

## Northern Area Planning Committee

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### MINUTES OF THE NORTHERN AREA PLANNING COMMITTEE MEETING HELD ON 5 APRIL 2023 AT COUNCIL CHAMBER - COUNCIL OFFICES, MONKTON PARK, CHIPPENHAM, SN15 1ER.

#### **Present:**

Cllr Tony Trotman (Chairman), Cllr Howard Greenman (Vice-Chairman), Cllr Chuck Berry, Cllr David Bowler, Cllr Steve Bucknell, Cllr Gavin Grant, Cllr Jacqui Lay, Cllr Nic Puntis, Cllr Martin Smith, Cllr Elizabeth Threlfall and Cllr Clare Cape (Substitute)

#### **Also Present:**

Cllr Nick Botterill

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#### 19 **Apologies**

Apologies for absence were received from Councillor Dr Brian Mathew, who was substituted by Councillor Clare Cape.

#### 20 **Minutes of the Previous Meeting**

The minutes of the meeting held on 1 March 2023 were presented for consideration.

#### **Resolved:**

**To approve and sign as a true and correct record the minutes of the meeting held on 1 March 2023.**

#### 21 **Declarations of Interest**

Councillor Martin Smith declared that the applicant for Item 7a was the son-in-law of a longstanding Sherston family that he knew but affirmed that he had no pecuniary interest in the application and would aim to be entirely objective.

#### 22 **Chairman's Announcements**

The Chairman noted the fire alarm procedure.

#### 23 **Public Participation**

No questions had been received from councillors or members of the public.

The Chairman welcomed all present. He then explained the protocol for public participation.

24 **Planning Appeals and Updates**

The Chairman moved that the Committee note the contents of the appeals report included within the agenda. It was seconded by Councillor Chuck Berry.

**Resolved:**

**To note the Planning Appeals Update Report.**

25 **Planning Applications**

The Committee considered and determined the following planning applications:

**25a PL/2022/09378 - Meadowside, Tetbury Road, Sherston, Malmesbury, SN16 0LU**

**Public Participation**

Simon Chambers (agent) spoke in support of the application.

The Senior Planning Officer, Raymond Cole presented a report which outlined the proposal for the erection of a replacement dwelling on Meadowside, Tetbury Road, Sherston.

Details were provided of the site and issues raised by the proposals, including the potential for harm to the countryside and the transition from the urban fringe to the rural surroundings. The Senior Planning Officer also shared the Case Officer's findings that the application was not reflective of local character, and her concerns surrounding the size of the proposed property in terms of its visibility and impact on the Cotswolds Area of Outstanding Natural Beauty (AONB).

Members of the Committee had the opportunity to ask technical questions regarding the application. Details were sought on the ownership of land directly north of the application site (within family's ownership but not applicant's) and the proposal's impact on the transition from urban fringe to countryside. Clarity was sought on whether the settlement boundary had any weight on the Officer's recommendation, and on the view of the AONB board. The Senior Planning Officer confirmed that the site was outside of the defined settlement boundary and that they had not consulted the AONB board and thus had no feedback from them. Councillors also enquired as to the details of the proposed building compared to the existing one and that which was granted planning permission in 2022.

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

The Local Unitary Member, Councillor Martin Smith, then spoke regarding the application. Councillor Smith noted that this was an atypical application due to the lack of any objectors. He further noted that the Parish Council consulted a

retired town planner before confirming their support of the application. Councillor Smith stated that the proposed property was undeniably an improvement on the existing one, and then referred to several aspects of the Officer's report that he disagreed with, specifically the suggestion that the proposed building would create a "contiguous expanse of unbroken frontage" and a "harmfully abrupt edge to the dwelling". He concluded by stating that the vastly improved sustainability of the proposed property, both ecologically and socially, meant that in his view the benefits of the application did outweigh the harm, and so affirmed his support for the application.

At the start of the debate a motion to refuse the officer's recommendation was moved by Councillor Martin Smith and seconded by Councillor Steve Bucknell, with authority delegated to the Head of Development Management to grant planning permission subject to appropriate conditions to be prepared by officers.

During the debate, issues were raised including the lack of harm to the surroundings and the improved sustainability of the application. Councillor Elizabeth Threlfall countered that the scale of the building verged on unacceptable and was incongruent with the surrounding area. Councillor Gavin Grant voiced his support for the motion, noting that the application had its issues but on balance was acceptable.

The Senior Planning Officer noted that were the Committee minded to grant planning permission, he would advise them to include similar conditions to those that were attached to the previously approved application.

Councillor Jacqui Lay noted that the Officer recommendation should be given due respect and that regardless of a present-day lack of representations against the application, they still needed to consider future opposition.

**Resolved:**

**That Planning Permission be GRANTED, with authority delegated to the Head of Development Management to grant planning permission subject to appropriate conditions to be prepared by officers.**

26 **PL/2022/07367 - Broadtown Brewery, 29 Broad Town Road, Broad Town, Swindon, SN4 7RB**

**Public Participation**

Peter Gallagher spoke on behalf of the local ramblers in objection to the application.

Jason Bayliffe spoke in support of the application.

Stuart Hinson spoke on behalf of Adrian Smith in support of the application.

John Bell spoke in support of the application.

Rupert Pearce spoke on behalf of Broad Town Parish Council.

The Senior Planning Officer, Raymond Cole presented a report which outlined the proposal from Broadtown Brewery Ltd for a retrospective change of use

from agricultural and extension of commercial curtilage (Class E(b)) with retention of car parking, toilet facilities, covered canopy and decking area, plus associated works. The Senior Planning Officer noted that as this application was the subject of an ongoing non-determination appeal being overseen by a Planning Inspector, the Committee were being asked to vote on what they would have decided had the application come to them within the time.

Details were provided of the site and issues raised by the proposals, including the urbanisation of the open countryside and the visual intrusion of the locality, as well as the potential harm to the amenities of the occupiers of neighbouring residential properties. Additionally, details were provided about the previously undertaken noise assessment and the inclusion of an acoustic fence in the application. Reference was also made to the proposed business hours and to the suitability of the proposed car parking arrangements.

Members of the Committee had the opportunity to ask technical questions regarding the application. Details were sought on the acoustic fence, with public protection supporting the application because of it and the landscape officer objecting because of it. Councillors also sought further detail on the history of applications from the applicant and the nature of their unauthorised works. Councillors queried the difficult balancing act of the harm caused by the bund and acoustic fence and the merit of providing Broad Town with potentially its only community hub. The Senior Planning Officer explained for Councillors that the site is outside the AONB and that they received no comment from the board. The road adjacent to the site was the subject of several questions on account of it being a national speed limit road with little room for pedestrians. As such, Councillors asked about the viability of a potential speed reduction as a condition or whether such a matter would need to be resolved at Area Board level. Questions were asked of the nature of the site during the off-season, as well as the fairness of the Council being taken to appeal. Lastly, Councillors sought clarification on how busy the site might be considering its recent growth compared to several local pubs closing, whether any limits on crowds were in place, and whether licencing issues were foreseeable in the future.

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

The Senior Planning Officer referred to Core Policy 52 as a possible further reason for refusal considering the impact on green infrastructure. Alternatively, he recommended the use of an informative to secure a diversion of the public right of way should they be minded to approve the application.

The Local Unitary Member, Councillor David Bowler, then spoke regarding the application. Councillor Bowler raised the point that the applicant had sought to eradicate the concerns raised after their initial application was refused. On the possibility of urbanisation in the area, Councillor Bowler stated that this application was different to the first as there were no live music events forecast to reduce noise concerns. The Councillor noted the complexity of having the two applications for the 'hop gardens' and the 'hop chapel' with individual licencing applications and capacity limits for both. He spoke to the concerns

raised by the Highways team and stated that there were undeniably issues surrounding access and increased traffic flow from Broad Town and the surrounding towns and villages, and concluded by advising the Committee that simply because no objectors had come forward did not mean they did not exist.

At the start of the debate a motion to refuse the officer's recommendation was moved by Councillor Steve Bucknell and seconded by Councillor Nic Puntis, with authority delegated to the Head of Development Management to grant planning permission subject to appropriate conditions to be prepared by officers.

Legal Officer Stephen James clarified that the appeal was likely to fall away should approval be granted by the Committee.

Councillor Bucknell stated that the applicant had developed a commercially successful community space without waiting for authorisation, had subsequently built on that success, and in doing so had created an important community facility. He put it to the Committee that the Council should support local businesses and community hubs and posited that the highways concerns, while valid, would not necessarily manifest into real issues. He stated that these highways concerns were seemingly acceptable in many past cases, and so should be in this case as well. Indeed, the Councillor suggested that its situation besides a well-travelled road could stand it in good stead financially. He concluded by stating that there were inadequate grounds to refuse permission.

Councillor Puntis concurred with Councillor Bucknell and referred to an onus on a planning committee to consider the balancing act between community benefit and harm. He referred to the ambivalent view given by the Officer on highways concerns and suggested that the issue was not necessarily a significant one.

Several Councillors voiced opposition to the nature of the applicant's retrospective application and non-determination appeal, and although Councillor Lay agreed, she also pointed out that it meant the applicants could clearly evidence the viability of their proposal.

Councillors agreed that further urbanisation was inevitable and advised that a neighbourhood plan could help Broad Town as a community dictate how it wants itself to develop. Councillor Grant referred to a reality check in action regarding a changing landscape in rural communities and a renewed importance in new businesses. Councillor Grant was complimentary of the applicant's obvious business acumen and suggested it was important to recognise the requirement for diversification to maintain a vibrant atmosphere in rural communities with employment and social opportunity. He also noted the undeniable issues with the footpath and the road, echoing Councillor Lay's earlier point. Councillor Berry shared Councillor Grant's praise for the applicant but reiterated his disapproval towards the applicant's approach and towards the Parish Councillor's criticism of the Council, but also voiced a willingness to support the motion and a forgiveness of the applicant's perceived transgressions. Councillor Threlfall voiced her optimism(?) towards the application and Councillor Greenman voiced his support of the motion as well

as the importance of an informative to ensure the diversion of the public footpath. Councillors Bucknell and Puntis accepted Councillor Greenman's friendly amendment regarding the inclusion of a condition for diverting the footpath, and Councillor Grant requested that the Committee's concerns surrounding the speed of the road be duly noted. The Senior Planning Officer suggested a series of conditions and informatives for the resolution, and Councillor Threlfall further noted her concerns on light pollution on account of the nearby AONB. Councillor Berry noted that an appeal was unlikely to have succeeded, and Councillor Puntis was insistent that the applicant followed the listed planning conditions to the letter and avoid any possible enforcement action.

**Resolved:**

**That Planning Permission be GRANTED, with authority delegated to the Head of Development Management to grant planning permission subject to appropriate conditions to be prepared by officers.**

27 **Urgent Items**

There were no urgent items.

(Duration of meeting: 2:00 pm - 4:45 pm)

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