

Eastern Area Planning Committee

MINUTES OF THE EASTERN AREA PLANNING COMMITTEE MEETING HELD ON 13 JULY 2023 AT CERES HALL - THE CORN EXCHANGE, MARKET PLACE, DEVIZES, SN10 1HS.

Present:

Cllr Paul Oatway QPM (Vice-Chairman, in the Chair), Cllr Dr Brian Mathew, Cllr Tony Pickernell, Cllr Iain Wallis, Cllr Stuart Wheeler, Cllr Dominic Muns (Substitute) and Cllr James Sheppard (Substitute)

Also Present:

Cllr Philip Whitehead

27. **Apologies**

Apologies were received from:

- Cllr Philip Whitehead, who attended only his capacity as Unitary Division Member, substituted by Cllr James Sheppard
- Cllr Kelvin Nash, substituted by Cllr Dominic Muns
- Cllr Sam Pearce-Kearney

28. **Minutes of the Previous Meeting**

On the proposal of the Vice-Chairman, seconded by Cllr Wallis, it was:

Resolved

To approve the minutes of the previous meeting, held on 22 June 2023, as a true and correct record.

29. **Declarations of Interest**

Cllr Wallis made an additional declaration in relation to Item 7, that the worked in the Department for Environment, Food and Rural Affairs but would be speaking in a personal capacity.

30. **Chairman's Announcements**

There were no Chairman's announcements.

31. **Public Participation**

There was no public participation.

32. **Planning Appeals and Updates**

On the proposal of the Vice-Chairman, seconded by Cllr Sheppard, it was:

Resolved

To note the report on completed and ending appeals.

33. **PL/2023/01303: Saddlepack Farm, SN10 3HZ**

Public Participation

- Mr Terry Fell JP (President of Devizes Angling Association) spoke in objection to the application.
- Dr Joe Scarffe spoke in objection to the application.
- Dr Alex Cooper spoke in objection to the application.
- Mr Andrew Watton (Bourne Valley Associates) spoke in support of the application.
- Mr Mark Whiteman spoke in favour of the application.
- Mr Miles Elderfield spoke in support of the application.
- Cllr Chris Lawrence, Chairman of Stert Parish Council, spoke in objection to the application.

The Planning Officer, Lucy Rutter-Dowd, introduced a report which recommended that the application for the erection of a cattle barn be approved. Key considerations were stated to include the principal of development, landscape, visual, environmental, highway and ecological impact as well as impact on neighbouring amenity.

The Planning Officer explained that the application complied with Core Policy 34 of the Wiltshire Core Strategy (additional employment land) and noted that the barn would be used for the purposes of farming and food production. The proposal was considered acceptable in terms of its surroundings complying with Core Policy 51 (landscape) and Core Policy 57 (high quality design and place shaping) of the Wiltshire Core Strategy. It was considered that there would be no impact on neighbour amenity in terms of scale, loss of privacy, overbearing impact or overshadowing. In addition, no objections had been raised in terms of highway safety and capacity.

It was reported that Wiltshire Council's ecologist had revised their initial assessment after receiving additional photographic evidence of the site. Conditions had been included in the recommendation in line with their comments.

Attention was drawn to a number of letters received in relation to the application. The Planning Officer clarified that comments made from those living outside of Stert could be considered.

In response to technical questions by the Committee, it was confirmed that the proposed development was located in a nitrate vulnerable zone. The Planning Officer also clarified that the stipulation of The Town and Country Planning (General Permitted Development) (England) Order 2015 preventing the erection of barns within 400 metres of a protected building, only applied to schemes being built under permitted development. The applicant would be entitled to build a barn in a different location, at least 400 metres from residential dwellings under permitted development, which may have a greater impact on the local ecology and landscape.

Senior Conservation and Planning Officer Ruaridh O'Donoghue clarified that the issue of drainage would not be a planning issue but would be covered by separate legislation and enforced through the Department for the Environment and Rural Affairs. The nearest stream was approximately 300 metres, two fields away, from the proposed development site.

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

The Unitary Division Member, Cllr Philip Whitehead, stated that he would not be supporting the application. Cllr Whitehead explained that he had consulted with the Monitoring Officer about whether it would be appropriate to have Chaired the meeting after he had become aware of concerns from the applicant that he may have been biased. Cllr Whitehead refuted the idea that he had pre-determined the application, believing that he was able to maintain an open mind, but had decided to send his apologies for the meeting and speak only in his capacity as Unitary Division Member.

Cllr Whitehead suggested that if the Committee were minded to approve the application then they should seek to impose a condition on the use of internal lighting. He also raised concerns about the sustainability of the project, stating that not want to see the establishment of an agricultural contracting business. In addition, he noted that an addendum to the planning application spoke about the possibility of up to 240 cattle using the site, which he did not view as an appropriate number for the available land.

In response to the questions from the public, the Planning Officer explained that the fishing lake was not seen to be directly impacted by the development as the application site was bounded by land owned by the applicant. The Senior Planning and Conservation Officer explained that he did not believe that the application conflicted with the National Planning Policy Framework and that planning policy could not consider the financial viability of the project. The applicant's behaviour in relation to other applications was also not a material consideration. It would also not be possible to impose a condition on the internal lighting as this could only be done for applications about listed buildings.

So that the Committee had something to debate, the Vice-Chairman, seconded by Cllr Wallis, proposed that the application be approved for the reasons outlined in the report.

A debate followed where members stated that noted that there was a possibility that the applicant could build a barn under permitted development in a potentially less suitable location. Some members expressed concerns about the headage of cows per acre being out of scope with the size of the site but recognised that the number of cattle was not a planning issue.

Cllr Dr Mathew questioned whether the development may contradict Core Policy 50 on biodiversity and Core Policy 69, the protection of the river Avon. The Planning Officers explained that Wiltshire Council's ecologist had been satisfied by the conditions imposed in the recommendation. The Environment Agency would be responsible for ensuring that safe farming practices were in place.

Other issues raised included the concerns of local residents and the importance of supporting opportunities of young farmers. It was then:

Resolved

That planning permission be GRANTED 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 and documents:

- **Doc Title: Application Form.**
- **Drg Title: Location Plan. Drg No: 02760-00-G. Sheet 1. Received: 17/02/2023.**
- **Drg Title: Block Plan. Drg No: 02760-00-G. Sheet 2. Received: 17/02/2023.**
- **Drg Title: Plans & Elevation. Drg No: 02760-06. Sheet 01. Received: 17/02/2023.**
- **Drg Title: Site Sections. Drg No: 02760-06. Sheet 02. Received: 17/02/2023.**

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

3 - 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) location and current canopy spread of all existing trees and hedgerows bounding the application site;
 - b) full details of any to be retained, together with measures for their protection in the course of development;
 - c) a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
- Page 31d) any trees (details of their size, species and locations 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: Insufficient information was submitted with the application to enable this matter to be considered prior to determination, and the matter is required to be agreed before the commencement of development to ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

4 - 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 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.

5 - Prior to the commencement of any works, including any further vegetation removal, details of the following shall be submitted to and approved in writing by the local planning authority:

- 1) location, area and species of compensatory tree and native shrub planting within a suitable area of the site, that will replace the functionality of the hedgerows adjacent to the buildings.**
- 2) the number, design and locations of roosting opportunities for bats and nesting opportunities for birds shall be submitted to the local authority for approval. These details should be clearly shown on a site plan. The approved details shall be implemented before occupation of the final works.**

3) The plan will also show details of areas to be planted up with additional trees/hedges, to increase the quality and functionality of the existing habitat within the site, for the benefit of local wildlife. Biodiversity enhancements will remain available for the targeted species for the lifetime of the development.

REASON: Insufficient information was submitted with the application to enable this matter to be considered prior to determination, and the matter is required to be agreed before the commencement of development to provide enhancement for biodiversity.

6 - No external lighting shall be installed on site unless plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage have been submitted to and approved in writing by the Local Planning Authority. The plans will be in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication GN01:2011, 'Guidance for the Reduction of Obtrusive Light' (ILP, 2011), and Guidance note GN08-18 "Bats and artificial lighting in the UK", issued by the Bat Conservation Trust and Institution of Lighting Professionals.

The approved lighting shall be installed and maintained in accordance with the approved details and no additional external lighting shall be installed.

REASON: To minimise unnecessary light spillage above and outside the development.

34. Urgent items

There were no urgent items.

(Duration of meeting: 3.00 - 4.30 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

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