

WESTERN AREA PLANNING COMMITTEE

MINUTES OF THE WESTERN AREA PLANNING COMMITTEE MEETING HELD ON 27 JUNE 2018 AT COUNCIL CHAMBER - COUNTY HALL, TROWBRIDGE BA14 8JN.

Present:

Cllr Christopher Newbury (Chairman), Cllr Phil Alford, Cllr Trevor Carbin, Cllr Ernie Clark, Cllr Andrew Davis, Cllr Peter Fuller, Cllr Sarah Gibson, Cllr Edward Kirk, Cllr Stewart Palmen, Cllr Pip Ridout and Cllr Jerry Wickham (Substitute)

Also Present:

Cllr Tony Jackson, Cllr Johnny Kidney and Cllr Fleur de Rhé-Philippe

23 **Apologies**

Apologies for absence were received from:

Councillor Seed

24 **Minutes of the Previous Meeting**

The minutes of the meeting held on 30 May 2018 were presented.

Resolved:

To approve as a correct record and sign the minutes of the meeting held on 30 May 2018.

25 **Declarations of Interest**

There were no declarations of interest.

26 **Chairman's Announcements**

There were no Chairman's Announcements.

The Chairman gave details of the exits to be used in the event of an emergency.

27 **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.

28 **Planning Appeals and Updates**

It was noted that no appeals had been received or determined since the last meeting.

29 **Planning Applications**

The Committee considered the following applications:

30 **17/12348/OUT - Land east of Damask Way, and East of Upper Marsh Road and North of Smallbrook Lane, Warminster**

Public Participation

Harriet James spoke in objection to the application

Mark Reynolds, Chartered Town Planner, spoke in objection to the application

Anthony Setter, Road Safety Auditor, spoke in objection to the application

Paul Greatwood spoke in support of the application

Ian Mellor, Chartered Country & Town Planner spoke in support of the application

Diccon Carpendale, Agent, spoke in support of the application

Cllr Denis Brett Warminster Town Council, spoke in objection to the application

Steve Sims, Senior Planning Officer, introduced the report which recommended outline planning permission be granted subject to a s106 legal agreement for up to 28 dwellings on land to the east of Damask Way with all matters reserved except for the vehicular means of access (with a new access being proposed off Upper Marsh Road).

It was noted that two late representations had been received in objection to the application however they did not raise new or additional matters.

Key issues included within the officer's presentation comprised; the principle of development, the impact on the character and appearance of the area, the impact on the amenity of neighbouring residents, highway issues, ecology issues, and the impact on heritage assets and drainage issues.

Members of the Committee had the opportunity to ask technical questions of the officer. Details were sought on: The current status of the emerging housing sites allocation plan (HSAP DPD) and settlement boundary review, details on the planning history of a neighbouring site, details on the emergency vehicle access, the grading of the land, the extent of local road widening and the impact on the established trees on the site.

Kenny Green, Development Management Team Leader, informed the Members that the emerging HSAP was scheduled to be reported to Cabinet on 3 July, following its endorsement, the Plan would be reported to full Council for its

approval before being sent to the Secretary of State, to appoint a planning inspector who would be tasked with opening up an examination in public and to review and determine what needs to be examined and to weigh up a number of conflicting representations. Members were advised on the direction provided by paragraph 216 of the NPPF in terms of the weighting decision makers can apportion to emerging plans. The paragraph was read out in full and the officer advised Members that at this stage, the plan should be afforded limited weight. The weight would increase as the HSAP advanced through the process and after unresolved objections were duly appraised by a planning inspector. Members were informed that the HSAP had numerous conflicting and unresolved objections which meant that at this stage, with an adopted core strategy in place, the application having reached such an advanced stage, should be tested against the Core Strategy, and that full weight should be apportioned to the relevant policies identified within the published officer report.

The previous planning application which was refused for a single dwelling on land near to the site on the opposite side of Upper Marsh Road was referenced and the highway reasons for refusal were fully explained. The Council's highways officer, Chris Manns, who provided the highway consultation response for the current application before the committee, advised that he was satisfied that the new development would provide a suitable and safe access in-line with national guidance and council policy.

Following a question raised about the site's agricultural land classification, officers advised the committee that they understood the site to be grade 4 – which was taken from the Council's mapping constraint database. There was however some doubt as local residents believed the land to be grade 3a and 3b.

Members of the public, as detailed above, had the opportunity to speak on the application.

Local member, Councillor Tony Jackson, spoke in objection to the application and duly argued: that the development would damage the environment and countryside setting, that the proposed new access was constrained and dangerous, that the application was subject to a large number of objections and concerns which had not been fully explained. Cllr Jackson then argued that there was a plan being advanced to remove the site from the settlement limits and that it was right to exclude it as it was not suitable for residential development. Cllr Jackson moreover argued that presently the settlement boundary also included the town park and nature reserve but they too, were not deemed suitable parcels of land for residential development. Cllr Jackson argued that significant weight should be afforded to the emerging HSAP and that the development was contrary to Core Strategy 51.

Steve Sims informed the committee that the development site was not within a conservation area and no trees which had been felled were subject to preservation orders. Members were informed that the development proposal included a plan to safeguard the surrounding on-site trees and to create a buffer zone. The Council's ecologist consultation conclusions were reported to

members confirming that there was no ecology objection reported. It was also noted that although there would be some impact on the setting of a nearby listed building, the level of harm would be at the low end of less than substantial harm and in following the direction provided by NPPF paragraph 134, officers argued that the proposed scheme would deliver substantial public benefits in the form of additional housing including affordable housing that would outweigh the low level degree of harm to the wider setting of the nearby listed building.

A motion was moved to defer the application for a site visit and to request more information on the agricultural grading of the land, by Councillor Andrew Davis and was seconded by Councillor Pip Ridout.

A debate followed and the key points included: The need for more information on the grading of the land and whether the weighting of the settlement boundary review would change when it returns to committee.

Kenny Green explained the provisions of paragraph 216 of the National Policy Planning Framework in more detail and advised the committee to be mindful that the emerging plan still had to gain Cabinet and full Council endorsement and that there was a significant process still to follow before the HSAP could be reasonably afforded significant weight. Members were informed that even following Cabinet and full Council approval for the emerging housing sites allocation plan, the plan may be challenged on its soundness and/or be subject to potentially significant modifications by a planning inspector; and, as a consequence, officers advised members that the weight to be applied to the HSAP should be minimal.

At the end of the debate it was;

RESOLVED

To defer the application for a site visit and to request more information.

31 18/03933/FUL - Sienna Valley Farm, Huntenhall Lane, Chapmanslade

Public Participation

Maggie Thackway spoke in objection to the application.

Professor Nigel Brown spoke in objection to the application.

Ian Buick spoke in objection to the application.

Derek Tanswell spoke in support of the application.

Edward Drewe spoke in support of the application.

Cllr Keith Muston, Chairman Chapmanslade Parish Council, spoke in objection to the application.

Jemma Foster, Senior Planning Officer, introduced the report and members were informed that a previous application for a temporary agricultural workers dwelling on the site had previously been refused by the Council which went to appeal but the appeal had been dismissed. Members were informed of the material differences between the previous refused application and the current submission. Reference was made to what the planning inspector concluded as

part of the previous appeal, which included an acceptance, that there was an agricultural justification for an agricultural worker's dwelling on the site. The reason the appeal was dismissed was due to an unacceptable impact on the special landscape area.

The key issues were identified as; the principle of the development (with due regard made to the previous appeal decision), the impact upon the character and appearance of the special landscape area and potential neighbouring amenity impacts, as well access and highway matters and recommend that planning permission should be granted.

Members of the Committee had the opportunity to ask technical questions of the officer however no questions were asked.

Members of the public, as detailed above, had the opportunity to speak on the application.

Local Member Councillor Fleur De Rhe-Philippe spoke to the application highlighting: concerns about the impact on the special landscape area and that any further development would have a detrimental impact, and furthermore cast doubt about whether there was a need for the applicant to be on site 24 hours a day.

A motion was moved to refuse planning permission by Councillor Pip Ridout and seconded by Councillor Jerry Wickham.

A debate followed and the key points included: the provisions of Core Policy 48 and paragraph 6.66, the need for the committee to have consistency when making decisions and the decision of the Inspector.

At the end of the debate it was;

RESOLVED

To refuse planning permission for the following reasons:

- 1. The site is located in the open countryside, outside the limits of development for Chapmanslade as defined in the Wiltshire Core Strategy. Residential development in this location is restricted by Core Policy 48 which first requires a thorough scrutiny of available accommodation found locally and within nearby settlements (as directed by para 6.67 pursuant to CP48); and secondly, there must be a demonstrable essential need to justify a new dwellinghouse to be erected in the open countryside for the purpose of protecting the countryside and maintaining its local distinctiveness. In this particular case, the Council is not satisfied that there is an essential need for this proposal and the applicant has failed to appraise local housing opportunities as required by the adopted Core Strategy; and, for these reasons, the application is considered contrary to CP48 of the Wiltshire**

Core Strategy and paragraph 55 of the National Planning Policy Framework.

- 2. The site is located within the Corsley Heath to Chapmanslade Greensand Ridge Special Landscape Area and the Council concludes that the proposal would have a detrimental and harmful impact that would not be sympathetic to its special character and local distinctiveness; and for these reasons, the application is considered contrary to CP48 (and associated paragraphs 6.66-6.67) and CP51 of the Wiltshire Core Strategy and Saved Policy C3 of the West Wiltshire District Local Plan as well as being contrary to the NPPF and specifically paragraphs 17 and 109. The Council moreover submits that even if the applicant was able to make a convincing argument for the erection of a temporary dwelling on the site and in the location proposed, the harm that would be caused to the Special Landscape Area would not be outweighed.**

32 18/02549/OUT - Land to the rear 102 High Street, Chapmanslade

Public Participation

Paul Oakley, Agent, spoke in support of the application

Cllr Keith Muston, Chairman Chapmanslade Parish Council, spoke in on the application.

Matthew Perks, Senior Planning Officer, introduced the report which recommended approval be granted for an outline application for the erection of a single storey dwelling with all matters reserved except for access.

The key issues were identified as; light of the principle of the development and the potential impacts on the neighbouring amenity.

Members of the Committee had the opportunity to ask technical questions of the officer and no questions were asked.

Members of the public, as detailed above, had the opportunity to speak on the application.

A motion to move the officers recommendation with an amendment to condition 6 deleting the word 'between' and replacing it with the word 'outside' was proposed by the Chairman and seconded by Councillor Ernie Clark.

A debate followed and the key points included: the merit of including additional condition to restrict permission for just one dwelling and to amend condition 6.

At the end of the debate it was:

RESOLVED

To approve the officers recommendations subject to the following conditions:

1. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. No development shall commence on site until details of the following matters (in respect of which approval is expressly reserved) have been submitted to, and approved in writing by, the Local Planning Authority:

- (a) The scale of the development;
- (b) The layout of the development;
- (c) The external appearance of the development;
- (d) The landscaping of the site;

The development shall be carried out in accordance with the approved details.

REASON: The application was made for outline planning permission and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 5 (1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

3. The landscaping plan shall include provision for parking and turning areas on site. These areas shall be laid out and constructed prior to the first occupation of the dwelling hereby approved and shall be retained without obstruction thereafter.

REASON: In the interests of highway safety

4. The dwelling hereby permitted in outline form shall be single storey only.

REASON: To define the terms of this outline permission and to protect the amenity of the adjacent properties.

5. No development shall commence on site until an investigation of the history and current condition of the site to determine the likelihood of the existence of contamination arising from previous uses has been carried out and all of the following steps have been complied with to the satisfaction of the Local Planning Authority:

Step (i) A written report has been submitted to and approved by the Local Planning Authority which shall include details of the previous uses of the site and any adjacent sites for at least the last 100 years and a description of the current condition of the sites with regard to any activities that may

have caused contamination. The report shall confirm whether or not it is likely that contamination may be present on the site and the potential impact of any adjacent sites.

Step (ii) If the above report indicates that contamination may be present on, under or potentially affecting the proposed development site from adjacent land, or if evidence of contamination is found, a more detailed site investigation and risk assessment should be carried out in accordance with DEFRA and Environment Agency's "Model Procedures for the Management of Land Contamination CLR11" and other authoritative guidance and a report detailing the site investigation and risk assessment shall be submitted to and approved in writing by the Local Planning Authority.

Step (iii) If the report submitted pursuant to step (i) or (ii) indicates that remedial works are required, full details must be submitted to the Local Planning Authority and approved in writing and thereafter implemented prior to the commencement of the development or in accordance with a timetable that has been agreed in writing by the Local Planning Authority as part of the approved remediation scheme. On completion of any required remedial works the applicant shall provide written confirmation to the Local Planning Authority that the works have been completed in accordance with the agreed remediation strategy.

REASON: To ensure that land contamination can be dealt with adequately prior to the use of the site hereby approved by the Local Planning Authority.

6. There shall be no burning of materials on site during the development works and no construction shall be carried out outside the hours of 07:30 to 18:00 Mondays to Fridays and 07:30 to 1300 on Saturdays. No working shall be permitted on Sundays or Bank Holidays.

REASON: In the interests of neighbouring amenity.

7. Prior to the commencement of the development, a construction management statement will be submitted to and approved in writing by the Local Planning Authority. The statement will include details in regards to types of vehicles, construction staff parking requirements, management of debris/mud from the site and a program of works.

REASON: In the interests of highway safety and neighbouring amenity.

8. The development shall be carried out in accordance with the following approved plans:

Location Plan registered on 26 March 2018; and Site Plan registered on 26 March 2018

REASON: In order to define the terms of this permission.

INFORMATIVES:

The Protection of Badgers Act 1992 protects badgers from cruel ill-treatment, including damage or destruction of their setts, or disturbance whilst a sett is in occupation. This Act makes it illegal to carry out work that may disturb badgers without a Natural England licence. Particular care should be taken when clearing ground prior to development, and if evidence of badger activity is found, (such as foraging routes, snuffle holes, latrines or established setts), then work must stop immediately while a professional ecologist is contacted for advice. Applicants are advised to pay particular attention to foundation ditches, which can be hazardous to badgers. Sloping boards or steps should be provided to allow badgers to escape from such ditches should they become trapped. Failure to consider this matter, leading to the death of individuals, may leave the developer liable for prosecution. Further information about badgers and licensing can be found at <https://www.gov.uk/badgers-protection-surveys-and-licences>

There is a low risk that reptiles could occur on the application site. All reptiles are legally protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and planning permission does not provide a defence against prosecution. In order to minimise the risk of reptiles occurring on the site, the developer is advised to clear the site and vegetation in a sympathetic manner during the autumn (September/October) or spring months (April-May) and to maintain the vegetation at a short height to make it unsuitable for reptiles until the construction works commence. If these species are found during the works, the applicant is advised to stop work and follow the advice of a professional ecologist to inform necessary mitigation and/or compensation measures.

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.

33 18/01969/FUL - The Clovers, Hartley Farm, Winsley, Bradford on Avon

Public Participation

Andrew Mead spoke in objection to the application.

Keith Goddard spoke in objection to the application.

Lawrence Howe spoke in objection to the application.

Verity Giles-Franklin, Planning Officer, introduced the report which recommended approval be granted for a Change of use of agricultural land to equestrian use and proposed erection of a timber loose box / stable building

As part of the officer's presentation, members were informed that two late representations had been received following the publication of the committee report. Members were advised however that the late submissions repeated objections which had already been received during the consultation period.

The key issues were identified as; principle of development, the impact on the Green Belt and special landscape area as well as the impacts on neighbouring amenity, flood risk and highway safety.

Members of the Committee had the opportunity to ask technical questions of the officer. Details were sought on: whether structures already on the site needed planning permission, how many sheep were currently on the site and the amount of land that would be left taking into account the area of hardstanding.

Members of the public, as detailed above, had the opportunity to speak on the application.

Local Member Councillor Johnny Kidney spoke in objection to the application with the key points highlighting: That the development was in the greenbelt and special landscape area, that concerns were raised about increased traffic which had already caused damage to the local lanes and that the development was not appropriate for the size of the landholding.

A motion to defer the application for a site visit was proposed by Councillor Trevor Carbin and seconded by Councillor Ernie Clark.

A debate followed where the key points comprised: the scale of the development compared to the size of the land, clarification on the guidance published by the British Horse Society in terms of what constitutes as an appropriate ratio of horses numbers to area of landholding. Highway safety and increased traffic generation as also discussed and a question was posed to officers as to whether water and electric utilities were available on the site.

At the end of the debate it was:

RESOLVED

To defer the application for a site visit and to request that officers seek answers on whether the site has water and electric utility connections.

34 **Urgent Items**

Members discussed site visit arrangements for the two applications that were deferred for site visits and it was;

RESOLVED:

It was agreed that the site visit for 17/12348/OUT would take place at 1pm on Monday 23 July 2018.

It was agreed that the site visit for 18/01969/FUL would take place at 1pm on Wednesday 25 July 2018.

(Duration of meeting: 3.00 - 6.15 pm)

The Officer who has produced these minutes is Jessica Croman of Democratic Services, direct line 01225 718262, e-mail jessica.croman@wiltshire.gov.uk

Press enquiries to Communications, direct line (01225) 713114/713115

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