

MICHELMERSH & TIMSBURY PARISH COUNCIL

**A Planning Meeting of the Parish Council will be held on Wednesday 3rd July 2019
at 7.30 p.m. in the Jubilee Hall, Timsbury**

Members of the public and press are most welcome to attend.

AGENDA

Apologies

1. Attendees

2. Declarations of any Interest.

3. Open Period

4. Planning Applications

4.1 19/01255/LBWS

Erection of new entrance gates and gate piers

Site: Michelmersh Court, Church Road, Michelmersh

4.2 19/01446/FULLS

Replacement of partially dismantled agricultural buildings with two detached dwellings and one ancillary outbuilding, creation of a new access and alterations to an existing access, change of use of land from agricultural to residential use.

Site: Oak Tree Farm, Staff Road, Michelmersh

4.3 19/01463/FULLS

Erection of 4 residential dwellings, with associated landscaping and parking

Site: Land South of Smallberry Hill, Haccups Lane, Michelmersh

5. Chairman's Mandate

6. Dates of future meetings

A Meeting of the Parish Council 24th July 2019

MICHELMERSH & TIMSBURY PARISH COUNCIL

Minutes of the Parish Council Planning Meeting held on Wednesday 3rd July 2019 at 7.30 p.m. at the Jubilee Hall, Timsbury.

Apologies: Cllr. Sharman Ferguson, Cllr. Donald Cowling, Cllr. Peter Clarke, Residents John & Jane Chambers.

1. Attendees: Cllr. Bob Davis (Chairman), Cllr. John Rhodes, Cllr. Helen Palmer, Cllr. Steve Langford, TVBC Cllr. Gordon Bailey, TVBC Cllr. Nick Adams-King.
22 members of the public.

2. Declarations of any Interests

None declared.

3. Open Period

Ref 19/01463/FULLS – Land South of Smallberry Hill

Mr. Roger Wilson, local resident read out the following statement:

“History of the Conservation Area(CA)

When residents first raised the location of this site during the previous application, their arguments were dismissed by Planning on the basis that the Conservation Area Policy was over 30 years old. We note that it is now accepted that the site is located in the setting of the Conservation Area, with it specifically identified as an Important Open Area, and that the Policy is now a Supplemental Planning Document(SPD), as is the VDS.

Change to the settlement boundary

So that you have a better understanding of the reason for the upset which the change of boundary has caused, I would like to explain how this came about:

- for the first two drafts of the Local Plan, the site was not included in the boundary;
- in April 2013 on the last but one day of the consultations on the second draft, the owners' agent lodged an objection, arguing that the site should be included. The day before the Parish Council had agreed its submission on the second draft. There is evidence that the objection was being prepared at least two weeks before then;
- this objection was considered under Regulation 18 by TVBC and agreed to, without any consultation with the PC or residents.

It is most unlikely that the boundary would have changed if the objection had not been made. We have serious concerns about the way in which the change was made and the reasons for it, in particular :

- although requested, we have not been provided with any evidence that, when determining the change of boundary or at the time of the pre-application for the previous application or the application itself, consideration was given to the Conservation Area Policy, the Village Design Statement or the submission of the Parish Council dated 17 February 2012 to the first draft of the Local Plan, which stated that Parishioners were adamant that the site in question should be declared Open Space. The first evidence is only dated after residents raised these considerations.
- the lack of any consultation with the Parish Council and the village residents;
- the additional 6,000 sq metres resulting from the boundary change was not a minor modification either to the site, more than trebling its area within the curtilage, the Conservation Area or the village;
- this field ie the whole site in question, has always been separated from the garden and does not meet the criteria for inclusion within the curtilage of the house. Several of the Council's own departments call the site a field or a paddock. Curtilage is meant to be only the area necessary for the enjoyment of the house.

Material considerations

We consider that the following are material considerations which we consider can override the presumption in favour of development:

1. The Conservation Area Policy which is a Supplementary Planning Document (SPD) states that the key to maintaining the character of the old village lies in the retention of those features which contribute towards its unique identity, including the distinctiveness of the hilltop setting, the low level of development and the existence of open areas. It specifically states "Certain areas are identified within and adjacent to the conservation area as being important to the character of the village. Because of this it is improbable that any development will be permitted on them. The Borough Council would therefore wish to see them retained and enhanced accordingly." These are the Important Open Areas, of which Smallberry is one.

2. The Village Design Statement which is also an SPD. Recommendation 23 states that the areas and aspects adjacent to the CA should be...conserved to the enhancement of the whole village. Recommendations 18, 19, and 22 further support these objectives. The CA Policy and the VDS statement were re-inforced by the Parish Council's response on 127 February 2012 to the TVBC draft Core Strategy - "Parishioners are adamant that (the site in question) is declared Green Open Space."

3. The Council's Spatial Strategy which lays the foundation for the policies in the Local Plan. The Statement on the Local Environment is to protect, conserve and enhance the natural environment, including heritage. It further states that the Council can utilise its **existing** documents eg the Conservation Area appraisals and the VDS. It adds the objective of maintaining the identities of individual settlements through physical separation.

3. Para 194 of the NPPF states that "any harm or loss to a designated heritage asset should require clear and convincing justification" with a need to demonstrate that substantial public benefits would outweigh that harm or loss. Neither the Council nor the applicant has demonstrated any substantial public benefits which outweigh the loss of this Important Open Area.

4. The decision of the Inspector in Appeal Ref APP/C1760/A00/1046286 in 2000 was in respect of a site directly opposite Smallberry. He concluded that "the harm which the proposal would cause to the character and appearance of Haccups Lane and to the character of the Conservation Area would outweigh any benefit to be gained by using the land more efficiently." This opinion has been followed in the last two planning decisions in Haccups Lane in 2008 and 2009. The 2008 decision stated that " it is essential that the creeping urbanisation through new development close to the lane is resisted."

5. The Landscape Character Area Assessment - LCA4B Michelmersh to Timsbury records that the strategy is to maintain the existing quality of the landscape buffer between the existing settlements and protect the area from urbanising influences. This is further supported by the sustainability objectives 8 and 9 of the Sustainability Appraisal Scoping Report - conserve the landscape and settlement character and historic environment.

Thus I would ask you to support our arguments that these material considerations overrule the presumption in favour of development."

Other local residents expressed their agreement for the above statement and went on to highlight the following concerns:

- The additional traffic will further erode the banks on Haccups Lane
- If the proposed site entrance is not permitted, then any alternative entrance on Haccups Lane would involve the part removal of an ancient hedgerow (as quoted in the Conservation Policy).
- An entrance off Haccups Lane would increase the danger to pedestrians and road users as visibility in this area is limited due to the narrow width of the lane.
- All other houses on Haccups Lane are set back from the lane and are within their own plot, as highlighted in the Village Design Statement.

- If this application is permitted, it would set a precedent for other such development of similar sites.
- Drainage work is to be conducted the piece of land outside of the settlement boundary. This could be considered development on land deemed as countryside and therefore contrary to policy.

19/01446/FULLS - Oak Tree Farm

Mr J Hunt, applicant, explained why this application has been submitted. The buildings, which had planning permission for conversion to two houses, had been judged by their Building Control Inspector to be unsafe and therefore had to be demolished. Subsequently he had been informed by the TVBC Enforcement Officer that this was without planning permission and was unlawful. Work has now stopped. As a result, Mr Hunt has had to re-apply for planning permission: the new buildings, as proposed, would be identical in appearance with the conversions for which permission had previously been granted. He hoped that the Parish Council would support the application although he appreciated that in policy terms these would be new buildings in the countryside.

TVBC Cllr Nick Adams-King

19/01463/FULLS – Land South of Smallberry Hill

As M&T's TVBC Councillor and as a Planning Cabinet Member, Cllr. Adams-King gave an overview as to how the proposed site had been included within the Settlement Boundary. He understood that the Parish Council had not been specifically informed about its inclusion, as a result of a landowner's application, following the first consultation on the Local Plan. He felt that there had been a number of shortcomings on consultation in the past and that the consultation process for the new plan will be very different: Cllr. Adams-King stated that TVBC has lessons to be learnt for the next Local Plan.

In relation to this application, Cllr. Adams-King stated that it appeared that some of the objections to the previous (refused) application had been overcome. However, in light of the views of many residents, he would 'call in' the application to the Southern Area Planning Committee if the planning officer recommended approval. Cllr. Adams-King stated that since the land is included within the settlement boundary, development would normally be allowed although the provisions of other Council and national planning policies would be considered.

Mr Roger Wilson asked why, if material considerations can be considered, is it a 'done deal' that something will be built here.

Cllr. Nick Adams-King explained that there is a hierarchy of policies which can be used to either support or object to an application. All are material considerations and they can be referred to. However the presumption is that because the site is now within the settlement boundary it can be built on. It may prove difficult to negate that presumption.

Mr Roger Wilson asked why, when the site was added to the settlement, did TVBC not consider the Conservation Policy and other additional policies which would have provided grounds for refusing to include this site into the settlement.

Cllr. Bob Davis stated that although the Parish Council acknowledges Mr Wilson's points, whether or not TVBC Planning failed to refer properly to their own policies when they included the site was not directly relevant to this planning application.

19/01446/FULLS - Oak Tree Farm

Cllr. Adams-King outlined the reasons for this application, as set out by Mr. J Hunt earlier in the meeting. He stated that it would be helpful for the Parish Council to actively support this application as the applicants had found themselves in this situation through no fault of their own. He stated that this was a very rare situation and would not be used as a precedent for other applications in the future.

OPEN PERIOD CLOSED

4. Planning Applications

4.2 19/01446/FULLS

Replacement of partially dismantled agricultural buildings with two detached dwellings and one ancillary outbuilding, creation of a new access and alterations to an existing access, change of use of land from agricultural to residential use.

Site: Oak Tree Farm, Staff Road, Michelmersh

Decision: Following some discussion, the Parish Council had no objections and agreed to actively support this application.

The site had planning permission for the buildings to be converted into dwellings, on the basis that they were structurally sound, but after works started the buildings were found to be unsafe and were demolished. Therefore this application is for 'new' buildings. The site is outside the village Settlement Boundary and in the Conservation Area and such, development would be seen as contrary to Local Plan policy. However, the Council agreed to support the application, on the basis that the new buildings would be identical in size and appearance to the converted buildings for which planning permission had been granted, and the development following the clearance of the building site, would result in an enhancement to the Conservation Area. .

4.3 19/01463/FULLS

Erection of 4 residential dwellings, with associated landscaping and parking

Site: Land South of Smallberry Hill, Haccups Lane, Michelmersh

- Cllr. Adams-King read TVBC's previous reasons for refusal.
- Cllr. Bob Davis read the Parish Council's previous objection letter ref: KH271/NOV18

Following some discussion, surrounding the relevance and appropriateness of using the Local Plan, the Village Design Statement and the Conservation Policy considerations in a bid to overturn the presumption of development on this site, the Parish Council agreed to object on the following grounds:

- 1 The site is adjacent to the Michelmersh Conservation Area and is valued by residents as an open green space. It is identified in the TVBC Conservation Policy as an 'Important Open Area, bounded by 'important hedges.' That policy states (in respect of such areas) that

"...; it is improbable that any development would be permitted on them. The Borough Council would wish to see them retained and enhanced".

The Parish Council wrote to the Borough Council on 17 February 2012, re-stating the Council's and residents' view on the significance of this site as open land. Despite the Conservation Policy and this correspondence from the Parish, the part of the site where new housing is proposed was included in the village Settlement Boundary in 2014, as a result of a representation on behalf of the landowner.

The Parish Council considers that development on this site would have a damaging effect on the setting of the Conservation Area. It would be contrary to the Borough Council Conservation Policy and also with the Village Design Statement which states ('For the Environment' – para 21):

"The border of the Conservation area should not be considered as a cut-off line, and the areas and aspects adjacent should be similarly conserved to the enhancement of the whole village"

- 2 As proposed, the access road, turning area and some drainage infrastructure will be within the triangle of land to the south-east of the proposed housing site. This land is not within the Settlement Boundary and is defined in the Borough Local Plan as 'countryside'.

The Parish Council questions whether the use of this land to serve the housing development accords with Local Plan policies.

3. Haccups Lane is very narrow, with poor visibility at bends, and is not subject to any speed limit in the vicinity of the site. Any vehicular access to the site, and any additional traffic generated by the site, would create additional hazards for other road users, including pedestrians.
- 4 The layout and density of housing now proposed differs in only minor respects from that proposed in previous application 18/02578/FULLS. That application was refused by the Borough Council. The first reason for refusal included:

“The resultant plot sizes, layout, appearance, materials and building style ... would create a development which would not integrate, respect and complement the local rural distinctiveness of this area of Haccups Lane. The proposal would therefore result in an adverse effect on the character and appearance of the area site, contrary to Policy E1...”

The Parish Council's view is the same as it was for the previous application: the proposed houses are oversized for their plots compared with others in the vicinity. Other houses in this part of Haccups Lane are set in large plots with individual access. The proposed group of 4 houses, with a shared access and in the form of a 'small estate', would be out-of-character and therefore detrimental to the area.

Overall, the Parish Council's view is that no development should take place on this land, mainly for the reasons set out in (1) above but taking into account points (2) and (3) above. If development were to be permitted, this should comprise of fewer smaller houses to minimise the adverse impact on the character of the area (4 above) and to retain at least some of the open nature of the site that is greatly valued by residents.

4.1 19/01255/LBWS

Erection of new entrance gates and gate piers

Site: Michelmersh Court, Church Road, Michelmersh

Decision: No objection, however the Council would like the Conservation Officer to review the size of the ball shaped finials, as these seem disproportionately large in scale to the gate piers.

5. Chairman's Mandate

Agreed.

6. Dates of future meetings

A Meeting of the Parish Council 24th July 2019

Meeting Closed 9.15pm