

# MARKET LAVINGTON PARISH COUNCIL

Clerk: Mrs Carol Hackett, 23 Orchard Close, West Ashton. Wiltshire. BA14 6AU.

Tel: 01225 760372 or Email: [clerk@marketlavingtonparishcouncil.gov.uk](mailto:clerk@marketlavingtonparishcouncil.gov.uk)

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Minutes of the **Planning Committee Meeting** of the Parish Council

**Held on Tuesday 7th June 2022**

**at 7.15pm in the Old School, Market Lavington**

**Councillors Present:** Cllr Stevens (Chairman), Cllr Earley, Cllr Boaden (arrived at 7.23pm), Cllr Turner-Scott, Cllr Vine, Cllr Davis, and Cllr Steele.

**In attendance:** Wiltshire Cllr Muns, seven members of the public (two left at 8.02pm), and Carol Hackett (Parish Clerk).

	AGENDA ITEM
22/23-20	<b>Election of Chairman</b> There being no other nominations, it was proposed by Cllr Steele, seconded by Cllr Turner-Scott, and resolved to elect Cllr Stevens as Chairman of the Planning Committee for the municipal year 2022/2023.
22/23-21	<b>Apologies for Absence</b> None – all committee members present.
22/23-22	<b>Declarations of Interest and Dispensations to Participate</b> There were none.
22/23-23	<b>Minutes of Council Committee meeting</b> The minutes of the Planning Committee meeting held on 17th May 2022 having been previously circulated to Councillors, were approved as a correct record - proposed Cllr Earley, seconded Cllr Vine.
22/23-24	<b>Adjournment for Public Participation (maximum of 5 minutes)</b> The meeting was adjourned at 7.16pm and resumed at 7.20pm.
22/23-25	<b>Planning applications</b> a) The Parish Council considered the planning applications received as listed below: i. PL/2022/03658 – Outline Planning Consent – Underhill Nurseries, Fiddington Hill, Market Lavington. SN10 4BU. Erection of 4 no. dwellings with attached single garages - Proposed Cllr Turner-Scott, seconded by Cllr Stevens, and resolved by a majority vote (Cllr Davis and Cllr Vine abstained from the vote)  Objection - The Market Lavington Neighbourhood Plan passed referendum in May 2021, and contains policies and site allocations to meet the housing requirement in Market Lavington. Subsequently, there is no reason to approve any additional development.  ii. PL/2022/03161 – Prior Notice Change of Use – Stobberts Agricultural Buildings, Stobberts Road, Market Lavington. SN10 4AZ. Prior notification for the proposed change of use of agricultural building to 1 no. dwelling house (Class 3) and associated operational development pursuant to class Q (b) of the GPDO 2015 – Proposed Cllr Vine, seconded by Cllr Earley, and resolved - Objection  <b>1) Access / Impact of the proposed development on highway safety</b> - There is a long planning history relating to this site, with applications having been turned down numerous times on Highways grounds.  Previous applications:

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- E/10/0527/FUL
- 17/04448/PNCOU (June 2017 - refused)
- 19/04697/PNCOU (June 2019 - withdrawn)
- 19/08171/PNCOU (October 2019 - refused)
- APP/Y3940/W/20/3250212 (September 2020 – Appeal refused) –

The Inspector concluded at para. 19 and 23 of the Appeal Decision that - *In my opinion, this junction between Stobberts Road and the High Street is substandard to a degree that further increased traffic on this road as a consequence of the proposed new residential unit should be avoided (Para. 19). I therefore conclude that the route from the site from the proposed dwelling through to the main road through the village (High Street (B3098)) is substandard from a highway safety perspective. The additional dwelling as proposed would result in significant highway safety impacts through additional traffic generated on this route, even though the number of additional trips would not likely be substantial. The proposal would therefore have a significant adverse highway impact (Para. 23)* - For the reason of highway safety, the appeal should be dismissed.

**Since the appeal in 2020, there have been no changes to road access or the history of the site.**

Access via Stobberts Road, is along a single-track metalled road that exits onto the B3098, beside a high wall that severely limits driver's vision, and is wholly unsuitable for any additional vehicular traffic. The proposed access then continues across a Bridleway, for which the plot has no permitted right of way for residential vehicular use.

As detailed in previous responses, there is no pavement on either side of Stobberts Road, so increased vehicle traffic would put pedestrians at greater risk. The frequent pedestrian users of Stobberts Road include mothers with babies and toddlers, school children walking to and from the three local schools, elderly residents, and those with serious mobility problems, including two using mobility scooters on Stobberts Road and The Clays. Bridleway MLAV24 passes next to the site, so even recreational horse-riders, some of whom need to access nearby paddocks, would have to contend with the additional traffic. MLAV24 is the route used by school children and shoppers including the elderly, to access the shops and schools in Market Lavington, rather than using the High Street, because of vehicles mounting the pavement on the High Street due to congestion problems.

With regards to the suggested use of the Clays (MLAV24) for vehicular access to the proposed dwelling, the Clays is classified as a Bridleway, and as such, there are certain legal restrictions which apply to its use. It is an offence under the Road Traffic Act 1988 (section 34) to drive a mechanically propelled vehicle on any road being a footpath, bridleway, or restricted byway. If you do drive along as a member of the public, you will need to demonstrate your lawful right to do so. Wiltshire Council has a duty under the Highways Act to ensure usage is legal, and may take enforcement action where it is not. Wiltshire Council may also refer to the Police for enforcement under the relevant law – (as detailed in letter issued by Wiltshire Council for use by the Parish Council in November 2021 – please see copy at end of submission response).

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	<p>The Planning Statement submitted with the application refers to application PL/2021/03266 and the issue of a Certificate of Proposed lawful use, for use of building 3 and associated curtilage to a flexible use falling within Use Class B8 (storage or distribution), issued in May 2021. It appears that it may not be a requirement for this type of application to consider transport and highways impacts of the development, <b>however</b>, prior approval of these matters is required for permitted development under Class Q.</p> <p><b>2) Concerns regarding use of other buildings on the site</b> - Despite the indication from the appellant that the preferred use of the site would be conversion of the pig unit to a dwelling, with a later planning application to turn the rest of the holding into an enlarged garden, the Parish Council has genuine concerns regarding what will happen with building 4 after completion of the development, if the application were to be approved. It is therefore imperative that any subsequent planning approval for this site should include conditions which prevent any further development of the site, as well as preventing the extension of any existing development.</p> <p><b>3) Settlement Boundary</b> - This site is outside the settlement boundary. The Market Lavington Neighbourhood Plan passed referendum in May 2021, and contains policies and site allocations to meet the housing requirement in Market Lavington. Subsequently, there is no reason to approve any additional unsuitable development of this nature.</p> <p>b) Planning applications received after the issue of the agenda (<i>where the response time falls outside of the meeting schedule and an extension cannot be obtained</i>) There were none.</p>
22/23-26	<p><b>Any other Planning Matters</b> There were none.</p>
22/23-27	<p><b>Closure of meeting</b> There being no further business the meeting was closed at 8.14pm.</p>