

Eastern Area Planning Committee

MINUTES OF THE EASTERN AREA PLANNING COMMITTEE MEETING HELD ON 7 SEPTEMBER 2023 AT WESSEX ROOM - THE CORN EXCHANGE, MARKET PLACE, DEVIZES, SN10 1HS.

Present:

Cllr Philip Whitehead (Chairman), Cllr Paul Oatway QPM (Vice-Chairman), Cllr Dr Brian Mathew, Cllr Kelvin Nash, Cllr Tony Pickernell and Cllr Iain Wallis

Also Present:

Cllr Christopher Williams

35. **Apologies**

Apologies for absence were received from:

- Cllr Stuart Wheeler
- Cllr Sam Pearce-Kearney

36. **Minutes of the Previous Meeting**

Cllr Iain Wallis clarified that when he made an additional declaration in relation to his employment at the Department for Environment, Food and Rural Affairs, at the previous meeting that he was speaking in a personal capacity and not on behalf of the department.

On the proposal of the Chairman, seconded by the Vice-Chairman, it was resolved to make the:

Decision

To approve the minutes of the previous meeting, held on 13 July 2023 as a true and correct record, subject to an amendment to the additional declaration by Cllr Wallis to confirm that he was speaking in a personal capacity.

37. **Declarations of Interest**

There were no declarations of interest.

38. **Chairman's Announcements**

There were no Chairman's announcements.

39. **Public Participation**

There was no public participation.

40. **Planning Appeals and Updates**

On the proposal of the Chairman, seconded by Cllr Tony Pickernell, it was:

Resolved

To note the report on completed and ending appeals for the period 30 June to 25 August 2023.

41. **PL/2023/00207: Cross Keys Inn, Upper Chute, SP11 9ER**

Public Participation

- Mr Tim Curran spoke in objection to the application.
- Mr Mark Pettitt (Fowler Architecture and Planning) spoke in support of the application.
- Dr Anna Moore spoke in support of the application.
- Cllr Carolyn Wall, Chairman of Chute Parish Council, spoke in support of the application.

The Senior Conservation and Planning Officer, Lynda King, introduced a report that recommended that the application for the demolition of existing buildings and erection of a detached dwelling with associated parking, turning, landscaping, private amenity space and access, be refused. Key considerations were stated to include principle of development, ecology impacts, heritage and design.

It was explained that the proposed development site covered an area of approximately 0.3 hectares and was located within the conservation area of Upper Chute, a small village with no defined settlement boundary. The site was also located within the North Wessex Downs Area of Outstanding Natural Beauty.

It was noted that there had been an attempt to list the former Cross Keys Inn, but that a decision was made by Historic England not to list the building in October 2019. Permission to change the use of the Cross Keys Inn from a public house to a single dwelling had been approved in December 2019, but a subsequent application for a new-build replacement dwelling had been refused.

The Planning Officer explained that the existing Cross Keys Inn was a non-designated heritage asset which made a positive contribution to the character of the Upper Chute Conservation Area. The applicant's own heritage consultant had concluded that the existing building was not beyond economic repair.

Members of the Committee then had the opportunity to ask technical questions of the officer.

In response to technical questions by the Committee, the Planning Officer clarified that the public footpath (PROWCHUT18) crossed the front of the site on a diagonal route would not be impacted by proposals. She was unable to confirm whether it would be more sustainable environmentally to demolish the existing structures and replace them with a more energy efficient building or insulate the existing buildings to a high standard.

When asked about the designation of the existing property as a non-designated heritage asset, the Planning Officer advised that heritage assets could be non-designated if they had local associations and formed part of the historic fabric of the area. The Cross Keys Inn was understood to date from the eighteenth century and Wiltshire Council's Conservation Officer had objected to the proposals for its demolition. It was noted that the planning statement which accompanied the 2019 application to convert building to a residential dwelling had noted that the proposals had a positive heritage impact and would benefit the conservation area. It was emphasised that Wiltshire Council had a statutory duty under section 72 of the Planning (Listed buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character of a Conservation Area.

Replying to a query about a survey submitted by the applicant, which noted that it was likely that there were no suitable foundations under the existing walls, the Planning Officer highlighted that Wiltshire Council's Conservation Officer did believe that the existing building was capable of conversion. The survey undertaken by the applicant's surveyor was a visual, rather than a detailed dimensional survey.

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

The Unitary Division Member, Cllr Christopher Williams, then spoke in support of the application.

In response to the points raised by the public and Unitary Division Member, the Planning Officer reiterated that deterioration in the condition of the property was not a reason to grant permission to demolish the non-designated heritage asset. It was also highlighted that evidence that conversion works had materially commenced was provided in 2022.

So the Committee had something to debate Cllr Dr Brian Mathew, seconded by Cllr Kelvin Nash, proposed that the application be approved, contrary to recommendations.

A debate followed where the impact of the removal of the existing structure on the conservation area was discussed. Some members questioned the historical significance of the existing buildings. Other points raised included the relative environmental benefits of the retention and demolition of the existing buildings.

The Planning Officer confirmed that if the Committee felt that there would be limited harm to the conservation area by the removal of a heritage asset then there needed to be public benefits to the proposals. In addition, she advised that Core Policy 57 of the Wiltshire Core Strategy (Ensuring High Quality Design and Place Shaping) was unlikely to be a reason for approval).

Following the conclusion of the debate it was:

Resolved

That the application for the demolition of existing buildings and erection of a detached dwelling with associated parking, turning, landscaping, private amenity space and access, be GRANTED contrary to officer recommendation.

REASON: In line with Paragraph 202 of the National Planning Policy Framework September 2023, it was felt that the development proposal would lead to less than substantial harm, and that this harm would be outweighed by the benefits that would come from the design of the building and securing the optimum viable use of the application site.

Subject to the following conditions:

1) Commencement of development

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) Approved Plans

The development hereby permitted shall be carried out in accordance with the following approved plans:

**Site Plan – Drawing no. 200523-10 Rev C, received on 14th August 2023
Block Plan – Drawing no. 200523-11 Rev C, received on 14th August 2023
Plans and Elevations – Drawing no. 200523, received on 10th January 2023**

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

3) Materials to be approved

No development shall commence on site above slab level until the exact details and samples of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and 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, in the interests of visual amenity and the character and appearance of the area.

4) Permitted Development Rights to be removed

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending those Orders with or without modification), no development within Part 1, Classes A-H shall take place on the dwellinghouse(s) hereby permitted or within their curtilage.

REASON: In the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions, extensions or enlargements.

5) Biodiversity Mitigation

The development will be carried out in strict accordance with the following documents:

- Section 7 of Ecological Impact Assessment. (LC Ecological Services, April 2023 Updated July 2023).**
- 2023.08.14 Revised Block Plan. Dwg No: 200523-11 rev C. (Fowler Architects Planning, Feb 2023)**

REASON: For the avoidance of doubt and for the protection, mitigation and enhancement of biodiversity.

6) Water efficiency

The overnight development hereby approved shall be designed to ensure it does not exceed 110 litres per person per day water consumption levels (which includes external water usage) and a water efficiency assessment should be submitted. Before the development is brought into use, a water efficiency report certifying that this standard has been achieved shall be submitted to the local planning authority for its written approval.

REASON: To ensure compliance with the prevailing mitigation strategy for nutrient neutrality in the water catchment within which this development is located.

7) Wildlife enhancement

No demolition or removal of trees or shrubs shall take place until full details of a Wildlife Protection and Enhancement Scheme have been submitted to and approved in writing by the local planning authority. These details shall include:

(i) Details of proposed measures that will be taken to avoid harm to wildlife, including timing of works to avoid nesting birds, and pre-commencement checks for protected species including bats, birds, reptiles and amphibians.

(ii) A plan specifying the location(s) and type(s) of feature(s) to enhance the site for biodiversity.

(iii) Planting plan of habitats to enhance the site for biodiversity.

REASON: To avoid adverse impacts on biodiversity.

8) Construction method statement

No development shall commence on site (including any works of demolition), until a Construction Method Statement, which shall include the following:

a) the parking of vehicles of site operatives and visitors;

b) loading and unloading of plant and materials;

c) storage of plant and materials used in constructing the development;

d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;

e) wheel washing facilities;

f) measures to control the emission of dust and dirt during construction;

g) a scheme for recycling/disposing of waste resulting from demolition and construction works; and

h) measures for the protection of the natural environment.

i) hours of construction, including deliveries;

has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be complied with in full throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and 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 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.

9) No burning on site

There shall be no burning of any materials on site.

REASON: In the interests of the amenities of local residents.

42. Urgent items

There were no urgent items. However, the Chairman noted that if the Committee held a meeting on 5 October 2023, it would be held in the Assembly Room at Devizes Town Hall, SN10 1BN.

(Duration of meeting: 3.00 - 4.10 pm)

The Officer who has produced these minutes is Matt Hitch of Democratic Services, direct line 01225 718059, e-mail matthew.hitch@wiltshire.gov.uk

Press enquiries to Communications, direct line 01225 713114 or email communications@wiltshire.gov.uk