

There were no specific Chairman's announcements.

71 **Public Participation**

The Chairman explained the rules of public participation and the procedure to be followed at the meeting.

There were no questions or statements submitted by Councillors or members of the public.

72 **Planning Appeals and Updates**

The Chairman invited Simon Smith, Development Management Team Leader, to update the Committee on the pending and determined appeals as per the appeals report included within the Agenda Pack.

The two determined appeals were detailed, with Members being informed of the successful defence of application PL/2024/00785 pertaining to a proposed detached 1 bed dwelling on vacant land to the rear of 1 Philip Close, in which it was found that the development would be out of character with the locality and would result in cramped living conditions.

As discussed during the previous meeting of the Committee, application PL/2022/09842, Land off Storridge Road, Westbury, was highlighted with officers reiterating that despite the appeal being successfully defended by the Council and dismissed, the appointed Appeal Inspector had concluded that after examining the Council's Housing Land Supply position, the Council was now in deficit, having 3.85 years supply when tested against the extant 4-year requirement. It was also explained that the issued decision would now be regarded as a significant material consideration for future appeal decisions. During the discussion, Members suggested that Strategic Planning Officers considered publishing the Council's Housing Land Supply Statement more frequently than the current yearly publication in order to have a more up to date understanding of the current housing supply position.

Following which, it was:

Resolved:

The Committee noted the appeals report for the period 23 August 2024 to 27 September 2024.

73 **PL/2024/00596: Temple Farm, Upton Scudamore, Warminster, BA12 0AQ**

Public Participation

- Mr John Spencer, local resident, spoke in objection to the application.
- Mr Gareth Jones, agent, spoke in support of the application.
- Ms Sam Choules, applicant, spoke in support of the application.
- Ms Claire Bates, applicant, spoke in support of the application.

- Councillor Lesley Welch, on behalf of Upton Scudamore Parish Council, spoke in objection to the application.

Verity Giles-Franklin, Senior Planning Officer, presented the report which recommended that the Committee approved the application, subject to conditions, for the change of use from a C3 dwelling house to a C2 residential care home.

It was noted that Members of the Committee had undertaken a site visit on Tuesday 8 October 2024, with the Case Officer being present.

Key material considerations were identified including the principle of development; the impact of the proposal on the setting of nearby Listed Buildings; the impact on the amenity of existing and future neighbouring occupiers; highway safety; and ecology matters.

Attention was drawn to late representations that had been submitted following publication of the agenda, however it was confirmed by officers that the material considerations raised had already been taken into account within the report.

Members of the Committee then had the opportunity to ask technical questions to the officer. Members noted the reliance on private vehicles to and from the site, particularly when considering the different working patterns of staff, and limited public transport options available within the village of Upton Scudamore. Further queries were made with regard to what constituted as exceptional circumstances for the provision of specialist accommodation outside but adjacent to principal settlements, and other aspects such as waste storage, the tenancy arrangements for the property, and the safety of the pond as identified within the location risk assessment.

In response, officers reiterated that the applicants were intending on operating the home as close to a traditional family set-up as possible and would therefore take responsibility for transporting the children to school, after school clubs, and other social or recreational activities. It was further explained that the accessibility of facilities/services from the site, and if these were accessible to the children or the adults caring for them, were considered as one of the criteria when assessing suitable specialist accommodation. However, it was highlighted that Wiltshire's Core Strategy was not prescriptive when identifying what constituted as acceptable or exceptional circumstances to these provisions, yet due to the proximity of the site to Warminster and Westbury and in light of the intensity of scale of the development, officers were satisfied that the proposal met those criteria and therefore did not consider the application site to represent an unsustainable location.

Furthermore, it was explained that the applicants were intending on screening any applications to the site to ensure that any particular child's requirements/needs could be met before they were introduced into the home. It was further explained that the applicants were intending on covering the pond with a meshing to mitigate safety risks, that waste would be classed as residential use, and that the potential granting of permission did not remove any

of the restricted covenants on the property and would be a legal matter to be dealt with outside of the planning process. Finally, it was clarified that the ground floor of the property contained a number of communal rooms which could be converted into a bedroom that would be used by staff during overnight shifts, therefore all four children would have access to their own bedrooms.

The named public speakers as detailed above then had the opportunity to present their views to the Committee.

Councillor Bill Parks, as the Local Unitary Member, then spoke to the application where he thanked all officers for their hard work and acknowledged the role of Members as corporate parents. The opposition to the proposal within the local community was raised, and the suitability of the rural nature of the village was noted in respect of the limited accessibility to immediate social, educational, and recreational opportunities for the children within the home alongside unsuitable and inadequate facilities, transport links, and amenities.

A debate then followed where Members discussed the benefits of living in rural areas alongside some of the risks inherent in living within urban communities, and the importance of having a variety of specialist accommodation locations across the County. The limited accessible services/facilities as raised by local residents were noted, but the statutory duty of the Council to provide suitable accommodation and a range of placement options for looked after children and care leavers was emphasised. Furthermore, the evidenced need for the provision of suitable accommodation within the County particularly for the high proportion of children living in residential care out of County was highlighted, with Members commending the size of both the property and adjoining garden which they felt was a suitable and valuable resource.

Members further discussed the lawful use of the property as a dwelling house, that the proposal was seeking a change of use and not a new development, and the importance of integrating both the residents and applicants into the community and working in tandem with the Upton Scudamore Parish Council to mitigate some of the concerns raised by local residents.

At the conclusion of the debate, Councillor Stewart Palmen moved to approve the application in line with officer recommendations which was seconded by Councillor Jonathon Seed. Following a vote on the motion, it was:

Resolved:

The Committee APPROVED the application 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 and documents:

Drawing No's: Location Plan; and Site Plan; as received on 22 January 2024; Existing Floor Plans (Not to scale - For information only - No changes to floor plan), as received 13 February 2024; SK01, Existing Car Park Layout Plan; SK02 Rev A, Proposed Widening of Car Park Plan; SK03, Swept Path Analysis Large Car Plan; SK04, Swept Path Analysis Ambulance Plan, as received on 7 May 2024

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

3. The development hereby approved shall only be used as a children's residential home (C2 use) and for no other purpose (including any other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) without the prior expressed planning permission of the Local Planning Authority.

REASON: The proposed use is acceptable, but the Local Planning Authority wish to consider any future proposal for a change of use having regard to the circumstances of the case.

4. The development hereby approved shall not be occupied by more than four children at any one time.

REASON: In the interests of neighbouring amenity and to define the terms of this permission.

5. No part of the development hereby permitted shall be first brought into use until the access, turning area and 5 car parking spaces as shown on drawing no. SK03 have been completed in accordance with the details shown on the approved plans. Thereafter, the areas shall be maintained for those purposes at all times for the lifetime of this permission.

REASON: In the interests of highway safety.

6. The development hereby approved shall not be first brought into use until an on-site management plan has been submitted to and approved in writing by the Local Planning Authority which shall include:
 - a. A management plan for the day-to-day operations of the site

- b. A protocol of how complaints (including from local residents) can be raised with the provider (separate to any corporate /statutory noise nuisance complaint)
- c. Details of how complaints will be managed by the provider and the respective timescales
- d. Contact details of named personnel to be contacted to enforce the abovesaid management plan

REASON: to define the terms of this permission and in the interests of protecting neighbouring amenity

74 **Urgent Items**

There were no urgent items.

(Duration of meeting: 3.00 - 4.30 pm)

The Officer who has produced these minutes is Ellen Ghey of Democratic Services, direct line 01225 718259, e-mail ellen.ghey@wiltshire.gov.uk

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