

## Southern Area Planning Committee

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### MINUTES OF THE SOUTHERN AREA PLANNING COMMITTEE MEETING HELD ON 10 MARCH 2021 AT ONLINE.

#### **Present:**

Cllr Fred Westmoreland (Chairman), Cllr Richard Britton (Vice-Chairman), Cllr Brian Dalton, Cllr Christopher Devine, Cllr Jose Green, Cllr Mike Hewitt, Cllr Leo Randall, Cllr Sven Hocking, Cllr Ian McLennan and Cllr John Smale

#### **Also Present:**

Cllr Pauline Church, Cllr Kevin Daley

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#### 105 **Apologies**

Apologies were received from:

- Cllr George Jeans

It was also noted that Cllr Dalton would be joining the meeting slightly late due to being in attendance at another meeting. He joined at 3.10pm.

#### 106 **Minutes of the Previous Meeting**

The minutes of the meeting held on Thursday 4 February 2021 were presented.

#### **Resolved:**

**To approve as a correct record and sign the minutes.**

#### 107 **Declarations of Interest**

In relation to item 7c - 20/09829/FUL: 15 Tollgate Road, Cllr Sven Hocking declared a non-prejudicial interest as he lived next to the application site and stated that he knew both the applicant and the local residents which had objected. He stated that he would speak to the application and move a motion but would not take part in the vote.

In relation to item 7d – 97 East Gomeldon Road, Cllr Richard Britton noted that he knew the applicant, in that the applicant had carried out central heating repairs in his home. As this was a non-prejudicial interest, he would take part in the discussion and vote on that application.

108 **Chairman's Announcements**

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

109 **Public Participation**

The committee noted the rules on public participation.

110 **Planning Appeals and Updates**

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

It was:

**Resolved:**

**To note the Planning Appeals and Updates Report attached to the agenda.**

111 **Planning Applications**

112 **20/10399/FUL - Royal Oak, Amesbury Road, Shrewton, SP3 4HD**

**Public Participation**

Paul Clifton spoke in objection to the application

Paul Timlett spoke in objection to the application

Nick Culhane (Highways consultant) spoke in support of the application

Richard Harlow (agent) spoke in support of the application

Richard Harris spoke on behalf of Shrewton PC

The Planning Officer, Georgina Wright presented the application for the Proposed Demolition & Conversion of Existing Buildings into New Dwelling & Erection of 5 New Dwellings with Associated Landscaping.

The application was a resubmission of a previous application which had been refused last year. The former application involved five properties, a conversion of an existing dwelling into four with an outbuilding conversion into one dwelling.

The main reason for the previous refusal was on Highways grounds, due to the parking spaces for the dwellings originally being situated opposite and across the busy A360.

The proposal included the replacement of the main building (a former public house, converted to a single dwelling in 2013) with a development of a new terrace of 4 (plots 1 to 4) set slightly further back from the road and further south.

The rear garden of plot 1 would extend up to the public open space beyond the site, which would be similar to the current arrangement.

The conversion of the existing out-building, further south from plot 4, would become Plot 5, a single, 1 bed dwelling

Plots 1 to 5 would have 9 parking spaces and a further 2 visitor spaces provided in a new parking area created adjacent to plot 1 (north) on the same side of the road.

Plot 6 would be across the road and was the only dwelling which would be required to reverse into the road when vehicles left the associated parking. This is a status quo however given that the existing dwelling's parking is situated on the opposite side of the road and does not have any one site turning either

The application was recommended for approval as set out in the report.

The main issues which had been considered to be material in the determination of this application were listed as, Principle, Character & Design, Neighbouring Amenities, Trees, Highway Safety, Ecology, CIL/S106.

Members of the Committee had the opportunity to ask technical questions of the officer, of which there were none.

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

Some of the main points included comments around the speed at which vehicles passed along the A360 through the village and that the 30mph speed limit was not obeyed.

That the A360 was too wide for a small village. There was a call for widening of the pathways along the point alongside the site.

The development would mean a requirement for almost 12 cars, from the original 2, not all would have allocated parking.

Replacing one property with 6 was considered as overdevelopment.

Those representing the applicant noted points in support, relating to Highways, the Core Strategy and the Local Plan Policies. It was also noted that the Consultees had shown support for the proposal.

The Parish Council representative stated multiple concerns and objections.

Local Member Cllr Kevin Daley then spoke in objection to the application, noting that despite changes to the revised plans, he felt that the current proposals did not mitigate the concerns of local residents and the Parish Council.

Parking whilst pub was in operation had been rarely used as most visitors to the pub walked and did not require parking.

He drew attention to the 112 comments and 35 letters of objection.

It was stated that the 6 dwellings would have a total 16 bedrooms, in addition the black box and blue recycling bins would take up much of the bin area.

He asked the Committee to refuse the application on the grounds of over-development.

The Highways Officer, Julie Cleve then clarified some points raised during debate, these included that speeding was a separate matter to the planning application and as such was an enforcement matter. The application had met the visibility required.

The Chairman, Cllr Westmoreland then moved a motion of approval in line with Officer recommendation. This was seconded by Cllr Devine.

The Committee was invited to discuss the application, the main points included comments around although the site was likely to be developed, the current proposals included too many dwellings for the site.

Members discussed whether a smaller development of one or two less dwellings may be more suited.

The A360 through the village had poor visibility at the top of the hill and speeding often occurred along it, although it was noted that as there was already parking across from the pub, there was no greater impact of cars entering the carriageway from parking areas.

The Parish Council and local resident objections and four pages of comments within the report were also noted.

The Committee then voted on the motion of approval, which was not carried.

Cllr Britton then moved a motion of refusal on the grounds of over-development and design, in that it was cramped and overcrowded. This was seconded by Cllr Hewitt.

The Committee confirmed they had heard and seen all relevant visual materials, and voted on the motion of refusal against Officer recommendation, with the reasons as stated.

It was:

**Resolved:**  
**that application 20/10399/FUL be Refused for the following reasons:**

**It is considered that the proposed development, by virtue of the proposed plot sizes and detailed design, will result in a cramped form of over development of the site and will thus have a detrimental impact on the character of the area. The proposals are therefore considered to be contrary to the provisions of the National Planning Policy Framework (Feb**

**2019); the National Design Guide 2021; and Wiltshire Core Strategy policy CP57 (Ensuring High Quality Design & Place Shaping)**

**113 20/05989/FUL - Land Adjacent Church Court, Crow Lane, Wilton, SP2 0HB**

Public Participation

James Harrison spoke in objection to the application

The Planning Officer, Georgina Wright presented the application for the erection of a detached dwelling with garage parking (Resubmission of 20/02504/FUL withdrawn last year).

The Officer updated on two matters, firstly that Wilton Town Council had raised an objection to the application based on overdevelopment of the site and inadequate access to Crow Lane and secondly, in response to a query she had received relating to the ownership of the development site, the applicant has clarified that they are now the owner of the land and had purchased it in October 2019.

The application involved a garden site with an existing garage, which did not belong to any of the properties surrounding it. Access from the site was onto Crow Lane on the southern boundary of the site.

The proposal included the retention of an existing brick wall and pedestrian access part way along. A small section of the existing wall was to be rebuilt in a chamfered arrangement to allow a visibility splay from the new driveway. The wall is unlisted but is in a conservation area.

The existing garage was to be removed and a driveway created. An existing tree was to be retained and the proposed dwelling would be set back approximately 10.5m from the road frontage brick wall.

The unlisted Chapel building (now flats) to the east sat right up to the garden site with the windows looking out and opening on to the development site.

A fence would be erected in the garden to improve privacy. There had been some complaints from the residents of those living in the flats within the Chapel building, regarding loss of light from this fence. But planning permission is not required for the erection of a fence in the garden/right up to this boundary, up to a height of 2m.

The application was recommended for approval as set out in the report.

The main issues which had been considered to be material in the determination of this application were listed as, Principle, Heritage, Character & Design, Neighbouring Amenities, Highway Safety, Ecology, and CIL/S106.

Members of the Committee had the opportunity to ask technical questions of the officer. In response to queries, it was clarified that there had been the proposed

materials would be conditioned and the design was now accepted by conservation.

The existing garage had access to Crow Lane without a turning point, therefore there was no change to the existing situation that could occur if the garage started being used again.

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

Some of the main points made included that all residents of the Chapel flats were objecting to the proposed development and it was stated that many of the concerns raised remained unresolved.

Residents had also requested that a condition be included restricting the erection of the garden fence to a minimum of 4m distance from the Chapel building.

Other concerns related to the impact on the drainage and sewerage system.

Local Member Cllr Pauline Church then spoke in objection to the application, noting that she was familiar with the site in historic Wilton, as had previously owned 30 West Street.

The narrowness of the road did not make it conducive to further development of this scale with the resulting additional vehicle movements. This was in addition to the already approved development of 62 houses also on Crow Lane on the Naish Felts site.

This was unacceptable over development of Historic Wilton. My opposition was aimed at the scale of the building being proposed and the negative architectural impact it would have on this side of Crow Lane. Disagree that it was of a more modest traditional cottage style in-keeping with surrounding properties.

The proposed would overshadow the cottages 24 – 30 West Street in height and scale, which was an important row of C18 cottages.

Cllr Church felt that it was unacceptable to inhibit daylight by allowing a development within inches of the windows of the flats in the Chapel noting the close proximity of Grade II listed buildings in a conservation area of Wilton. Cllr Church then asked the Committee to refuse the application based on the scale and design and constraining and unsafe nature of the Highways element.

The Officer confirmed that there was no objection in relation to the proximity to the listed buildings from the Conservation Officer and there was no impact on the Street-scene on Crow Lane as the property was set 10.5m back, and behind a brick wall and would not really be seen from Crow Lane.

The Chairman, Cllr Westmoreland then moved a motion of approval in line with Officer recommendation. This was seconded by Cllr Britton.

The Committee was invited to discuss the application, the main points included comments around the 2-way traffic on Crow Lane, that the plot was suitable for some development, although there was sympathy for the residents of the ground floor Chapel flats, although as there was no planning permission required to erect a fence, therefore the condition requested by the residents could not be included.

The wall at the front of the development site and the Chapel building were not listed.

The Committee hoped that the applicant would engage with the residents to find a solution to the position of the garden fence.

Following debate, the Committee confirmed they had heard and seen all relevant visual materials, and voted on the motion of Approval, in-line with Officer recommendation.

It was:

**Resolved:**

**that application 20/05989/FUL be approved, 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:**

**Application Form & Certificate**

**Ref: LP/01 - Location Plan (Excluding Block Plan). Received - 17.07.2020**

**Ref: GF/03 - Ground Floor Plans. Received - 07.12.2020**

**Ref: FF/04 - First Floor Plan. Received - 03.12.2020**

**Ref: EL/05 - Elevations. Received - 03.12.2020**

**Ref: SS/06 - Street Scene. Received - 12.02.2021**

**Ref: SP/08 - Site Plan. Received - 03.12.2020**

**Ref: VS/08 - Visibility. Received - 03.12.2020**

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

**3 - No development shall commence above slab level on site 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 - No development shall commence above slab level on site until full details of all eaves, verges, windows (including head, sill and window reveal details), doors, rainwater goods, chimneys, dormers and canopies 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/conservation area.

**5 - 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;
- finished levels, contours;
- means of enclosure and boundary treatment;
- car park layouts;
- other vehicle and pedestrian access and circulation areas;
- all hard and soft surfacing materials

**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.

**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 offset boundary identified along the eastern edge of the site on the approved plans, details of which shall be agreed as part of the satisfaction of Condition 5 above, shall be installed prior to occupation of the dwelling hereby approved. The offsite area created shall remain free of obstruction and the new boundary shall be and retained/maintained in situ in perpetuity.

**REASON:** In the interests of neighbouring amenities.

**8 -** No development shall commence on site until:

a) A written programme of archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved by the Local Planning Authority; and

b) The approved programme of archaeological work has been 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, to enable the recording of any matters of archaeological interest

**9 -** The development hereby permitted shall not be first occupied until the first five metres 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.

**10 -** The gradient of the access way hereby approved shall not at any point be steeper than 1 in 6 for a distance of 4.5 metres from its junction with the public highway.

**REASON:** In the interests of highway safety.

**11 -** No part of the development hereby approved 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 600mm above the nearside carriageway level. The visibility splays shall be maintained free of obstruction at all times thereafter in perpetuity.

**REASON:** In the interests of highway safety.

**12 -** No part of the development hereby approved shall be first occupied until the parking area shown on the approved plans has been consolidated, surfaced and laid out in accordance with the approved details. This area shall be maintained and remain available for this use at all times thereafter.

**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) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), the garage hereby permitted shall not be converted to habitable accommodation.  
REASON: To safeguard the amenities and character of the area and in the interest of highway safety.**

**14 - Notwithstanding the approved plans, the proposed development shall not be first occupied until means/works have been implemented to avoid private water from entering the highway.  
REASON: To ensure that the highway is not inundated with private water.**

**15 - 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 Classes A-E, of Part 1 of Schedule 2, shall take place on the dwellinghouse hereby permitted or within its 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.**

**16 - 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 windows, doors or other form of openings other than those shown on the approved plans, shall be inserted on the development hereby permitted.  
REASON: In the interests of residential amenity and privacy.**

**17 - The dwelling 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**

**18 - No construction shall take place on Sundays or Bank or Public Holidays or outside the hours of 08:00 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays.  
REASON: To minimise disturbance to nearby residents during the construction period**

**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/communityinrastructurelevy](http://www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinrastructurelevy)**

**2) The applicant(s) is advised that discharge of the drainage condition does not automatically grant land drainage consent, which is required for any works within 8m of an ordinary watercourse or any discharge into an ordinary watercourse. The applicant remains responsible for obtaining land drainage consent, if required, at the appropriate time.**

**3) The application involves an alteration to the existing vehicle access/dropped kerb. 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 Wiltshire's Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. Please contact our Vehicle Crossing Team on [vehicleaccess@wiltshire.gov.uk](mailto:vehicleaccess@wiltshire.gov.uk) and/or 01225 713352 or visit their website at <http://wiltshire.gov.uk/highways-streets>**

**114 20/09829/FUL - Alabare House, 15 Tollgate Road, Salisbury, SP1 2JA**

Public Participation

Michael Presley spoke in objection to the application  
Steve Lovatt spoke in support of the application

The Planning Officer, Julie Mitchell presented the application for a change of use of existing religious retreat/bed and breakfast accommodation (max. 8 B&B) to a 20 bedroom house in multiple occupation (HMO)/Sui Generis (key worker accommodation for rent).

Site was on the southern extent of Millford Hill conservation area, walking distance to the city centre.

Original building although not visible from public vantage points, was noted as making a positive contribution to the conservation area.

There was a single vehicular and pedestrian access route to Tollgate Road.

There was no street frontage and surrounded from all sides by residential dwellings.

Because the proposal was for the change of use to a multiple occupancy for more than 6 unrelated occupiers, it required a HMO.

The proposals also included refuse and cycle storage and a formalised parking area. There was no requirement to remove or encroach upon trees.

Slides 34-35 showed a plan of the internal proposed layout for ground and first floor levels.

The application was recommended for approval as set out in the report.

The main issues which had been considered to be material in the determination of this application were listed as,

1. Existing use.
2. Principle of the proposed change of use
3. Scale and design
4. Impact on the Conservation Area, including works affecting trees
5. Residential amenity
6. Access, parking and highway Impact
7. Impact on River Avon SAC

Members of the Committee had the opportunity to ask technical questions of the officer. In response to queries, it was clarified that the Fire consultee had been contacted for comment by Licensing, however the comments had not been included as not received back in time.

The key workers that would stay in the property, would be working in residential nursing homes nearby.

The bedrooms could be listed as double bedrooms on space requirements, however it had been advised that the rooms were intended for single occupancy. The licence would list the number of occupants.

Members of the public, as detailed above, then had the opportunity to speak on the application. Some of the main points included comments around the number of applicants and request for there to be fewer and restricted to one per room.

Whether there would be dedicated staff to maintain the site and grounds. The scale of the proposal and whether at a later date the applicant may try to merge the site with a nursing home.

That there was a requirement for essential affordable carer accommodation.

Local Member Cllr Hocking then spoke in objection to the application, noting that as already declared earlier in the meeting, he lived on Tollgate Road and that his property backed on to the site.

In addition, he knew both parties, the residents that had objected and the applicant, which put him in a difficult situation and therefore, he would move the motion and then not take part in the vote.

Cllr Hocking noted that Wessex care had five care homes in close proximity to the site. The proposals had a lack of bath space, no first floor kitchen facility or communal space. The amenity and kitchen space on the ground floor were not enough for a good quality of life for those that would live there.

He mentioned that the Licensing Team had guidance on persons versus amenity space, however pointed out that it was only guidance and not a requirement.

The site was on the edge of parking zones C and E, and it was not possible to assume that not all residents would have a car and therefore would require a parking space. He stated that he wished to see a maximum of 20 residents for the 20 rooms.

The Officer clarified that the size of the building had not changed and that the internal changes had been set out to meet the restrictions.

The Highways Officer, Julie Cleve noted that she had dealt with several proposals with HMOs in the Salisbury area and that a difficulty was that there was no parking standard. The closest was for a hostel which required one space per bedroom. A reduction on parking was allowed depending on criteria. Overspill could be controlled with the parking permit scheme and the proximity to the amenities and the city centre and transport meant that it was accessible.

Cllr Hocking then moved a motion of refusal, against Officer recommendation, stating the reasons as lack of parking, and impact on resident's quality of life. This was seconded by Cllr Smale.

The Committee was invited to discuss the application, the main points included comments around conditions for car parking, the number of bedrooms and how many residents would be permitted to stay in each room and whether an informative regarding restricting the number of occupants per room, could be included in a decision if approved.

The original buildings number of 16 bedroom spaces and how the additional 4 had been achieved, by taking out spaces that were not required, such as a chapel and a reading room.

Following debate the Committee confirmed they had heard and seen all relevant visual materials, and voted on the motion of refusal against officer recommendation, with the reasons stated. The motion was not carried.

The Chairman, Cllr Westmoreland then moved the motion of approval in line with Officer recommendation. This was seconded by Cllr Britton.

The Committee confirmed they had heard and seen all relevant visual materials, and voted on the motion of approval, in line with Officer Recommendation.

It was:

**Resolved:**

**that application 20/09829/FUL be Approved in line with Officer recommendation with 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:**

**20-3314-200-C Proposed Site Plan October 2020 Revision C dated 13.1.2021**

**20-3314-201-A Proposed Basement Plan October 2020 Revision A dated 13.1.2021**

**20-3314-202-B Proposed Ground Floor Plan October 2020 Revision B dated 13.1.2021**

**20-3314-203-B Proposed First Floor Plan October 2020 Revision B dated 13.1.2021**

**20-3314-204-A Proposed Section Floor Plan October 2020 Revision A dated 13.1.2021**

**20-3314-205-A Proposed Roof Plan October 2020 Revision A dated 13.1.2021**

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

**3 – No development other than internal works to the existing building shall take place on site, including ground works, storage of materials or other preparatory work, until a Detailed Arboricultural Method Statement and Plan have been submitted to the Local Planning Authority (and approved in writing) to demonstrate how infrastructure (parking, bin and cycle stores etc) can be constructed without causing damage to adjacent trees (T1, T2 and T3 in particular). The plan should include details of any level changes where required. 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.**

**REASON: To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990, so as to ensure that the amenity value of the most important trees growing within or adjacent to the site is adequately protected during the period of construction. A pre-commencement is necessary to ensure that the potential for impact on trees is identified prior to works being undertaken.**

**4 - The building shall not be occupied as a house in multiple occupancy until the parking spaces have been provided in accordance with the approved plans.**

**REASON: In the interests of highway safety and the amenity of future occupants.**

**5 - No part of the development shall be 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.**

**6 - The development hereby permitted shall not be occupied until the refuse and recycling facilities shown on the approved plans have been provided and made available for use. These facilities shall thereafter be maintained in accordance with the approved details thereafter.**

**REASON: To ensure the provision of satisfactory facilities for the storage of refuse and recycling.**

**7 - No external lighting shall be installed until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Professionals in their publication "Guidance Notes for the Reduction of Obtrusive Light GN01:2020", have been submitted to and approved in writing by the Local Planning Authority. The approved lighting shall be installed and shall be maintained in accordance with the approved details and no additional external lighting shall be installed.**

**REASON: In the interests of the amenities of the area and to minimise unnecessary light spillage above and outside the development site.**

#### **INFORMATIVE TO APPLICANT:**

**The applicant is advised that this permission authorises a change of use of the existing building only and does not authorise any external alterations that may require planning permission other than the landscaping and outbuildings as shown on the approved site plan.**

**The applicant is advised that the use of the building as a House in Multiple Occupation will be subject to the requirements of a licence under the Housing Act 2004. Notwithstanding that the internal floor plans illustrated in the approved plans show 20 double bedrooms, the LPA have concerns that the use of all 20 bedrooms for double occupancy would lead to up to 40 persons sharing the communal facilities and parking area which has the potential to create overcrowded conditions that would fall short of the desired amenity and parking standards. Accordingly the**

manager/operator of the HMO is strongly requested not to permit the rooms to be let or occupied to the full capacity of double bedrooms.

The applicant is advised that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence. If you intend carrying out works in the vicinity of the site boundary, you are also advised that it may be expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996.

Any alterations to the approved plans, brought about by compliance with Building Regulations, Licensing or any other reason, and resulting in external alterations to the existing building must first be agreed with the Local Planning Authority before commencement of work.

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** <https://www.wiltshire.gov.uk/dmcommunityinfrastructurelevy>.

115 **20/08997/FUL - 97 East Gomeldon Road, Gomeldon, SP4 6LZ**

Public Participation

Laura Maher (applicant) spoke in support of the application

Ben Crozier (Agent - substituted by Mary Cozier), spoke in support of the application.

Andy Oliver spoke as representative for Idmiston PC

The Planning Officer, Hayley Clark presented the application for Change of use of current agricultural land to residential area. Construction of proposed new chalet bungalow.

The development would be for the applicants to move in to, leaving their existing bungalow available for their son who had Down Syndrome, to live in



independently as possible, whilst remain close to the family for support when required.

The site was considered to be in an unsustainable location and not identified for future development within the Neighbourhood Plan or considered to be in-fill development.

The general buildings to the rear of the properties along this side of Gomeldon Road were outbuildings or agricultural. The proposals were out of keeping with the area and would not follow the existing pattern of development.

The development did not fall within the Phosphate mitigation measures agreed with Natural England.

The application was recommended for refusal as set out in the report.

The main issues which had been considered to be material in the determination of this application were listed as, Principle, Personal Circumstances, Character & Design, Neighbouring Amenities, Highway Safety, River Avon Special Area of Conservation (SAC) catchment area.

Members of the Committee had the opportunity to ask technical questions of the officer. In response to queries, it was clarified that there had been a previous application in 2020, but that it had been withdrawn.

Members of the public, as detailed above, then had the opportunity to speak on the application. Some of the main points included that there were no objections from local residents or consultees and was supported by the parish council.

The applicant's son's Support worker letter had been included, to evidence the needs of the son. That the site was very sustainable for the family and in particular the son.

The three reasons given for refusal were counter balanced by the applicant.

The Idmiston Parish Council representative spoke in support.

Local Member Cllr Mike Hewitt then spoke in support of the application, noting that work had been carried out for years to take the phosphate out of the water. A machine which had been brought in to take minerals out of the water, had since been switched off as was no longer needed.

It was noted that the needs of the young man would get greater over time, as he got older he would get heavier. Lifts would later be required to help with mobility and he would eventually be able to move in to the bungalow and be assisted by a live in carer.

If his needs were not able to be accommodated on the land with his family he would have to go in to a home, which would not be near to the family.

The fields at the back were military and have been cleared. Cllr Hewitt saw no reason to refuse the application, which had the support of the parish council and local residents. If the family were unable to provide the facility, his needs would later incur a huge cost if a care facility was required.

Cllr Hewitt then moved a motion of approval against Officer recommendation, stating the reasons as noted above. This was seconded by Cllr Devine.

The Team Leader clarified the Committee had the power to make a decision contrary to the phosphate element if there was reason to do so.

The Committee was invited to discuss the application, the main points included comments around planning restrictions and the human element of the situation.

That the development could not be described as infill and was a development in the open countryside.

That the current need was not present and that an application to provide for a facility for independent living was perhaps considered premature, in light of the applicant's son being 14 years of age and not needing his own accommodation until adulthood.

There was support from the parish council and local residents and there would be financial savings if the family provided independent living accommodation.

Following debate the Committee confirmed they had heard and seen all relevant visual materials, and voted on the motion of approval against officer recommendation, with the reasons stated. The motion was not carried.

The Chairman, Cllr Westmoreland then moved the motion of refusal, inline with Officer recommendation. This was seconded by Cllr Britton.

The Committee confirmed they had heard and seen all relevant visual materials, and voted on the motion of Refusal, in line with Officer recommendation.

It was:

**Resolved:**

**that application 20/08997/FUL be Refused for the following reasons:**

**1 The site is located in the small village of East Gomeldon to the rear of a row of existing dwellings. East Gomeldon does not have a development boundary and is classed as being in the open countryside, in an unsustainable location where there is a presumption against new unsustainable development. The proposed dwelling is therefore contrary to core policies 1,2, 4, 60 and 61 of the Wiltshire Core Strategy and Section 9, paras 102, 103, 108 & 110 of the National Planning Policy Framework 2019 which seeks to reduce the need to travel particularly by private car, and support and encourage sustainable, safe and efficient movement of people and goods.**

The proposed development is not considered to be infill development as defined by core policy 2 of the Wiltshire Core Strategy. Furthermore, the site is not identified as a site for possible future development in the made Neighbourhood Plan and is not considered to comply with any of the exemption tests as outlined in paragraph 4.25 of the Wiltshire Core strategy.

The property is for the parents/family of Toby, a 14 year old with Down Syndrome to live in while Toby resides in the existing 3 bed bungalow, this however does not accord with exemption policies as the proposed dwelling shows no design features that would indicate its use by someone with a disability, contrary to core policy 46.

2 The character of East Gomeldon Road is defined by ribbon development along the north side of East Gomeldon Road with dwellings either located at the front of the residential plots with linear rear gardens or located at the rear of the plot with linear front garden. Tandem or backland development is unusual for this road. The siting of the proposed dwelling located further to the north than existing dwellings and their curtilages is considered to be harmful encroachment of residential development into the rural landscape, contrary to core policy 57 of the Wiltshire Council Core Strategy. The scale and siting of the dwelling on raised ground will result in an unduly prominent form of development which will be out of keeping for the locality in this rural landscape contrary to core policy 57 of the Wiltshire Council Core Strategy.

3 The site is situated within the River Avon catchment area that is a European site. Advice from Natural England indicates that every permission that results in a net increase in foul water entering the catchment could result in increased nutrients entering this European site causing further deterioration to it. The application does not include detailed proposals to mitigate the impact of these increased nutrients and consequently, without such detailed proposals, the Council as a competent authority cannot conclude that there would be no adverse effect on the integrity of this European Site as a result of the development. The proposal would therefore conflict with The Habitat Regulations 2017, Wiltshire Core Strategy policies CP50 (Biodiversity and Geodiversity) and CP69 (Protection of the River Avon SAC); and paragraphs 175 and 177 of the National Planning Policy Framework.

116 **Urgent Items**

There were no urgent items

(Duration of meeting: 3.00 - 6.39 pm)

The Officer who has produced these minutes is Lisa Moore of Democratic Services,  
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