

Southern Area Planning Committee

MINUTES OF THE SOUTHERN AREA PLANNING COMMITTEE MEETING HELD ON 8 DECEMBER 2022 AT WYLYE MEETING ROOM, FIVE RIVERS HEALTH & WELLBEING CENTRE, HULSE ROAD, SALISBURY, SP1 3NR.

Present:

Cllr Sven Hocking (Vice-Chairman, in the Chair), Cllr Trevor Carbin, Cllr Nick Errington, Cllr George Jeans, Cllr Nabil Najjar, Cllr Bridget Wayman and Cllr Robert Yuill (Substitute)

117 **Apologies**

Apologies were received from:

- Cllr Andrew Oliver
- Cllr Charles McGrath
- Cllr Rich Rogers, who was substituted by Cllr Robert Yuill
- Cllr Ian McLennan
- Cllr Brian Dalton

118 **Minutes of the Previous Meeting**

The minutes of the meeting held on 10 November 2022 were presented.

Cllr Errington noted that in relation to Item 7a, application PL/2021/09778 - Station Works, Tisbury, the paragraph *'It was confirmed that Network rail had no plans to introduce a bridge over the railway'* was correctly recorded, however he believed it not to be a true statement, as the Network Rail Line Study document of 2020 referred to a second platform and a diagram outlining a bridge at Tisbury Station, suggesting that a bridge had formed part of considerations for future development.

It was;

Resolved:

To approve as a correct record and sign the minutes.

119 **Declarations of Interest**

The following Declarations of Interest were made:

In relation to item 7a, Application PL/2022/00855, Cllr Nick Errington noted that he was a member of the Tisbury Community Land Trust (CLT) Steering Group. As the CLT would hold the freehold of the affordable houses on the site if

developed, he would remove himself from the room for the item and would not speak as Division Member or take part in discussion or the vote on the application.

In relation to item 7a, Application PL/2022/00855, Cllr Bridget Wayman noted that she was a non-executive Director of Stone Circle and as such had a pecuniary interest, therefore would remove herself from the room for the item and would not take part in discussion or the vote on the application.

In relation to item 7c – Application PL/2022/06794, Cllr Nabil Najjar noted that the Agent for the application had previously worked for him on a personal application, as this was a non-pecuniary interest, he was able to remain on the Committee for the discussion and vote.

In relation to 7a, Application PL/2022/00855, Cllr Nabil Najjar, noted for openness that he was Portfolio holder for Housing. As this did not constitute an interest, he would remain on the Committee for the discussion and vote.

120 **Chairman's Announcements**

The Chairman explained the meeting procedure to the members of the public.

121 **Public Participation**

The committee noted the rules on public participation.

122 **Planning Appeals and Updates**

The committee received details of the appeal decisions as detailed in the agenda.

Resolved

That the appeals update be noted.

123 **Planning Applications**

124 **APPLICATION NUMBER: PL/2022/00855 - Tisbury Sports Centre, Weaveland Road, Tisbury, Salisbury, SP3 6HJ**

Public Participation

Gerry Murray of Nadder Community Land Trust (NCLT) spoke in support of the application

Bev Cornish (Clerk) spoke as representative of Tisbury Parish Council

The Senior Planning Officer, Becky Jones, summarised the late correspondence which had been circulated at the meeting, relating to a response from the open space team for a suggested donation for off site play and adult provision and an update to the recommendation adding a further

condition relating to the S106 and all those with an interest in the land, in Section 9 of the report.

The Officer went on to present the report on the application, which was for the demolition of a former sports centre (class E(d)) involving redevelopment to form 13 no. dwellings (class C3) & associated works. The application was recommended for Approval with conditions.

The issues of the case were noted as:

1. Principle of development and absence of 5 year housing land supply
2. Scale, design, impact on the character of the AONB and neighbouring amenity
3. Trees and Landscaping
4. Other S106 matters and contributions - waste, public open space, education and affordable housing
5. Highway safety
6. Biodiversity – Ecology, Chilmark bat SAC and River Avon catchment
7. Flood Risk and Drainage
8. The Planning Balance

Members had no technical questions of the Officer.

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

The NCLT noted its support and the close involvement they had had with the project which would secure affordable housing which would be available to people with a local connection.

The Freehold of the affordable homes would remain with the NCLT. The site was allocated in the Neighbourhood plan as a site for community development.

The Tisbury Parish Council representative spoke in support of the application, noting the importance of the development within the community. Issues identified in the report were noted, as was the agreement of the Stone Circle Development Company to honour its commitments as set out in their letter to Tisbury Parish Council dated 8th March 2022, which related to the treatment of the affordable housing proportion on the site.

As the Division Member Cllr Nick Errington had declared an Interest and had left the room, he did not speak on the application.

The Chairman asked for a Committee Member to move a motion for debate.

Cllr Trevor Carbin moved the motion of Approval in line with the revised Officer recommendation, this was seconded by Cllr Hocking.

Cllr Carin noted that the site was a brownfield site on edge of Tisbury, which if approved would be able to provide an element of affordable homes to meet the need of the local community.

There had been comprehensive engagement between all parties, to deliver what was needed by the community.

The Committee discussed the application, the main points included clarification on what 'local connection' meant in terms of allocation of the affordable homes.

After discussion, the Committee voted on the motion of Approval, in line with Officer recommendation and the amended condition as set out in the late correspondence.

It was;

Resolved

That application PL/2022/00855 be Approved, subject to conditions and the applicant entering into a Section 106 Agreement to secure the following financial contributions:

- **£56,274 for primary school places**
- **Secondary spaces contribution – to be confirmed**
- **£10,000 towards Public Right of Way improvements on the adjacent right of way network**
- **£1,183 for provision of containers for waste and recycling**
- **£18,144 off-site play provision**
- **£7,560 off-site adult provision**

and to secure a scheme of 6 Affordable Housing Units with the agreed tenure mix, at nil subsidy, meeting NDSS design and floorspace standards, subject to the nomination rights remaining with Wiltshire Council and the homes being transferred to a Registered Provider, approved by the Council, or to the Council.

And subject to the following conditions:

1. No commencement of the development shall occur until all those with an interest in the land comprising the development hereby permitted have entered into a planning obligation with the local planning authority under Section 106 of the Town and Country Planning Act 1990 in the form attached and which secures the heads of terms approved by the Southern Area Committee on 8 December 2022.

Reason: To ensure that the appropriate contributions that are required for the development are secured by an appropriate legal agreement between the Council and the landowner.

2. 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.

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

Location (red line) Plan ref 2827 001 dated Nov 2021
Proposed Site Plan ref 2827 120 Rev C dated Nov 2021
(Proposed Site Plan in context ref 2827 121 Rev C dated Nov 2021)
Proposed Floor Plans and Elevations Plots 1-3 ref 2827 125 Rev B dated Nov 2021
Proposed Floor Plans and Elevations Plot 4 ref 2827 126 Rev A dated Nov 2021
Proposed Floor Plans and Elevations Plot 5 ref 2827 127 Rev B dated Nov 2021
Proposed Floor Plans and Elevations Plots 6-7 ref 2827 128 Rev A dated Nov 2021
Proposed Floor Plans and Elevations Plots 8-9 ref 2827 129 Rev A dated Nov 2021
Proposed Floor Plans and Elevations Plots 10-11 ref 2827 130 Rev B dated Nov 2021
Proposed Floor Plans and Elevations Plots 12-13 ref 2827 131 Rev B dated Nov 2021
Proposed Car Barn and Cycle Store ref 2827 132 Rev A dated Nov 2021
Proposed Street Scenes ref 2827 140 Rev B dated Nov 2021
Boundary Treatments ref 2827 150 dated June 2022
Ecological Assessment, Ethos Environmental Planning ref ETH21-105 V 3 dated July 2022
Drainage Technical Note ref Acl665/21020/TN dated 7th July 2022
Planning Design and Access Statement ref 2827/DAS dated Jan 2022
Arboriculture Impact Assessment, Constraints Plan and Method Statement, by Sharples Tree Services dated Jan 2022
Transport Statement v2 by Entran Ltd dated Jan 2022
Preliminary Drainage Strategy ref 21-020-003 dated Sept 2021
Flood Risk Assessment and Drainage Strategy ref Acl589/21020/FRA/DS dated Sept 2021

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

4. 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 of the dwellings and car ports 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: In the interests of visual amenity and the character and appearance of the area and the setting of the AONB.

- 5.** Any new external street and artificial (domestic) security lighting shall achieve a level of 0.5 lux or less at the edges of the site's boundary features (hedges, tree lines and all other linear features at the site boundaries). External light fittings throughout the site shall be low level wherever possible, pointing downwards and avoiding any increase in the ambient light within, adjacent to and particularly above the site.

Any new external street light fixture within the site shall be installed in accordance with the appropriate Environmental Zone standards (E0 for the AONB) set out by the Institute of Lighting Engineers in their publication "Guidance Notes for the Reduction of Obtrusive Light" (ILE, 2005)" and shall be maintained thereafter.

REASON: In the interests of the amenities of the AONB and its setting, to minimise unnecessary light spillage above and outside the development site and to avoid excessive illumination of habitat used by bats.

- 6.** No part of the development hereby permitted shall be first occupied until the access, turning area & parking spaces have been completed in accordance with the details shown on the approved plans. The areas shall always be maintained for those purposes thereafter.

REASON: In the interests of highway safety.

- 7.** The development hereby permitted shall not be first occupied, until the cycle parking facilities shown on the approved plans have been provided in full and made available for use. The cycle parking facilities shall be retained for use in accordance with the approved details at all times thereafter.

REASON: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than the private car.

- 8.** The development hereby permitted shall not be first occupied until a scheme for the future maintenance of the roads and other communal areas has been submitted to, and approved in writing by, the Local Planning Authority.

REASON: To ensure that satisfactory arrangements for the future maintenance of those areas are in place.

9. Prior to the commencement of works, including demolition, ground works/excavation, site clearance, vegetation clearance and boundary treatment works, a Construction Environmental Management Plan (CEMP) shall be submitted to the local planning authority for approval in writing. The Plan shall provide details of the avoidance, mitigation and protective measures to be implemented before and during the construction phase, including but not necessarily limited to, the following:

- i. An introduction consisting of construction phase environmental management plan, definitions and abbreviations and project description and location;**
- ii. A description of management responsibilities;**
- iii. A description of the construction programme;**
- iv. Site working hours and a named person for residents to contact;**
- v. Detailed Site logistics arrangements;**
- vi. Details regarding parking, deliveries, and storage;**
- vii. Details regarding dust and noise mitigation and wheel washing for vehicles;**
- viii. Details of the hours of works and other measures to mitigate the impact of construction on the amenity of the area and safety of the highway network; and**
- ix. Communication procedures with the LPA and local community regarding key construction issues – newsletters, fliers etc.**
- x. Confirmation that there shall be no burning undertaken on site at any time.**
- xi. Details to demonstrate how water quantity and quality will be managed throughout the construction process.**

and also:

- a. Identification of ecological protection areas/buffer zones and tree root protection areas and details of physical means of protection, e.g. exclusion fencing.**
- b. Working method statements for protected/priority species, such as nesting birds and reptiles.**
- c. Mitigation strategies already agreed with the local planning authority prior to determination, such as for great crested newts, dormice or bats; this should comprise the pre- construction/construction related elements of strategies only.**
- d. Work schedules for activities with specific timing requirements in order to avoid/reduce potential harm to ecological receptors; including details of when a licensed ecologist and/or ecological clerk of works (ECoW) shall be present on site.**
- e. Key personnel, responsibilities and contact details (including Site Manager and ecologist/ECoW).**
- f. Timeframe for provision of compliance report to the local planning authority; to be completed by the ecologist/ECoW and to include photographic evidence.**

The development shall be implemented in accordance with the agreed details in the CEMP.

Reason: Core policy 57, Ensuring high design and place shaping such that appropriate levels of amenity are achievable. To ensure adequate protection and mitigation for ecological receptors prior to and during construction, and that works are undertaken in line with current best practice and industry standards and are supervised by a suitably licensed and competent professional ecological consultant where applicable. To protect the water environment during construction.

10. The proposed scheme for Ultra Low Energy Vehicle infrastructure shown on the Proposed Site Plan and drawings hereby approved shall be implemented in full before the dwellings are occupied and maintained at all times thereafter.

Reason: Core Policy 55; Development proposals, which by virtue of their scale, nature or location are likely to exacerbate existing areas of poor air quality, will need to demonstrate that measures can be taken to effectively mitigate emission levels in order to protect public health, environmental quality and amenity.

11. 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 (including asbestos) 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: Core policy 56, To reduce the risks associated with land contamination

12. The hours of construction for the development shall be limited to 0800 to 1800 hrs Monday to Friday, 0800 to 1300 hrs Saturday and no working on Sundays or Bank Holidays.

Reason: In the interests of neighbouring amenities.

13. The development hereby approved shall not commence until detailed drainage design drawings & calculations, demonstrating the finalised drainage design have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the agreed drainage details before the dwellings are occupied.

Reason: It is noted that the drainage strategy drawings submitted are "preliminary for planning" and finalised details are required to be agreed by the LLFA before development commences.

14. The development hereby approved shall be carried out in strict accordance with the following documents:

- Section 8 (Recommendations) of the updated Ecological Assessment, Former Sports Centre, Tisbury, dated July 2022 by Ethos Environmental Planning and**
- Ecological Management Plan (EMP), Former Sports Centre, Tisbury, dated July 2022 by Ethos Environmental Planning.**

All enhancement measures (for bats, swifts, bees and other birds) shown in Figure 3 of Section 3 (Management Prescriptions) and the nesting and roosting provisions in Table 3 shall be implemented before the dwellings are occupied and maintained for the lifetime of the development.

The post demolition management prescriptions in Table 2 shall be implemented in accordance with the management prescriptions for the lifetime of the development.

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

15. The development hereby approved (including site clearance, storage of materials and other preparatory work) shall be implemented in accordance with the Arboriculture Impact Assessment, Constraints Plan and Arboricultural Method Statement

(AMS), by Sharples Tree Services dated Jan 2022. Thereafter the development shall be undertaken only in accordance with the approved details, unless the Local Planning Authority has given its prior written consent to any variation.

The approved AMS shows the areas which are designated for the protection of trees, shrubs and hedgerows, hereafter referred to as the Root Protection Area (RPA). Unless otherwise agreed, the RPAs will be fenced, in accordance with the British Standard Guide for Trees in Relation to Construction (BS.5837: 2012) and no access will be permitted for any development operation.

REASON: To protect the amenity value of the trees, shrubs and hedgerows growing within or adjacent to the site.

16.No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:

- a detailed planting specification showing all plant species, supply and planting sizes and planting densities;**
- means of enclosure in plan form (all railings, fences, gates, walls or other means of enclosure)**
- car park layouts;**
- all hard and soft surfacing materials;**
- All new trees, of a size and species and in a location to be agreed in writing with the Local Planning Authority, shall be planted in accordance with BS3936 (Parts 1 and 4), BS4043 and BS4428**

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 ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features. In the interests of good design to reduce the risk of crime and antisocial behaviour, visual amenity and the character and appearance of the area.

17.All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the

development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

18. The dwellings hereby approved shall not be occupied until the Building Regulations Optional requirement of maximum water use of 110 litres per person per day has been complied with.

REASON: To avoid any adverse effects upon the integrity of the River Avon Special Area of Conservation

19. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or reenacting or amending that Order with or without modification), no window, dormer window or rooflight, other than those shown on the approved plans, shall be inserted in the elevations and roof slopes of the dwellings hereby approved.

REASON: In the interests of residential amenity and privacy.

20. No air source heat pumps shall be installed on the dwellings hereby approved until a Microgeneration Certification Scheme (MCS) accredited installer has demonstrated the Air Source Heat Pump (ASHP) installation will meet the requirements of the MCS Planning Standard; and the ASHP will produce a noise level of no more than 42dB LAeq (5mins) at the nearest bedroom/lounge window when operating; through source noise level data, distance attenuation and screening calculations. MCS compliance certification must be submitted to the LPA within 3 months of installation.

Reason: In the interests of neighbouring amenities.

Informatives

SuDS features should be constructed in line with the guidance provided within the CIRIA SuDS Manual Infiltration drainage features must be constructed in accordance with Wiltshire Council's soakaway guidance.

For guidance on external lighting – please visit <http://www.ccwwdaonb.org.uk/publications/aonb-management-plan/> and [view Dark Night Skies.](#)

125 **APPLICATION NUMBER: PL/2022/04451 - Land at Whitsbury Road, Odstock, Salisbury**

Public Participation

Andy Partridge (Agent) spoke in support of the application

Ed Riley spoke as representative of Odstock Parish Council

The Senior Planning Officer, Becky Jones, presented the report, which set out the merits of the planning proposal against the policies of the development plan and other material considerations. The application was for the construction of two residential dwellings, with associated parking and landscaping, and community orchard.

The application was recommended for Refusal, for the reasons as stated in the report.

The issues of the case were noted as:

- Principle of development, absence of 5 year housing land supply and infill at small villages
- Scale, design, impact on the character of the AONB and neighbouring amenity
- Highway safety
- Biodiversity – Ecology, River Avon catchment and New Forest SPA
- Drainage and flood risk
- CIL
- The Planning Balance

In the summary, the officer explained that the River Avon SAC nutrient reason for refusal had been added. This is because if Members decided that the development did not comply with CP2 and is not infill, then it would not fall under the Strategic Mitigation Strategy for planned development.

There were no technical questions of the Officer.

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

Some of the points raised included that the application had the support of the parish council and would deliver a community orchard, which would provide residents with a recreation space.

Other points raised the position of the 5 year land supply, the need for smaller more affordable houses and that the development would provide 2 & 3 bed semi-detached properties.

The definition of infill was explored in that it could refer to a space in-between the edge of a housing boundary and another dwelling and that a site in the AONB did not automatically rule out development in cases where a 5 year land supply was not met. However, the tilted balance did not automatically apply in the AONB.

The economic benefits and the sustainability elements were also noted.

The Parish Council representative spoke in support, noting that the site was the best option available in Odstock for affordable housing and that the design was felt to be sympathetic to the existing environments.

Division Member Cllr Richard Clewer who was not on the Committee, spoke on the application, noting the housing situation for Odstock and Nuneton, which was currently constrained. He highlighted the support of the parish council, the local community and the desire of the school and the village as a whole to remain sustainable.

The Chairman asked for a Committee Member to move a motion for debate.

Cllr Najjar moved the motion of Approval against Officer recommendation, for the reasons of the support of the parish council and need of this type of development in the community.

This was seconded by Cllr Jeans.

The Committee discussed the application, the main points included whether or not the development could be considered infill, based on its position or whether it was more in line with backland development. The Level of support by the community and the parish council were also noted.

The obligations which were in place due to the location being in the AONB and suitable conditions to reduce lighting and associated light spill into the AONB were discussed.

The Committee asked for clarification from the Officer on whether, if approved, a condition could be applied that controlled any development on the orchard in the future. It was confirmed that part of the conditions could include the removal of permitted development rights on that section of the site, so that no residential activity was permitted in that area.

The Committee discussed whether to consider deferral of the application to allow for a legal order to be applied to the orchard, however after clarification that it could be requested that approval be delegated to the Head of Service pending the legal agreement as part of the decision.

The Officer was asked to suggest conditions which would be appropriate for the application. The Committee agreed to the list of conditions which were summarised as:

- 3 Year commencement
- Standard plans list
- Materials
- Securing the community orchard
- Noise barrier
- Water consumption for River Avon phosphates
- 4 conditions and 1 informative requested by Highways

- Ecological / swifts and PEA recommendations
- Remove permitted development rights for the orchard – preventing structures and buildings etc in red line
- Foul drainage (Package Treatment Plant) and surface water connection before occupation
- Lighting – within the AONB must meet E0 standards

The mover of the motion, Cllr Najjar and the seconder were in support of an amendment to the motion to delegate approval to the Head of Services, pending a legal order being in place, in addition to the conditions as set out by the Officer.

After discussion, the Committee voted on the motion of Approval, against Officer recommendation for the reasons stated and with delegation to the Officers for wording of the conditions and subject to a Legal Agreement.

Resolved:

That application PL/2022/04451 be APPROVED for the following reasons:

The application site does not constitute a gap within the existing built area of the small village of Odstock, it doesn't meet the definition of infill under Core Policy 2 and is in a backland location. However, the development has the support of the local community and there is a local need for housing. The Community Orchard can be secured in perpetuity by legal agreement and in the absence of a 5 year housing land supply, the benefits of this proposal are considered to outweigh the policy harm.

Approve subject to the applicant entering into a Section 106 Agreement to secure the provision of the Community Orchard in perpetuity and to ensure that no residential use or development (such as outbuildings and gardens) takes place on the land

And subject to the following conditions:

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

Site Location Plan ref Wilts-AP-247.01 Rev A dated Jan 2022

Proposed Site Plan ref Wilts-AP-247.05 Rev D dated Feb 2022

Plans and Elevations as Proposed ref Wilts-AP-247.04 Rev A dated Jan 2022

Proposed Access Arrangements ref L424/2 dated 6/2/17

**Preliminary Ecological Assessment dated May 2022 by David Leach Ecology Ltd
NOISE IMPACT ASSESSMENT Technical Report: R9261 Rev 0 dated 29th October 2021
Proposed Site Layout Plan ref 6261 Figure 2 Rev A dated Oct 2021 in Noise Impact Assessment Report.**

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

3. The materials to be used in the construction of the external walls and roofs of the development hereby approved shall be in accordance with the details in the schedule on the drawing ref Plans and Elevations as Proposed ref Wilts-AP-247.04 Rev A dated Jan 2022, namely dark red tiles for the roof, dark stained timber boarding on the dormer windows and red brick for the walls.

REASON: In the interests of visual amenity and the character and appearance of the area.

4. There shall be no occupation of the dwellings hereby approved until a scheme of planting for the Community Orchard shown on plan ref Wilts-AP-247.05 Rev D dated Feb 2022 has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall include the measures set out in Section 5.4.6 of the Preliminary Ecological Assessment dated May 2022 by David Leach Ecology Ltd.

All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the buildings or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of ten years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority.

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

5. There shall be no occupation of the dwellings until a noise barrier has been installed in accordance with the Proposed Site Layout Plan ref 6261 Figure 2 Rev A dated Oct 2021 in Noise Impact Assessment Report. The barrier shall meet the technical specifications set out in para 5.4 of the Noise Impact Assessment Technical Report: R9261 Rev 0 dated 29th October 2021. The barrier shall be maintained in situ for the lifetime of the development.

Reason: In order to reduce noise levels from vehicle movements in the road, and protect the nearest neighbouring property from undue disturbance.

- 6. The dwellings hereby approved shall not be occupied until the Building Regulations Optional requirement of maximum water use of 110 litres per person per day has been complied with.**

REASON: To avoid any adverse effects upon the integrity of the River Avon Special Area of Conservation

- 7. The development hereby permitted shall not be first occupied until the first five metres of the new access, measured from the edge of the carriageway, has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.**

Reason: In the interests of highway safety.

- 8. The gradient of the new access shall not at any point be steeper 1 in 15 for a distance of five metres from the edge of the carriageway.**

Reason: In the interests of highway safety.

- 9. Notwithstanding the submitted details, the proposed development shall not be occupied until means/works have been implemented to avoid private surface water from entering the highway.**

Reason: To ensure that the highway is not inundated with private surface water.

- 10. No part of the development shall be first occupied until the visibility splays shown on the approved plans have been provided with no obstruction to visibility at or above a height of 1.0m above the nearside carriageway level. The visibility splays shall be maintained free of obstruction at all times thereafter.**

Reason: In the interests of highway safety.

- 11. There shall be no occupation of the dwellings until the ecological mitigation measures set out in Section 5.4 and on the plans in Appendices G and H of the Preliminary Ecological Assessment dated May 2022 by David Leach Ecology Ltd have been implemented and installed on the site and buildings. The enhancement measures shall be maintained and available for use for the lifetime of the development.**

Reason: To enhance the biodiversity on site and ensure that there is a net biodiversity gain and no net biodiversity loss in the long

term

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), no garages, sheds, greenhouses and other ancillary domestic or other outbuildings or structures shall be erected anywhere within the area shown as a Community Orchard on plan ref Proposed Site Plan ref Wilts-AP-247.05 Rev D dated Feb 2022.

REASON: To safeguard the character and appearance of the area.

13. There shall be no occupation of the dwellings until provision and connections have been made for foul and surface water drainage.

Reason: To ensure that the dwellings can be satisfactorily drained.

14. Any new external light fixture within the site shall be installed in accordance with the appropriate Environmental Zone standards (E0 for the AONB) set out by the Institute of Lighting Engineers in their publication "Guidance Notes for the Reduction of Obtrusive Light" (ILE, 2005)" and shall be maintained thereafter.

REASON: In the interests of the amenities of the AONB and its setting, to minimise unnecessary light spillage above and outside the development site and to avoid excessive illumination of habitat used by bats.

Informative

The consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a licence will be required from the local highway authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. Please contact the Council's Vehicle Crossing Team on vehicleaccess@wiltshire.gov.uk and/or 01225 713352.

126 **APPLICATION NUMBER: PL/2022/06794 - Hartmoor Barn, Underhill Wood Nature Reserve, Underhill, East Knoyle, SP3 6BP**

Public Participation

Richard Storey Walker spoke in objection to the application
John Reading spoke in objection to the application
Dan Roycroft (Agent) spoke in support of the application
Keggy Carew (Applicant) spoke in support of the application

The Planning Team Leader, Adam Madge, presented the report, which set out the merits of the planning proposal against the policies of the development plan and other material considerations.

The application was for the Conversion of an existing barn/equestrian building to form a 2-bedroom dwelling, with associated hard and soft landscaping (resubmission of PL/2021/10169). The application was recommended for Approval with conditions.

Previous applications on the site for similar conversions had previously been refused, as they did not state why they met CP48, and had not explored alternative use.

The application now had run through various other uses for the barn and why those were not suitable, setting out why accommodation was suitable.

The issues of the case were noted as:

- Principle & Planning History
- Character & Design
- Neighbouring Amenities
- Highway Safety
- Ecology
- CIL/S106

Members then had the opportunity to ask technical question of the Officer.

It was noted that the barn had been in place since at least 1926, or possibly earlier.

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

Some of the main points raised included the importance of the barn locally as a historical asset, noting the unusual, secluded nature of the redbrick building and its location next to a nature reserve which had been created by the applicant on an adjacent field.

The bar had historically been for equestrian use, which was no longer required, due to the implementation of the nature reserve.

The negative impact that a residential dwelling would have on wildlife due to lighting and human habitation.

Whether any conditions could be applied to prevent any future business operating on the nature reserve.

The Agent noted the applicants experience in the field of rewilding, the redundant use of the barn for equestrian use and the proposals support for CP48, conversion of rural buildings.

It was stated that the village nearby already has community buildings, and the development was supported by a financial viability statement, leaving residential use as the only viable reuse for the barn.

Work would be minimal and sensitive, noting that the nearest neighbour was 70m away.

An ecologist had advised that bats would abandon buildings which had deteriorated. Advice would be followed to preserve the bats. In addition, the development would incorporate other elements including ledges for birds.

Cllr Wayman moved the motion of Refusal, against Officer recommendation, for the reasons:

Division Member Cllr Bridget Wayman who was on the Committee, spoke in objection to the application, moving the motion of Refusal, against Officer recommendation for the reasons:

- Relationship to adjoining properties
- Design – bulk, height, general appearance
- Environmental or highway impact;
- Other – Inappropriate conversion of a barn to residential use in a rural location in the Cranborne Chase AONB

It was noted that the Barn and paddock was in the AONB, was originally had been for equestrian purpose, was now not required for that due to the applicant removing the equestrian use after creating a nature reserve.

It was further stated that what had once been an unlit barn, would if approved become a dwelling with lighting, which would have a negative impact in the secluded protected area of the AONB with its internationally recognised dark skies, which should be protected against light pollution.

Cllr Wayman questioned the statement in the report which stated the conversion of the barn would scarcely be visible, suggesting that the view from the 3 nearest properties had not been taken into account, given their raised position, they would be adversely impacted by light spill. In addition, the local windmill site would also have its night time views damaged.

The application had not taken into account the AONB Management Plan.

The motion was seconded by Cllr Trevor Carbin.

The Committee discussed the application, the main points included the design and impact on the local community. The restrictions on development due to the location being within the AONB.

The preservation of the building and opportunity to be developed into an asset rather than be allowed to fall into disrepair and whether conditions could be applied if approved to control light spill.

The Committee then voted on the motion of Refusal against Officer recommendation, for the reasons as stated above.

The motion was not carried.

The Chairman, Cllr hocking, then moved the motion of Approval in line with Officer recommendation. This was seconded by Cllr Nabil Najjar.

The Committee then voted on the motion of Approval with conditions.

It was;

Resolved:

That application PL/2022/06794 be Approved subject to the following conditions:

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

Application Form & Certificate

Ref: 21/747/P001 Rev B – Proposed Site Location Plan. Received – 31.08.2022

Ref: 21/747/P002 Rev B – Proposed Site Block Plan. Received – 31.08.2022

Ref: 21/747/P100 Rev A – Proposed Ground Floor Plan. Received – 31.08.2022

Ref: 21/747/P101 Rev A – Proposed First Floor Plan. Received – 31.08.2022

Ref: 21/747/P102 Rev A – Proposed Roof Plan. Received – 31.08.2022

Ref: 21/747/P110 Rev B – Proposed North & South Elevations. Received – 14.11.2022

Ref: 21/747/P111 Rev A – Proposed East & West Elevations. Received – 14.11.2022

Ref: 21/747/P120 Rev A – Proposed Sections A-A and B-B. Received – 31.08.2022

Ref: 348_PN_01 Rev B – Landscape Plan. Received – 31.08.2022

Ref: 348_PN_02 Rev A – Planting Schedule & Specification. Received – 31.08.2022

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

3. The materials to be used in the construction/repair of any external surfaces of the development hereby permitted shall match in material,

colour and texture those used in the existing building; and/or shall accord with the material details identified on the approved plans.

REASON: In the interests of visual amenity and the character and appearance of the area.

4. The flue hereby approved shall be finished in a dark, non reflective finish

REASON: In the interests of the visual amenities and the character and appearance of the area.

5. Notwithstanding the approved Landscape Scheme, the dwelling hereby approved shall not be first occupied until details of any hedgerows or boundary treatment that will be used to delineate the 'residential curtilage' of the dwelling on the ground have been submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be implemented in accordance with an agreed timetable or in accordance with the timings identified in condition 6, whichever is sooner. The boundary treatment shall be retained in perpetuity.

REASON: To ensure that the domestication and residential development of this site does not encroach into the surrounding paddocks/countryside to the detriment of the landscape character of the area/area of outstanding natural beauty.

6. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

7. The ecological mitigation measures, bat roosts and bat access points identified on Plans Ref: 21/747/P110 Rev B – Proposed North & South Elevations and 21/747/P111 Rev A – Proposed East & West Elevations (Received – 14.11.2022); and as outlined in pages 24-30 of the Preliminary Ecological Appraisal and Bat Survey Report, (Date: September 2021 by Stark Ecology Ltd), shall be installed in accordance with the approved details, or as otherwise specified in a relevant European Protected Species Licence superseding this permission. They shall be installed

before the dwelling hereby approved is first occupied. The installation of the approved mitigation measures, bat roosts and access features will be supervised by a professional ecologist. The mitigation measures, bat roosts and access points shall be maintained and retained in situ in perpetuity for the lifetime of the development.

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

8. No new external artificial lighting shall be installed at the site.

REASON: In the interests of conserving biodiversity.

9. The development hereby permitted shall not be occupied until the area between the nearside carriageway edge and a line drawn 2.4m parallel thereto over the entire site frontage has been cleared of any obstruction to visibility at and above a height of 900mm above the nearside carriageway level, and maintained as such thereafter.

REASON: In the interests of highway safety.

10. The development hereby permitted shall not be first occupied until the first 5m of the access, measured from the edge of the carriageway, has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.

REASON: In the interests of highway safety.

11. Any gates shall be set back 5m from the edge of the carriageway, such gates to open inwards only.

REASON: In the interests of highway safety.

12. The development hereby approved shall be occupied until enough space for the parking and turning of 2 vehicles together with a vehicular access thereto has been provided in accordance with details submitted to and approved in writing by the Local Planning Authority. The said spaces shall not be used other than for the parking of vehicles or for the purpose of access/turning.

REASON: To ensure that adequate provision is made for parking within the site in the interests of highway safety.

13. 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 Schedule 2, Part 1, Classes A-E, G or H shall take place on the dwellinghouse hereby permitted or within its curtilage.

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

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), no window, dormer windows or rooflights, other than those shown on the approved plans, shall be inserted in the development hereby permitted.

REASON: In the interests of amenity of the area and to retain the attractive agrarian character of the existing building.

INFORMATIVES

1) 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. Should you require further information or to download the CIL forms please refer to the Council's Website:

www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy.

2) Please note that the drainage strategy for the development will be considered at the building regulation stage and has not been assessed as part of this planning application. Please note that should changes be required to the final approved scheme in order to achieve a satisfactory drainage strategy for the site, this may require the submission of a revised/amended scheme to be considered by the Local Planning Authority accordingly.

3) The barn is used bats as a roost. Under the Conservation of Habitats and Species Regulations 2017, it is an offence to harm or disturb bats or damage or destroy their roosts. Planning permission for development does not provide a defence against prosecution under this legislation. The applicant is advised that a European Protected Species Licence will be required before any work is undertaken to implement this planning permission. Future replacement of the roof could also breach this legislation and advice should be obtained from a

professional bat ecologist before proceeding with work of this nature.

127 **Urgent Items**

There were no urgent items

(Duration of meeting: 3.00 - 4.25 pm)

The Officer who has produced these minutes is Lisa Alexander of Democratic Services, direct line (01722) 434560, e-mail lisa.alexander@wiltshire.gov.uk

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