

Eastern Area Planning Committee

MINUTES OF THE EASTERN AREA PLANNING COMMITTEE MEETING HELD ON 22 AUGUST 2024 AT WESSEX ROOM - THE CORN EXCHANGE, MARKET PLACE, DEVIZES, SN10 1HS.

Present:

Cllr Philip Whitehead (Chairman), Cllr Adrian Foster, Cllr Kelvin Nash, Cllr Iain Wallis, Cllr Stuart Wheeler and Cllr Sam Pearce-Kearney (Substitute)

Also Present:

Cllr Tamara Reay

60. **Apologies**

Apologies for absence were received from:

- Cllr Paul Oatway QPM
- Cllr Dr Brian Mathew MP, substituted by Cllr Sam Pearce-Kearney

The Committee sent their best wishes to Cllr Oatway QPM who was unable to attend due to ill health.

61. **Minutes of the Previous Meeting**

On the proposal of the Chairman, seconded by Cllr Adrian Foster, it was:

Resolved

To approve the minutes of the meeting held on 11 July 2024 as a true and correct record.

62. **Declarations of Interest**

There were no declarations of interest.

63. **Chairman's Announcements**

There were no announcements.

64. **Public Participation**

The Committee noted the rules on public participation.

65. **Planning Appeals and Updates**

The Chairman observed that the Inspector had allowed applications for the installation of solar panels on the garage of a listed building.

On the proposal of the Chairman, seconded by Cllr Stuart Wheeler, it was:

Resolved

To note the planning appeals update for the period between 28 June and 9 August 2024.

66. **PL/2024/01509: Townsend Farm Yard, Poulshot, Devizes, SN10 1RZ**

Public Participation

- Ms Clare Plank had a statement read out in opposition to the application
- Mr Richard Cosker (RCC Town Planning) spoke in support of the application
- Mr Nick Church (Gaiger Brothers Ltd) spoke in support of the application

The Senior Planning Officer, Meredith Baker, introduced a report which recommended that the application for the redevelopment of a redundant farmyard to provide 14 'net zero' dwellings and associated works, be approved subject to conditions and the completion of a S106 agreement. Key details were stated to include the principle, and design, of the development as well as the landscape, highway and drainage impacts.

It was reported that the application had been brought to Committee as it was being recommended for approval despite being a departure from the policies of the Development Plan. The proposed development was in open countryside and was contrary to Core Policy 1 (Settlement Strategy), Core Policy 2 (Delivery Strategy) and Core Policy 61 (Transport and Development) of the Wiltshire Core Strategy.

However, the Senior Planning Officer explained that the redevelopment of the land, in landscape and visual impact terms, should have significant positive weight in the planning balance. The proposed development would have several benefits including, delivering an 85 percent biodiversity net gain, improving drainage, as well creating a new bus shelter and footway. Furthermore, the proposed development would provide housing on a site which was unlikely to be economically viable for commercial operation without significant rebuilding.

The Senior Planning Officer argued that the benefits that the development would deliver outweighed the harm it would cause, highlighting that Paragraph 9 of the National Planning Policy Framework (NPPF) stated that development should take account of local circumstances to reflect the character, need and opportunities of each area.

Members of the Committee then had the opportunity to ask technical questions of the Senior Planning Officer. Details were sought about the distribution of affordable housing within the development and whether it met the need

identified in the area. The Senior Planning Officer explained that Wiltshire Council's Housing Enabling Officer had not objected to the scheme, subject to the completion of the S106 agreement. The affordable properties, plots two to five, would include two two-bedroomed dwellings and two three-bedroomed dwellings.

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

The Chairman read out a statement in objection on behalf of Ms Clare Plank, who was unable to attend in person.

The Unitary Division Member, Cllr Tamara Reay, then spoke in support of the application.

The Senior Planning Officer then had the opportunity to respond to the points raised by the public and Unitary Division Member.

So that the Committee had something to debate, the Chairman, seconded by Cllr Stuart Wheeler, proposed that the application be approved in line with officer recommendation.

Details were sought about whether the application site was classified as brownfield land. The Senior Planning Officer explained that the site was technically classed as agricultural; the NPPF was not specific about redundant farmyards being considered brownfield.

The Senior Planning Officer drew attention to a late representation by the Agent proposing amendments to the sequencing of the work. She explained that the Agent's proposed amendments to Conditions 13, 17 and 24 would require that the heat pumps, parking, electric vehicle charging, cycle parking and bin storage facilities, were completed for each property before it could be occupied. This was a change from the conditions in the report that required those works be completed for all the properties before the first could be occupied. Furthermore, the Agent had requested that the requirement for the bus shelter and shared use path to be finished before any of the properties be occupied, under conditions 22 and 23, be amended to require their completion before the occupation of the fifth dwelling. The Senior Planning Officer explained that, although she was content with most of the proposed changes, she did have concerns about the proposals to update Conditions 22 and 23, given the need to guarantee that the footpath and bus shelter were delivered.

Whilst the Committee appreciated the funding challenges in providing the infrastructure up front, they did emphasise that they wanted all the potential benefits associated with the scheme to be realised if the application was approved. Legal advice was sought about whether it would be possible to guarantee the completion of footpath and bus shelter through the S106 agreement and to avoid the need for a revised planning application. The Legal Advisor, Alwyn Thomas, advised that it would be possible to condition via a performance bond.

The Chairman and the seconder, Cllr Wheeler, were content for the substantive motion to be amended to include the changes, subject to a guarantee via a performance bond in the S106 agreement that the footpath and bus shelter would be completed. The Committee were happy to delegate the final wording of the conditions to the Senior Planning Officer and Development Management Team Leader, Karen Guest, in consultation with the Chairman. At the conclusion of the discussion, it was:

Resolved

To GRANT permission for the redevelopment of redundant farmyard to provide 14 'net zero' dwellings and associated works, subject to conditions [as amended by the Committee] and the completion of a S106 agreement covering the matters set out in the report.

67. PL/2024/05326: Forest View, East Grafton, Marlborough, SN8 3DB

Public Participation

- Mr Michael Fowler (Fowler Architecture and Planning Ltd) spoke in support of the application
- Mr Bill Clemence spoke in support of the application

Cllr Stuart Wheeler recused himself from the Committee and sat with the public. He spoke only in his capacity as Unitary Division Member.

The Senior Planning Officer, Meredith Baker, introduced a report which recommended that the application for the erection of a one and a half storey detached garage be refused for the reasons outlined in the report. Key details were stated to include the principle of development, as well as the design, highway and ecological impacts.

Attention was drawn to the location of the proposed development within the East Grafton Conservation Area. The Senior Planning Officer explained that although there was a substantial hedge screening the site, by nature of its design, sighting and 6.1 metre height, the proposed development was contrary to Core Policy 57 (Ensuring High Quality Design and Place Shaping) and Core Policy 58 (Ensuring the Conservation of the Historic Environment) of the Wiltshire Core Strategy. As a substantial structure, the proposed one and a half storey garage would not have a subordinate relationship with its host dwelling and would overdevelop the front of the site. Furthermore, insufficient information had been provided to ensure that the proposed development would not harm the surrounding trees and hedgerows, so it was contrary to Core Policy 51 (Landscape) of the Wiltshire Core Strategy.

Members of the Committee then had the opportunity to ask technical questions of the Senior Planning Officer and Development Management Team Leader, Karen Guest. Details were sought about whether it would be possible, if the

development were to be approved, to add a condition to guarantee the retention of the nearby trees and hedge. The Development Management Team Leader explained that it would not be possible to condition the retention of the hedgerow long term unless their trunks were above a certain size. She noted that trees would have a degree of protection as they were in a conservation area but would not necessarily have Tree Protection Orders (TPOs). The Senior Planning Officer highlighted that the existing planning permission for parking on the site included permission to remove the tree shown on page 74 of the agenda pack, so removal of this tree had already been approved.

In response to a query about whether the possibility of erecting a single garage had been discussed with the Applicant, the Senior Planning Officer confirmed that it had. She noted that she would be likely to recommend approval for a single storey car port on the site. The Development Management Team Leader emphasised that the height of the proposed development in relation to existing buildings on the site was the Planning Authority's principal concern.

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

The Unitary Division Member, Cllr Wheeler then spoke in support of the application, arguing that the proposed application would not be detrimental to the conservation area and would be well screened by a hedge that the Applicant planned to retain.

In response to the points raised by the public and Unitary Division Member, the Senior Planning Officer noted that she had informed the Applicant that a single storey garage with a door was likely to be acceptable on the site. She had not requested a specific height for the pitch of the roof. She noted that the tree report provided for the application was a resubmission of the report provided under application PL/2023/05139. The report had not been updated to reflect that the proposed garage was larger than the parking spaces approved under the previous application. The Development Management Team Leader highlighted that a height of around four metres was typical for a garage and it was not uncommon for a two-storey dwelling to be under seven metres in height.

So that the Committee had something to debate, the Chairman, seconded by Cllr Adrian Foster, proposed that the application be refused for the reasons outlined in the report.

A debate followed where the height of the proposed development, potential for future conversion and turning circles for vehicles, were discussed.

At the conclusion of the debate, it was:

Resolved

That planning permission for the erection of a detached garage be REFUSED.

Reasons

1. The proposed detached outbuilding by reason of its design, height and siting would be visually intrusive and detrimental to the character and appearance of the site and would overdevelop the front of the site. The proposed outbuilding would also fail to preserve or enhance the character and appearance of the East Grafton Conservation Area whereby there would be no public benefits to outweigh the harm generated. As such the proposal would be contrary to the National Planning Policy Framework (2023) and Policies 57 and 58 of the Wiltshire Core Strategy.
2. Insufficient information has been submitted to adequately demonstrate that the proposal would protect and safeguard the surrounding trees, large shrubs and hedges within the East Grafton Conservation Area contrary to the National Planning Policy Framework (2023) and Policies 51 and 57 of the Wiltshire Core Strategy.

68. Urgent items

There were no urgent items.

(Duration of meeting: 3.00 - 4.11 pm)

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