

## Northern Area Planning Committee

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### MINUTES OF THE NORTHERN AREA PLANNING COMMITTEE MEETING HELD ON 3 AUGUST 2022 AT COUNCIL CHAMBER - COUNCIL OFFICES, MONKTON PARK, CHIPPENHAM, SN15 1ER.

#### **Present:**

Cllr Tony Trotman (Chairman), Cllr Howard Greenman (Vice-Chairman), Cllr Steve Bucknell, Cllr Gavin Grant, Cllr Jacqui Lay, Cllr Dr Brian Mathew, Cllr Nic Puntis, Cllr Martin Smith, Cllr Elizabeth Threlfall and Cllr Bob Jones MBE (Substitute)

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#### 42 **Apologies**

Apologies for absence were received from Councillor David Bowler, who had arranged for Cllr Bob Jones MBE to attend in his absence.

Cllr Brian Mathew joined the meeting late at 14:11, but in time to partake in Item 7a.

#### 43 **Minutes of the Previous Meeting**

The minutes of the meeting held on 25 May 2022 were presented for consideration, and it was;

#### **Resolved:**

**To approve and sign as a true and correct record of the minutes of the meeting held on 25 May 2022.**

#### 44 **Declarations of Interest**

Cllr Elizabeth Threlfall declared that her husband was part of Brinkworth Parish Council and that he had written an objection letter regarding PL/2021/03928 - Poppy House, Barnes Green, Brinkworth. Cllr Threlfall stated that she would consider the application with an open mind.

Cllr Jacqui Lay declared that with regard to PL/2022/01974 - Key View, Common Lane, Purton Stoke, she knew the applicant's neighbour. Cllr Lay stated that she would consider the application with an open mind.

#### 45 **Chairman's Announcements**

The Chairman informed those in attendance of the procedures in place if there was to be a fire alarm.

46 **Public Participation**

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

The Chairman welcomed all present. He then explained the rules of public participation and the procedure to be followed at the meeting.

47 **Planning Appeals and Updates**

Councillor Tony Trotman moved that the Committee note the contents of the appeals report included within the agenda. It was seconded by Councillor Steve Bucknell.

**Resolved:**

**To note the Planning Appeals Update Report for 3 August 2022.**

48 **Planning Applications**

The Committee considered and determined the following planning applications:

**48a PL/2021/03928 - Poppy House, Barnes Green, Brinkworth.**

**Public Participation**

Martin Evans spoke in objection to the application.

Felicity Barnett spoke in support of the application.

Cllr Alison Parsons spoke on behalf of Brinkworth Parish Council.

Development Management Team Leader, Lee Burman presented a report which outlined the formation of an arena; erection of stables; vehicular access and parking area and change of use of land to equestrian use.

Details were provided of the site and issues raised by the proposals, including the principle of development, design and landscape impact, ecology, arboriculture, highways safety, public rights of way, drainage and impact on residential amenities.

Members of the Committee had the opportunity to ask technical questions regarding the application. Details were sought on, but not limited to, whether floodlighting issues were a general problem elsewhere, whether it was normal to have Perspex panels for natural light and the up keep of the woodland which would have to be replaced as part of the proposal.

Additional technical questions were received in relation to whether there was a standard amount of land required to keep horses, whether the application should have been described as retrospective, whether the application could be conditioned to limit family member use and whether it would be possible to condition tying the land to the property.

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

The Local Unitary Member, Councillor Elizabeth Threlfall then spoke regarding the application. Cllr Threlfall raised the following points that this would be a large development within the countryside and that though there was concern, if granted it would be tucked behind trees with more to be planted. A situation could however arise in the future where the land could be overgrazed with other potential issues including pollution. Cllr Threlfall stressed the importance of tying the house to the land and that issues with outside lighting, the footpath and flood risk had been resolved and that though the proposal was not in line with the character of the village or building line it would be difficult to find a basis to object.

At the start of the debate a motion to accept the officer's recommendation was moved by Councillor Nic Puntis and seconded by Councillor Steve Bucknell. This motion included an additional conditional requirement to tie the proposed development to the applicant's adjacent residence. A further friendly amendment was suggested by Councillor Bucknell that the number of horses should be limited to 1 horse, 1 pony and 1 Shetland pony, however this was not accepted by Councillor Puntis and Councillor Bucknell therefore opted to withdraw support for the motion.

A new motion was then moved by Councillor Nic Puntis to accept the officer's recommendation, which was seconded by Councillor Howard Greenman. This motion included an additional conditional requirement to tie the proposed development to the applicant's adjacent residence and to limit the number of horses to be stabled on site to 4 in accord with the number of stables proposed.

During the debate, issues were raised, but not limited to, that in other communities a lot of stables and facilities had been established which had been overbearing to the countryside. Further support was added with the example of Dauntsey Vale, where it was suggested that land had been ruined by hobby horse riders and that it would be positive for policy makers and the local plan to control such developments. Additionally, that it could be worth including a track under the road in order to allow for Great Crested Newt migration.

At the conclusion of the debate, it was,

**Resolved:**

**To approve in accord with the officer recommendation but subject to two additional conditional requirements tying the proposed development to the applicant's adjacent residence and limiting the number of horses to be stabled on site to 4 in accord with the number of stables proposed.**

49 **PL/2021/10793 - Winkworth Gate, Lea.**

**Public Participation**

John Cull spoke in objection to the application.

Kevin Tibbs spoke in objection to the application.  
Shaun Poulton spoke in objection to the application.  
Charlotte Watkins spoke in support of the application.  
Tom Newman spoke in support of the application.  
Cllr Stuart Suter spoke on behalf of Lea and Cleverton Parish Council.

Development Management Team Leader, Lee Burman presented a report which outlined a proposed new dwelling and associated works.

Details were provided of the site and issues raised by the proposals, including the principle of development; impact on the character, appearance, visual amenity and openness of the locality; impact on the residential amenity and impact on archaeology interest. Additionally impact on drainage/flooding; impact on highways safety and other matters.

Members of the Committee had the opportunity to ask technical questions regarding the application. Details were sought on, but not limited to, the finished floor level and the proposed height of the finished home as well as site surveys, drainage from the nearby stream and whether there was Rights of Way access to allow parking.

Additional technical questions were received in relation to whether any local properties had been flooded and regarding previous sewage issues, whether the application could have permitted development rights removed and whether the application would cause additional flooding impact to their neighbours.

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

The Local Unitary Member, Councillor Elizabeth Threlfall then spoke regarding the application. Cllr Threlfall raised the following points whilst acknowledging that the Planning Officers had completed a large amount of work, with the applicant also having withdrawn the previous submission before addressing concerns before resubmitting. Cllr Threlfall noted that it was difficult without a parish plan or framework boundary to identify whether the proposal would constitute as elongation or infill. In addition, Cllr Threlfall stated that regarding flooding a decision would have to be made as to whether flood modelling maps were to be believed or anecdotal evidence from local residents.

At the start of the debate a motion to accept the officer's recommendation was moved by Councillor Tony Trotman, however no seconder was found and the motion consequently fell.

A new motion was then moved by Councillor Martin Smith to reject the officer's recommendation, which was seconded by Councillor Nic Puntis. The reason for refusal was cited as being that the application conflicted with Wiltshire Core Strategy (Jan 2015) Core Policies 1, 2, 13 and 67. Following debate, this motion was then withdrawn by Councillor Martin Smith and seconder Councillor Nic Puntis.

A further motion was then moved by Councillor Howard Greenman to defer determination in order to seek additional information in respect of drainage matters. This was seconded by Councillor Steve Bucknell.

During the debate, issues were raised, but not limited to, what the specifications of the technical attenuation would be as well as how it would work. It was also suggested that the if accepted the property would not look in place with the rest of the village and that if a property was to be built on the land the owner might be concerned with sewage and flooding. In addition Members of the Committee stated that they did not feel as though they had enough information to grant consent and also questioned the technical competencies of the FRA author(s). Regarding flooding, previous example of applications in Malmesbury that went to appeal were cited, with it stated that though sometimes there is local knowledge it is difficult to go against expertise. It was acknowledged that in this case the Wiltshire Council Drainage Engineers had not raised objection, similarly to the Environment Agency.

Further issues that were debated included whether or not the application would constitute as being infill or elongation to the village, with it noted that opposite the land is the school which lies beyond the village settlement.

At the conclusion of the debate, it was,

**Resolved:**

**To defer determination to enable the applicant to seek additional information in respect of drainage matters. That information to include the technical competencies of the FRA author(s); proposed finished floor levels of the dwelling to address Wessex Water issues and requirements concerning drainage and foul water; clarification of site survey levels; and to take into account evidence of the flooding events from the Parish Council and local residents in order to ensure that the proposed development is not at risk of flooding and does not increase off site flooding issues.**

The meeting was adjourned at 16:23 for a break and then resumed at 16:30.

50 **PL/2022/01974 - Key View, Common Lane, Purton Stoke.**

Public Participation

Sandy Brimacombe spoke in objection to the application.

Janet Stares spoke in objection to the application.

Jon Bellamy spoke in objection to the application.

Development Management Team Leader, Lee Burman presented a report which outlined a proposed extensions to the property as a revision to a previous proposal that had been refused at a previous meeting of the Committee.

Details were provided of the site and issues raised by the proposals, including the principle of development; impact on the character and appearance of

nearby listed buildings; impact on the character, appearance, visual amenity of the locality. Additionally impact on the residential amenity and impact on highway safety.

Members of the Committee had the opportunity to ask technical questions regarding the application. Details were sought on whether clear information had been provided regarding plate levels and what the extension constituted.

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

The Local Unitary Member, Councillor Jacqui Lay then spoke regarding the application. Cllr Lay read a statement on behalf of Purton Parish Council in objection to the application as representatives were unable to attend. From a personal viewpoint, Cllr Lay raised the following points, addressing the design of the application and that the current living room would be engulfed by new extensions with no windows. Additionally that if accepted the proposals would be overbearing to neighbours, with the house to the right potentially losing all afternoon sun.

At the start of the debate a motion to refuse the application contrary to the officer's recommendation for the same reason as the previous application had been refused as previously identified concerns had not been addressed and overcome was moved by Councillor Steve Bucknell and seconded by Councillor Bob Jones MBE.

At the conclusion of the debate, it was,

**Resolved:**

**Contrary to the officer recommendation to refuse the application for the same reasons given by the Committee on 2 February 2022 for refusal of the previous application at this site.**

**Committee Members considered that the revisions from the previous proposals considered by the committee had not addressed their concerns and that the proposal continued to result in an overbearing impact and loss of residential amenity for neighbouring properties and an overdevelopment of this site.**

**The wording of the previous reasons for refusal was read out at and was as follows:-**

**The proposal constitutes an overdevelopment of a constrained site that does not achieve high quality design by virtue of its bulk, mass and positioning. The proposals thereby result in harm to the character, appearance and visual amenity of the locality and existing neighbouring residential amenities being both overbearing and resulting in loss of privacy. The proposals are thereby in conflict Wiltshire Core Strategy (Jan 2015) Core Policy CP57 (iii) & (vii).**

51 **PL/2021/05209 - Land south of Filands, Malmesbury.**

Public Participation

Campbell Ritchie spoke on behalf of Kim Power in objection to the application.

Katherine Doodey spoke in objection to the application.

Jonathon Dodd spoke in support of the application.

Cllr Campbell Ritchie spoke on behalf of Malmesbury Town Council.

Development Management Team Leader, Lee Burman presented a report which outlined the erection of 70 dwellings with a public open space and associated infrastructure, approval of reserved matters (scale, layout, landscaping and external appearance) pursuant to outline application ref: 19/11569/OUT.

Details were provided of the site and issues raised by the proposals, including design quality, impact on the character appearance and visual amenity of the area – landscaping; residential amenity; access, highways and parking; drainage and ecology.

Members of the Committee had the opportunity to ask technical questions regarding the application. Details were sought on, but not limited to, what the Officer thought about the letter which had been received from Osborne Clarke, whether there would be any PV panels on the roofs of the proposed homes as well as how the homes would be heated. It was also clarified that a Section 106 agreement was already attached to the outline permission.

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

The Local Unitary Member, Councillor Gavin Grant then spoke regarding the application. Cllr Grant raised the following points thanking the Planning Officer for his extensive efforts whilst there had been frustration from Malmesbury Town Council and residents. Cllr Grant cited content included within the report, specifically page 69 in respect to specific elements of the site layout, which he did not believe were in accord with the outline planning permission and were also against the Malmesbury Area Plan. Cllr Grant spoke in very strong terms in expressing frustration that developer had not designed a masterplan to include proposals both for this site and the adjoining land to the south which also benefits from outline planning permission and to also incorporate the nursery secured as part of the outline permission at appeal and was reminded by the Chair of the Committee to ensure his comments were professional and courteous when referring to the Applicant and the Applicant's representative. Cllr Grant noted that there had been a loss of 15% of land available within the development however this had only reduced the number of proposed homes by one and that had a masterplan been provided, Officer's could have addressed the proposals together to allow for greater continuity of layout and space.

The following further points were raised by Cllr Grant, who referred to Wiltshire Core Strategy (Jan 2015) Core Policy 57, which aims to ensure high quality of

design and place shaping, with the suggestion that the highest quality could not be achieved through this proposal. Cllr Grant stated that had it not been for the tilted balance, then this parcel of land would have remained a greenfield site. In addition, Cllr Grant stated that many people would lose out if the application was to be granted, specifically future generations of children who would have nowhere to play due to the 15% decrease in land including green space. Cllr Grant suggested that the application was substandard as the full aims and objectives of Wiltshire Core Strategy (Jan 2015) Core Policies 2, 13 and 57 as well as sections of the National Planning Policy Framework (July 2021) and the Malmesbury Community Plan had not been met.

At the start of the debate a motion to refuse the officer's recommendation was moved by Councillor Gavin Grant and seconded by Councillor Jacqui Lay. The reason for refusal was that the proposals do not achieve the highest design quality failing to address place making objectives by not taking into account and comprehensively master planning the application site alongside the adjoining site to the south. The proposals are thereby in conflict with Core Policy 57 (iii & xi) of the Wiltshire Core Strategy (Jan 2015); and Paragraph 130 (a, e & f) of the National Planning Policy Framework (July 2021).

During the debate, issues were raised, but not limited to, the need for Wiltshire Council to provide good quality homes for the future generations and that the developer could be missing an opportunity in Malmesbury to produce higher quality homes rather than going for a high volume in a small, dense area. It was also suggested that the developer had not acquitted themselves well to work with Wiltshire Council as previous developers had done. It was later stressed that Wiltshire Council want to collectively work alongside the developer in order to create a community the Committee could be proud of.

It was also however suggested that in relation to page 69 of the report, that though the highest quality of design had not been achieved, it could not be said that the proposals would result in significant harm. In addition, it was stated that 40% of the homes would be affordable housing and that if the proposal was to go ahead it would contribute towards the 5-year land supply.

At the conclusion of the debate, it was,

**Resolved:**

**To refuse the application contrary to the officer recommendation on the basis that the proposals did not achieve the highest quality of design failing to take into consideration and integrate the development proposal with the neighbouring site which also benefits from outline planning permission. The application fails to address place making objectives contrary to the provisions of the plan and the framework.**

**Refused for the following reason:**

**The proposals do not achieve the highest design quality failing to address place making objectives by not taking into account and comprehensively**



master planning the application site alongside the adjoining site to the south. The proposals are thereby in conflict with Core Policy 57 (iii & xi) of the Wiltshire Core Strategy (Jan 2015); and Paragraph 130 (a, e & f) of the National Planning Policy Framework (July 2021).

52 **Urgent Items**

There were no urgent items.

(Duration of meeting: 2.00 - 6.00 pm)

The Officer who has produced these minutes is Ben Fielding – Benjamin.fielding@wiltshire.gov.uk of Democratic Services, direct line , e-mail [benjamin.fielding@wiltshire.gov.uk](mailto:benjamin.fielding@wiltshire.gov.uk) Press enquiries to Communications, direct line (01225) 713114 or email [communications@wiltshire.gov.uk](mailto:communications@wiltshire.gov.uk)

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