

WESTERN AREA PLANNING COMMITTEE

MINUTES OF THE WESTERN AREA PLANNING COMMITTEE MEETING HELD ON 5 APRIL 2017 AT COUNCIL CHAMBER - COUNTY HALL, TROWBRIDGE BA14 8JN.

Present:

Cllr Christopher Newbury (Chairman), Cllr John Knight (Vice Chairman), Cllr Trevor Carbin, Cllr Ernie Clark, Cllr Andrew Davis, Cllr Dennis Drewett, Cllr Magnus Macdonald, Cllr Pip Ridout, Cllr Jonathon Seed, Cllr Roy While and Cllr Graham Payne

Also Present:

Cllr Terry Chivers

21 Apologies

There were no apologies for absence.

22 Minutes of the Previous Meeting

The minutes of the meeting held on 15 March 2017 were presented.

Resolved:

To approve and sign as a correct record the minutes of the meeting of the Western Area Planning Committee held on 15 March 2017.

23 Declarations of Interest

Cllr Jonathon Seed declared a non-pecuniary interest in item 7b (application 16/11951/FUL) by virtue of having known the applicant previously, but that he would take part in the debate and vote.

24 Chairman's Announcements

The Chairman had no announcements to make.

25 **Public Participation**

The Chairman welcomed all present, including Cllr Terry Chivers who was in attendance as the local division member for application 16/11951/FUL. He then explained the rules of public participation and the procedure to be followed at the meeting.

One question had been received from Cllr Ernie Clark and a verbal response was given as detailed in the appendix.

In response to a supplementary question from Cllr Ernie Clark, it was explained that decisions to delay the determination of applications were made on a case by case basis with legal considerations sometimes having to be made, and that the implementation of a universal time limit for determination would not be appropriate. Negotiated extensions of time to determine applications required justification and often extended to no more than one month, after which time applicants would either proceed with, or withdraw, their application.

26 **Planning Appeals and Updates**

The Planning Appeals update report for the period between 03/03/2017 and 24/03/2017 was received.

Resolved:

To note the Planning Appeals update report for the period of 03/03/2017 and 24/03/2017.

27 **Planning Applications**

The Committee considered the following applications:

28 **16/12059/FUL - 11 Portway, Warminster**

Public Participation

Mrs Judith Scanlan, resident, spoke in objection to the application.
Mrs Hicks-Lobbecke, resident, spoke in objection to the application.
Mr Mark Sennitt, agent, spoke in support of the application.
Mr David Belben, resident, spoke in support of the application.

Matthew Perks, the senior planning officer, presented the report which comprised the demolition of an existing building and the erection of two dwellings with associated access and parking. Determination of the application had been deferred from a previous meeting and a site visit had been held. It was recommended that the application be approved with conditions.

The key planning issues identified in the officer's presentation were outlined to include: the principle of the development, the impact on the Conservation Area; access and parking; and impacts on the neighbouring amenity. In response to

concerns raised by neighbouring residents regarding reduced privacy and disruption during the construction of the property, it had been conditioned that the development would provide for only one habitable room at first floor level at the rear of the property and that obscured glazing would be used in the windows of all other rear facing first floor rooms, and that a construction management plan would be put in place.

Members of the Committee then had the opportunity to ask technical questions of the officer. Clarification was sought on the position of the adopted highway in relation to the development site, and the site boundary. In response to questions it was confirmed that the planning permission granted for the adjoining site did not include provision for parking within the proposed site boundary. It was confirmed that assurances had been given by the applicant in a letter sent to committee members and local residents, to limit the level of nuisance and disruption during the construction phase(s), Members were advised that the letter had not been approved by officers, but that it could be included within the construction management plan the applicant would be required to submit under Condition 5.

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

In response to points raised during the public participation, the senior planning officer confirmed that five of the six upper floor windows illustrated to face neighbouring properties would be fitted with obscure glazing, including non-habitable room windows and the one habitable room window at first floor level at the rear of the property which would not directly overlook the neighbouring property; and that concerns relating to the delivery and disposal of construction materials would be included within the construction management plan.

Cllr Andrew Davis, unitary division member for Warminster East, spoke in support of the application. He thanked members for attending the site visit and reported that this had been a useful exercise. He expressed his opinion that the site was of a suitable size for the proposed development and that it would be desirable to tighten up the conditions to reflect the offer made by the applicant to reduce disruption during the construction of the dwelling.

Cllr Andrew Davies, seconded by Cllr Pip Ridout, moved that the application be approved in line with the recommendation and conditions in the officer's report.

In the debate that followed issues discussed included: the potential disruption to local residents of the construction work, including the playing of music on site; and that the letter from the applicant could be made part of the construction management plan.

At the conclusion of the debate the proposer and seconded agreed to amend their motion to include that Condition 5 would be amended to include a measure to control on-site noise, and that the applicant's letter circulated to members and local residents could be incorporated within the construction management plan.

Following a vote it was:

Resolved:

To grant planning permission with 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. Notwithstanding the description in the application form, development shall not commence until details of: Roof tiles; Fenestration and front doors and the proposed canopies; and rainwater goods, have been submitted and approved in writing by the Local Planning Authority, it being further noted that natural Bath stone shall be utilised for the quoins and the proposed 'Blind' windows shall be a recessed panel (i.e. not flush with the building elevations).

REASON: In the interests of visual amenity and the character and appearance of the area.

3. No development 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: all hard and soft surfacing materials including proposed planting; finished levels; and means of enclosure.

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

4. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building or the completion of the development whichever is the sooner. 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.

5. No development shall commence on site (including any works of demolition), until a Construction Management Plan, which shall include the following:

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

has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be compiled with in full throughout the construction period.

The development shall not be carried out otherwise than in accordance with the approved construction method statement.

The applicant is invited to include in the CMP a programme based on the letter titled "Ref New build Newport", distributed to local residents, aimed at the simultaneous development of the hereby approved plans and the adjacent development at 11 Portway, with a view to avoiding heavy vehicle construction traffic using Newport.

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. Before the development hereby permitted is first occupied all upper level windows in the west elevation barring that to the bedroom shall be glazed with obscure glass only and the windows shall be maintained with obscure glazing in perpetuity.

REASON: In the interests of residential amenity and privacy.

7. No part of the development hereby permitted shall be first brought into use until the access, turning area and parking spaces have been completed in accordance with the details shown on the approved plans. The areas shall be maintained for those purposes at all times thereafter.

REASON: In the interests of highway safety and the amenity of future occupants.

8. The new dwellings hereby approved shall achieve a level of energy performance at or equivalent to Level 4 of the Code for Sustainable Homes. The dwelling shall not be occupied until evidence has been issued and submitted to, and approved in writing by, the local planning authority certifying that this level or equivalent has been achieved.

REASON: To ensure that the objectives of sustainable development equal or equivalent to those set out in Policy CP41 of the Wiltshire Core Strategy are achieved.

9. The development hereby permitted shall be carried out in accordance with the following approved plans: 8811/100 Rev D and 8811/101 Rev C received on 23 February 2017.

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

INFORMATIVES TO APPLICANT:

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.

2. The applicant is advised to contact Wessex Water with regard to new connections and in respect of any agreement that may be required with regard to the protection of existing infrastructure.

29 **16/11951/FUL - Land between 215 and 78-81 Corsham Road, Whitley**

Public participation

Mrs Caron Greene, agent, spoke in support of the application
Mr Tom Nicholas, applicant, spoke in support of the application

Eileen Medlin, the senior planning officer, presented the report which comprised the erection of one self-build 3 bedroom dwelling. The officer reported that a late submission had been made by the agent, to state that the parish council had given their support for development of the site in 2015 as part of the SHLAA process, but that this did not offer sufficient new evidence to change the report's conclusion. It was recommended that the application be refused.

The key planning issues identified in the officer's presentation were outlined, and included: the location of the site outside of the village settlement; that the proposal would be an unacceptable encroachment into the countryside; the

impact on the character and appearance of the area; the impact on neighbouring residential amenity; and highway safety and parking.

Members of the Committee then had the opportunity to ask technical questions of the officer. In response to questions it was confirmed: that the LPA could demonstrate a 5 year housing supply across the North and West HMA, and Wiltshire Council's Core Policies 1 and 2 had full weight in the committee's deliberations; that the existing houses along the eastern side of Corsham road were outside of the village settlement boundary and were classified as dwellings in the open countryside; that the site was not included on a register held by the LPA for self-build properties and that no exception policy was in place with regard to self-build residential developments, that the site was not part of a Neighbourhood Plan identifying it for residential development and that the Council's Sites Allocation DPD was not sufficiently advanced; and that the size of the site was 0.6 hectares.

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

Cllr Terry Chivers, as the local unitary division member for Melksham Without North, spoke in support of the application and asked committee members to consider the application for its individual merit. He reported that the applicant would agree to entering a legal agreement to provide a site for a school carpark should the application gain committee support. Cllr Chivers asked that, should the committee be minded to refuse the application, they arrange a site visit before reaching a decision.

In response to the points raised during public participation, the senior planning officer confirmed that: Wiltshire Council's housing delivery and settlement strategy policies are the LPAs adopted mechanisms of promoting sustainable and managed development; and that the proposed site could not be considered infill due to its distance from neighbouring properties and the established settlement boundary.

Cllr Jonathon Seed, seconded by Cllr Magnus Macdonald, moved that the application be approved.

In the debate that followed, key issues included: the location of the house in relation to nearby dwellings and the settlement boundary; the size and scale of the development in comparison to neighbouring properties; the sustainable use of land and the desirable density of any development; the level and extent of local support; and the potential for further applications to be made for the neighbouring land.

With invitation from the Chairman, the senior planning officer confirmed that should the committee be minded to approve the application, conditions from highways were set out within section 9.4 of the report, and that it would be advisable to impose additional conditions to include the use of building materials, surface water drainage, and energy efficiency. The proposer and seconder agreed to amend their motion to include these conditions.

At the conclusion of the debate the motion was lost.

Cllr Trevor Carbin, seconded by Cllr Ernie Clark, moved that the application be refused for the reasons laid out in the officer's report.

After a short debate covering issues raised previously, it was

Resolved:

To refuse the application for the following reasons.

1. The proposal is outside of the settlement boundary for Whitley and has not been allocated for residential development within the Wiltshire Core Strategy (January 2015), Housing Site Allocations DPD or Neighbourhood Plan. The development fails to meet any of the special circumstances for the creation of additional residential units in such circumstances listed under Paragraph 4.25 of the Wiltshire Core Strategy. The proposal fails to promote a sustainable pattern of development and is contrary to Core Policies 1, 2, 15, 51, 60 & 61 of the Wiltshire Core Strategy.

2. The proposed development would constitute an unwarranted encroachment of residential development onto agricultural land which lies outside of any defined development limits in the open countryside and in an established gap between two settlements, without any justification. This would result in the erosion of the separate identity of the countryside and harm the character and appearance of the area in an area where there is a general presumption against development. The proposal is therefore contrary to Core Policies 1 and 51 of the Wiltshire Core Strategy and Paragraph 17 of the National Planning Policy Framework which seek to preserve the intrinsic character of the countryside.

3. The proposed development would, by reason of its scale, appearance, siting, plot size, result in an incongruous development that does not respect the existing character and appearance of the area or the existing pattern of development contrary to Core Policy 57. It would also represent an inefficient use of land contrary to Core Policy 57.

30 **Urgent Items**

There were no urgent items.

(Duration of meeting: 3.00 - 4.20 pm)

The Officer who has produced these minutes is Becky Holloway of Democratic Services, direct line 01225 718063, e-mail becky.holloway@wiltshire.gov.uk
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Wiltshire Council

Western Area Planning Committee

5 April 2017

Councillor Question

From: Cllr Ernie Clark – Hilperton Division

To: Cllr Christopher Newbury – Chairman of Western Area Planning Committee

Question

Why is it permissible, and under what circumstances, for an applicant to request that an application be held in abeyance until further notice, when that application is otherwise likely to be refused by the LPA?

Response

I fully respect that the question is not site specific. Officers within the development management service regularly receive and agree extensions of time (EoTs) with developers; and, there are numerous reasons to explain or justify why an applicant may request that their application be held in abeyance for a period of time.

Requests to delay the determination of an application can be due to a material change of circumstance, highlighted or introduced during the planning process. The recently published an updated housing land supply statement (HLSS) at the beginning of March acts as an example of a significant recent change. We currently have a number of applications lodged which need to be assessed against the updated HLSS and it is entirely reasonable to afford applicant's and their agent(s) time to reflect on its implications and to give them some time to decide what they intend to do next.

Applications can also be delayed in terms of their determination if legal/Counsel advice is deemed necessary, to schedule meetings or to undertake fresh assessments to address ecology, drainage or highway issues.

Officers are mindful that the government encourages LPAs to engage positively with applicants; and agreeing extensions of time forms a part of officer/developer discussions. It is also important to remember that every case requires to be assessed on its individual merits, and the Council should appraise each application and its detail with fresh eyes and consider all material planning considerations.

Drafting officer: Kenny Green, Area Team Leader

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