

## Southern Area Planning Committee

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**MINUTES OF THE SOUTHERN AREA PLANNING COMMITTEE MEETING HELD ON 2 FEBRUARY 2023 AT WYLYE ROOM, FIVE RIVERS HEALTH & WELLBEING CENTRE, HULSE ROAD, SALISBURY, WILTSHIRE, SP1 3NR.**

**Present:**

Cllr Andrew Oliver (Chairman), Cllr Sven Hocking (Vice-Chairman), Cllr Brian Dalton, Cllr Nick Errington, Cllr George Jeans, Cllr Ian McLennan, Cllr Nabil Najjar, Cllr Bridget Wayman and Cllr Rich Rogers

**Also Present:**

Cllr Richard Britton

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128 **Apologies**

Apologies were received from:

- Cllr Charles McGrath
- Cllr Trevor Carbin

129 **Minutes of the Previous Meeting**

The minutes of the meeting held on 8 December 2022 were presented.

**Resolved:**

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

130 **Declarations of Interest**

There were no declarations.

131 **Chairman's Announcements**

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

132 **Public Participation**

The committee noted the rules on public participation.

133 **Commons Act 2006: Schedule 2(6) – Application to De-register Buildings Wrongly Registered as Common Land – The Pound, Whiteparish - Application no.2021/01ACR**

Public Participation

Trevor King spoke in Objection to the Application  
Sarah Skeats (Applicant) spoke in Support of the Application

Attention was drawn to additional information as set out in supplements 1 and 2 to the agenda.

The Officer noted corrections to the report, which were:

- Para 11 – (main report) – was amended to read “*The closing date for applications made under Schedule 2 of the 2006 Act, is now the same as that made to a 2014 registration authority, i.e. 15 March 2027. In this case the application is made before the cut-off date and there is no material affect*”
- Paras 20 & 26 (Appendix 10) - the word ‘immediately’ had been replaced with the word “intimately” in the quotes from the Methuen-Campbell caselaw.

The Senior Definitive Map Officer, Janice Green, presented the Application to de-register buildings wrongly registered as Common Land at The Pound, Whiteparish.

It was proposed that the Application site be part de-registered, over the part of the application area covered by a building or the curtilage of a building, as set out in the report and detailed on the presentation slides.

Some of the main points raised included clarification of the site and its areas which had been numbered 1 to 4 in the report and shown on the screen.

The Officer explained how the legal tests set out at Schedule 2(6) of the Commons Act 2006 regarding the de-registration of buildings wrongly registered as common land, had been considered in relation to the areas of the application land, in that;

- Area 1 was not registered common land and should be excluded.
- Area 2 of the site was included in historical block plans for planning applications/consents for change of use and erection of workshop building at the Pound site in 1967.
- Area 3 was an area of hardstanding, positioned outside of the 1967 planning site.
- Area 4 was a grass / wooded area at the north of the application area, also outside of the 1967 planning site.

The Legislation relevant to the application was presented and it was explained that on applying the tests, only one area, Area 2, met the criteria.

Attention was drawn to the reasons for the recommendation, which were set out in paras 40 and 41 of the report.

It was noted that three objections had been made to the application.

The Officer clarified that in relation to the late correspondence submitted by the applicant regarding the Ordnance Survey Mapping and a County Series map from 1952-1992, although these showed a change in surface over the site including Area 3, there was no evidence to demonstrate a relationship between the building and Area 3 necessary for it to form curtilage of the building.

It was also clarified that in relation to the visibility splay extending into Area 3, mentioned by the applicant, that the line on the mapping was the current hedge line rather than extension of the visibility splay northwards. The 1967 planning block plans do not record the visibility splay extending north of the identified planning area and its extension southwards is very clearly conditioned to extend outside the planning area.

Members then had the opportunity to ask technical question of the Officer, where it was noted that in relation to the late correspondence the Officers' recommendation remained unchanged, as set out in the report.

The Officer explained that the application had come to Committee due to its regulatory function which required the Committee to act in a quasi-judicial capacity, to enable natural justice and a right to a fair hearing. Any decision outside of the Officers' Recommendation would need to be supported by clear evidence.

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

Some of the points raised included references to local farming families use of the common to raise livestock for over 150 years and that Parish Council held the Commons registration documents.

There was a recollection by local residents of grazing cattle across the builder's yard and of Romany Gypsies roaming the common land.

The Applicant highlighted the additional evidence and suggested that Area 3 also be de-registered, as she felt there was enough evidence to show that the hard standing area has been in use since 1963 and that the visibility splay formed part of the building curtilage.

The Division Member, Cllr Richard Britton spoke on the application, questioning the Officers' rebuttal of the hard standing area (Area 3), stating that it was not as convincing as on the main site, asking the Committee whether it would consider a deferral of the application, to allow for further investigation of Area 3.

Cllr Hocking moved the motion of part de-registration, in line with the Officers' recommendation. This was seconded by Cllr McLennan.

The Committee discussed the application, the main points included the request of the Divisional Member for a deferral, which were not supported and whether the evidence provided by the applicant was enough to deviate from the Officers' recommendation, which the Committee again did not support.

The Committee considered the options available and the Officers' reasons for the proposal to part de-register, as set out in the report.

The Committee then voted on the motion to part de-register the application site as set out by the Officers' recommendation.

It was;

**Resolved:**

**That the Commons Act 2006: Schedule 2(6) – Application to De-register Buildings Wrongly Registered as Common Land – The Pound, Whiteparish - Application no.2021/01ACR, be granted only in part, over that part of the application area, named as Area 2, which is covered by a building or the curtilage of a building, for the following reasons:**

- 1. The legal requirements as set out under paragraph 6 of Schedule 2 of the Commons Act 2006, i.e. the de-registration of buildings wrongly registered as common land, are met in the following in this application:**
  - i. Part of the land at The Pound, Whiteparish, subject to the application was provisionally registered as common land on 10 April 1968, (register entry no.CL.7, Whiteparish Common). The registration of the land became final on 1 October 1970, and this is not disputed.**
  - ii. Part of the application land was covered by a building and its curtilage at the time of provisional registration. Planning for the workshop building subject to this application was granted in October 1967 and the building was erected before the end of 1967, i.e. before the provisional registration of the land in 1968. There is no dispute of the date the building was in place on the land and no evidence to suggest that the workshop building was not present at the time of provisional registration, however, there is dispute regarding the extent of curtilage of the building.**
  - iii. Part of the application land has been covered by a building and its curtilage at all times since provisional registration and still is, the period in question being April 1968 – present day. Although Mr King disputes continuous use of the building throughout this period, there is no requirement within the Act to consider continuous use, just that the building and/or its curtilage covered the land during this period, of which there is no dispute**

and no evidence to the contrary. There is dispute regarding the extent of the curtilage of the building.

- 2 Having considered the available evidence, Officers' did not consider that the whole of the application area was, at provisional registration, covered by a building and its curtilage and has remained so. The CRA concludes that where the subject of this application is the garage/workshop building and its curtilage, it is only possible to consider the curtilage of this building to be that area included within the planning applications/consents for change of use of The Pound site and erection of the workshop building at The Pound, as an area so intimately associated with the building as to lead to the conclusion that it forms part and parcel of the building. This relationship between the extended area of the application land, for the full period from provisional registration and at all times since, has not been demonstrated. Therefore, it is proposed that the application to de-register land as common land be granted only in part over that part of the land subject to the successful planning applications in 1967 and excluding that area of the application land not included as part of Common Land Register Unit CL.7, Whiteparish Common, as shown on the plan (para 43 of report).

#### 134 **Planning Appeals and Updates**

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

The Planning Team Leader noted the consistent outcome of dismissed appeals as detailed in the update, adding that it was an indication of the amount of hard work the Officers put into each application.

The Committee commended the Officers.

#### **Resolved:**

**That the Appeals update be noted.**

#### 135 **Planning Applications**

#### 136 **PL/2022/07116 Land to the south of 1 Witt Road, Winterslow**

##### Public Participation

Mike Jones spoke in Objection to the Application

The statement of Winterslow Parish Council was read by Cllr Rich Rogers

The Senior Planning Officer, Lynda King, presented the report on the application, which was for the erection of 3 detached dwellings, garages, parking and access following demolition of 3 existing buildings (Outline application relating to access and layout).

The main issues which were considered to be material to the determination of this application of the case were noted as:

- Principle and planning history
- Neighbouring amenities
- Highway safety
- Ecology
- CIL/S106

The application had generated an objection from Winterslow Parish Council and 25 letters of objection from third parties.

The application was recommended for Approval with conditions.

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

It was noted that a 2019 application was refused on access into the site and drainage reasons, not on the layout or the number of dwellings. That application was dismissed at appeal due to a nitrate issue. The layout was found to be satisfactory by the Inspector.

The current application had overcome the nitrate issue as the applicant had reached an agreement with Wiltshire Council on purchasing credits to mitigate the nitrates.

The Officer noted that the absence of a response from the Drainage Officer, likely indicated that they were content.

As this was an outline application, the Officer could not confirm whether the properties would be 2 or 3 storey, however it was stated that it was expected that they would be standard 2 storey dwellings.

Members of the public as detailed above, then had the opportunity to speak on the application. Some of the main points included the impact on Witt Road, the conditions of the surrounding area at the time of the Inspectors visit, which had taken place during an afternoon in winter, when the full experience of the walkers, horses, families and children etc that used the road was not present. The rise in the number of deliveries since the pandemic, resulting in more vehicular movements. The design of the proposal, being out of character.

The Parish Council statement noted that the layout on the site was not in keeping with nature of the area and adjacent properties and considered the proposal an over-development of the site. They noted concerns relating to overlooking on neighbouring properties and felt that the narrow nature of Witt

Road and its use by walkers and horse riders to and from Bentley Wood, given that there was no footpath raised safety concerns.

The Divisional Member, Cllr Rich Rogers who was on the Committee spoke in Objection to the application, noting the narrow nature of Witt Road and its rural setting.

He felt that the proposal for 3 family homes was already provided for within the village. The limited detail in the outline application was noted, in particular as it was not known whether the dwellings would be 2 or 3 storey he stated there was insufficient evidence to make an informed decision.

In addition, he raised concerns relating to property density, Highway safety and a detrimental impact on neighbouring amenity, noting that the Inspector had not seen a typical view of Witt Road at the time of his visit.

Cllr Rogers moved the motion of Refusal, against Officer recommendation, stating the following reasons:

- That the development was contrary to the Wiltshire Council spatial strategy as set out in CP23 which states a need for a balanced growth of housing and employment to deliver sustainable communities.
- That the development was contrary to strategic objective 3 which sets out an explicit need for affordable housing.
- That the development would have a detrimental impact on the amenity of neighbouring properties.
- That the development would have a detrimental impact on the character of the surrounding area and wider landscape contrary to CP57.
- That flood risks associated with the development had not been adequately mitigated, contrary to CP67.
- That highway safety for pedestrians, and other road users would be compromised and place increased reliance on car use contrary to sections 104, 105, 110 and 111 of the NPPF and CP61.

This was seconded by Cllr Ian McLennan.

The Officer clarified that the Inspector had ruled on highway safety and amenity as part of the previous application, which was identical, with the nitrate issue being the only reason given for previously dismissal.

The Committee discussed the application, the main points included the reason for previous refusal and the nitrate matter which it was reported had since been mitigated.

Members discussed the location of the site in relation to the settlement boundary and the Winterslow Neighbourhood Plan, the location of the development site on Witt Road, the existing dwellings and the proposed layby which it was felt would offer an area to safely stand aside for any pedestrian road users whilst vehicles passed.

The Division Member Cllr Rogers concluded that the timing of the Inspectors visit had had an impact on the outcome and that a better way to gain a fuller picture of the conditions would have been to visit over a period of time.

At the conclusion of debate, the Committee voted on the motion of refusal against Officer recommendation, for the reasons list above.

That motion failed.

Councillor Sven Hocking then moved a motion of Approval with conditions, in line with the Officer recommendation. This was seconded by Cllr Bridget Cllr Wayman.

Ian McLennan noted his dissent with the situation, as he felt the Committee was tied to voting in support of the application due to the previous Appeal decision.

It was,

**Resolved:**

**That application PL/2022/07116 Land to the south of 1 Witt Road, Winterslow, be APPROVED subject to the prior completion of the S106 Agreement and the following conditions:**

**1. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.**

**REASON: To comply with the provisions of Section 92 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:**

**Location Plan – Drawing no Wilts/11/2022.11.15/LP, received on 16<sup>th</sup> November 2022**

**Site Plan – Drawing no. Wilts11/07.08.19/Rev G, received on 22<sup>nd</sup> September 2022**

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



**3. No development shall commence on site until details of the following matters (in respect of which approval is expressly reserved) have been submitted to, and approved in writing by, the Local Planning Authority:**

- (a) The scale of the development;**
- (c) The external appearance of the development;**
- (d) The landscaping of the site;**

**The development shall be carried out in accordance with the approved details.**

**REASON: The application was made for outline planning permission and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 5 (1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.**

**4. An application for the approval of all of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.**

**REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.**

**5. 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.**

**6. Full details of the layby area to the site frontage with Witt Road, as shown on plan reference Wilts11/07.08.19/Rev G, shall be submitted to and approved in writing by the Local Planning Authority. The layby shall be completed as per the agreed details prior to the occupation of any of the dwellings hereby approved.**

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

**7. No part of the development hereby permitted shall be occupied until the access, turning area and parking spaces have been completed in accordance with the details shown on the approved plans. The areas shall be maintained for those purposes at all times thereafter.**

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

**8. No development shall commence on site (including any works of demolition), until a Construction Method Statement, which shall include the following:**

- a) the parking of vehicles of site operatives and visitors;**
- b) loading and unloading of plant and materials;**
- c) storage of plant and materials used in constructing the development;**
- e) wheel washing facilities;**
- f) measures to control the emission of dust and dirt during construction;**
- g) a scheme for recycling/disposing of waste resulting from demolition and construction works; and**
- h) measures for the protection of the natural environment.**

**i) hours of construction, including deliveries;**  
**has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be complied with in full throughout the**

construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement.

**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 minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase.

**9. No dwelling hereby permitted shall be occupied until foul and surface water drainage works shall have been implemented in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority.**

**REASON:** in the interests of ensuring that the site is adequately drained.

**10. The mitigation measures under Section 7.0 detailed in the approved Ecological Assessment dated August 2022, prepared by Lindsay Carrington Ecological Services shall be carried out in full prior to the first bringing into use/ occupation of the development and/or in accordance with the approved timetable detailed in the Ecological Assessment.**

**REASON:** To mitigate against the loss of existing biodiversity and nature habitats.

**11. No materials shall be burnt on the development site during the demolition/construction phase of the development.**

**REASON:** In the interests of residential amenity.

**12. No construction or demolition work shall take place on Sundays or Public Holidays or outside the hours of 07:30 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays.**

**REASON:** In the interests of residential amenity.

## **INFORMATIVES**

1) The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. If the development is determined to be liable for CIL, a Liability Notice will be issued notifying you of the amount of CIL payment due. If an Additional Information Form has not already been submitted, please submit it now so that we can determine the CIL liability. In addition, you may be able to claim exemption or relief, in which case, please submit the relevant form so that we can determine your eligibility. The CIL Commencement Notice and Assumption of Liability must be submitted to Wiltshire Council prior to commencement of development. Should development commence prior to the CIL Liability Notice being issued by the local planning authority, any CIL exemption or relief will not apply and full

payment will be required in full and with immediate effect. Should you require further information or to download the CIL forms please refer to the Council's Website:  
[www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy](http://www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy).

2) The grant of the planning permission should be read in conjunction with the S106 legal agreement dated XXX entered into by XXX

137 **PL/2022/07632 The Gables, Dean Lane, Whiteparish, SP5 2RJ**

Public Participation

A statement in objection to the Application by Bill Symonds was read by Cllr Richard Britton

Matt Holmes (Agent) spoke in Support of the Application

The Senior Planning Officer, Joe Richardson, presented the report on the application, which was for partial demolition, rebuild, extensions and internal alterations to the existing house and construction of a detached garage (part retrospective).

The Committee noted that due to the Applicant's relationship to the Leader of the Council, Cllr Richard Clewer, the Council's Scheme of Delegation required the application to be determined at the relevant area planning committee rather than under delegated powers.

The Officer also summarised the late correspondence which had been uploaded to the planning portal and circulated at the meeting, relating to conditions 1 and 2.

Condition 1 was advised to be disregarded as the proposal was retrospective and works on site had already started. Condition 2 was amended to include a correction to an incorrect plan.

The main issues which were considered to be material to the determination of this application of the case were noted as:

- Principle of development, policy and planning history;
- Design, scale, heritage/conservation matters and impact to the amenity of the area;
- Parking/Highways Impact;
- Ecological Impact and Protection of the River Test SAC
- Other matters

The application had generated an objection from Whiteparish Parish Council and 10 letters of objection from third parties.

The application was recommended for Approval with conditions.

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

It was noted that the application was almost identical to what had been approved in 2021, apart from the movement of the garage.

Members of the public as detailed above, then had the opportunity to speak on the application. The key points included a view that the location of the garage represented back-land development on the garden area and a request that a condition be applied to prevent further back-land development, should the applicant be approved.

The Agent noted that planning permission for the property to be extended was already in place and that the current application was for a minor change to the dimensions. The house at the front of the site was in the conservation area, however the proposed area for the garage was not and could be developed under permitted development rights.

Whiteparish Parish Council raised points in objection, noting concern in the works having been carried out beyond the scope of the existing consent. The proposed siting of the garage was felt to be in the wrong place on the site and would, in its current position, result in car lights causing an intrusion on neighbouring properties. It was noted that the permitted development rights could be removed.

The Divisional Member, Cllr Richard Britton who was not on the Committee, spoke in objection to the application, noting that he would have called the application in, even if not done so by the scheme of delegation.

Cllr Britton drew attention to the Conservation Officer's comments, in recognising the sensitivity of the site. He felt that the siting of the garage would cause annoyance to the surrounding properties, noting that the original proposal would have been less so. The way in which the site rose slightly, would result in the proposed garage assuming much more prominence than it would have in the previous position.

Cllr Britton noted that the site was originally planned for 2 dwellings, one where the proposed garage was now to be built, hence the concern of a new development on that location. He urged the applicant to revert to the position of the extant permission.

Cllr Sven Hocking moved the motion of Approval, in line with the Officer recommendation. This was seconded by Cllr Najjar

The Committee discussed the application, the main points included that the application would need to be considered as a whole and could not be broken up.

It was confirmed that the proposed garage area was not in the conservation area and therefore, a structure of this type could benefit from permitted development rights, which would allow for an outbuilding up to 4m in height with a ridge roof, if 2.5m or more from the boundary.

The Committee discussed whether further applications for additional development could be prevented by way of a condition, it was confirmed that such a condition was not possible, and that any future application would be judged on its own merits.

It was confirmed that should the application be approved, a condition could be included which would restrict the driveway surface to specific materials, preventing the use of gravel.

The original mover of the motion agreed to include a condition on the driveway surface. This was also supported by the seconder of the motion.

The Committee then voted on the motion of Approval in line with the Officer recommendation, with the additional condition relating to materials.

It was;

**Resolved:**

**That application PL/2022/07632 The Gables, Dean Lane, Whiteparish, SP5 2RJ, be Approved subject to conditions:**

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

**Site Location Plan Date Received 03.10.22**

**DWG No: 154 100 Rev B Proposed Block/Landscape Plan Date Received 23.11.22**

**DWG No: 154 017 Rev C Proposed Elevations with Ecological Mitigation Date Received 23.11.22 DWG No: 154 102 Rev A Proposed Site Section South Date Received 23.11.22**

**Proposed Garage Elevations and Floor Plan Date Received 03.10.22**

**DWG No: 154 016 Rev A Proposed Ground Floor and First Floor Plans**

**Date Received 03.10.22 DWG No: 154 018 Rev A Proposed Roof Plan Date Received 03.10.22**

**DWG No: 1352/05 Proposed Dormer Detail Date Received 03.10.22**

**DWG No: 154 317 Rev A Retained Dwellinghouse Elevations Date Received 16.12.22**

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

**2 The materials to be used in the reconstruction of the dwellinghouse shall be in strict accordance with the details in an email received by the Local Planning Authority dated the 14th December 2022. The materials to be used in the construction of the garage shall be in strict accordance with the details received in an email by the Local Planning Authority dated the dated the 21st November 2022 unless otherwise agreed in writing by the Local Planning Authority.**

**REASON:** To preserve and enhance the appearance of the Conservation Area.

**3** 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), there shall be no extensions, alterations or further window openings inserted to the roofslopes or first floor elevations to the dwelling other than as approved as part of a formal planning application by the Local Planning Authority.

**REASON:** In the interests of the amenity of the area.

**4** The works associated with the retention of the surviving historic fabric of the dwellinghouse shall be retained in accordance with the approved drawing ref DWG No: 154 317 Rev A Retained Dwellinghouse Elevations and the statement of methodology received by the Local Planning Authority dated the 19th December 2022.

**REASON:** In order to preserve and enhance the dwellinghouse and the wider Conservation Area.

**5** Before the development hereby permitted is first brought into use the dormer window in the southern roofslope as shown in approved drawing DWG No: 154 017 Rev C Proposed Elevations with Ecological Mitigation/Enhancement Proposals (serving the ensuite bathroom) shall be glazed with obscure glass only (to level 5 obscurity) and shall be maintained with obscure glazing in perpetuity.

**REASON:** In the interests of residential amenity and privacy.

**6** Notwithstanding the details showing a gravel driveway on drawing no 154 100, Rev B, Proposed Block/Landscape Plan. The development hereby permitted shall not be first brought into use/occupied until the access/driveway, turning areas and parking spaces for the garage as shown on that plan have been surfaced in a consolidated material (not loose stone or gravel). The access/driveway, turning area and parking spaces shall be maintained as such thereafter.

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

**7** Notwithstanding the submitted details, the proposed development shall not be 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.

**8** The development shall be carried out in strict accordance with Section 3.6 of the Bat Survey

**Report by Daniel Ahern Ecology Ltd dated March 2022 and DWG No: 154 017 Rev C Proposed Elevations with Ecological Mitigation. The installation of the bat and bee bricks and bird box as showing on the approved drawing shall be supervised by a professional ecologist and these enhancement measures will continue to be available for their target species for the lifetime of the development.**

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

**Informatives: (5)**

1 The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. If the development is determined to be liable for CIL, a Liability Notice will be issued notifying you of the amount of CIL payment due. If an Additional Information Form has not already been submitted, please submit it now so that we can determine the CIL liability. In addition, you may be able to claim exemption or relief, in which case, please submit the relevant form so that we can determine your eligibility. The CIL Commencement Notice and Assumption of Liability must be submitted to Wiltshire Council prior to commencement of development. Should development commence prior to the CIL Liability Notice being issued by the local planning authority, any CIL exemption or relief will not apply and full payment will be required in full and with immediate effect. Should you require further information or to download the CIL forms please refer to the Council's Website [www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy](http://www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy)

2 Breeding birds

The adults, young, eggs and nests of all species of birds are protected by the Wildlife and Countryside Act 1981 (as amended) while they are breeding. Please be advised that works should not take place that will harm nesting birds from March to August inclusive. All British birds, their nests and eggs are protected under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000 while birds are nesting, building nests and sitting on eggs. The applicant is advised to check any structure or vegetation capable of supporting breeding birds and delay removing or altering such features until after young birds have fledged. Damage to extensive areas that could contain nests/breeding birds should be undertaken outside the breeding season. This season is usually taken to be the period between 1st March and 31st August but some species are known to breed outside these limits.

3 Artificial lighting

The habitat within the proposed development site and the surrounding area is suitable for roosting, foraging and commuting bats. An increase in artificial lux levels can deter bats which could result in roost abandonment and/or the severance of key foraging areas. This will likely result in a significant negative impact upon the health of bat populations across the region. Artificial light at night also negatively affects humans' health and has a substantial adverse effect on biodiversity. Therefore, any new external artificial lighting as part of this development should only be for the purposes of security and safe access. Any new lighting should be in accordance with the appropriate

Environmental Zone standards set out by the Institute of Lighting Engineers in their publication GN01:2021, 'Guidance for the Reduction of Obtrusive Light' (ILP, 2021), and Guidance note GN08- 18 "Bats and artificial lighting in the UK", issued by the Bat Conservation Trust and Institution of Lighting Professionals.

#### 4 Bat roosts

There is a low risk that bats may occur at the development site. Many species of bat depend on buildings for roosting, with each having its own preferred type of roost. Most species roost in crevices such as under ridge tiles, behind roofing felt or in cavity walls and are therefore not often seen in the roof space. Bat roosts are protected all times by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 even when bats are temporarily absent because, being creatures of habit, they usually return to the same roost site every year. Planning permission for development does not provide a defence against prosecution under this legislation or substitute for the need to obtain a bat licence if an offence is likely. If bats or evidence of bats is found during the works, the applicant is advised to stop work and follow advice from an independent ecologist or the applicant is advised to follow the advice of a professional ecologist or to contact Natural England's Batline through the internet.

5 The applicant is requested to note 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.

### 138 **PL/2022/08216 High Croft, Common Road, Whiteparish**

#### Public Participation

Ian Scaife spoke in Objection to the Application

Andrew Brighton spoke in Objection to the Application

Tracy Payne (Agent) spoke in Support of the Application



Whiteparish PC – Represented by Cllr Trevor King

The Committee noted a site visit had been arranged for earlier in the day.

The Senior Planning Officer, Becky Jones, presented the report on the application, which was for the demolition of existing 5 bed dwelling and erection of 4 bed dwelling with garage and parking.

The main issues which were considered to be material to the determination of this application of the case were noted as:

1. Principle for development of a replacement dwelling
2. Site history, character of the area and permitted development rights
3. Scale, design, impact on the character of the area and neighbouring amenity
4. Highway safety
5. Biodiversity
6. CIL
7. The Planning Balance

The application had generated an objection from Whiteparish Parish Council and 6 letters from neighbours both in support and objection.

The Officer noted the setting of the site in relation to the neighbouring dwellings on both sides. Several slides were shown and explained, depicting the site from varying directions.

The application was recommended for Approval with conditions.

There were no technical questions of the Officer.

Members of the public as detailed above, then had the opportunity to speak on the application. Some of the key points included reference to a difference between the reported height difference between the proposed development and the neighbouring properties, the cropping of photographs used in the presentation, which it was felt did not show the full impact of unobstructed views from a neighbour, the increase in size of the development in comparison to the existing dwelling on the site and the impact on neighbouring properties.

The Agent noted the Applicants aim in producing a high quality design which was considerate to the neighbouring properties, with windows placed to ensure no loss of privacy to surrounding dwellings. The site was in the settlement boundary and that the development was considered acceptable in principle. Dwellings in both Croft Heights and Common Road were varied and already included a mixture of designs.

The Whiteparish PC representative, Cllr Trevor King noted the parish councils objection to the application, based on scale, visual impact and design. The number of bedrooms was not felt to be an issue, however the development would be significantly taller than everything else around it.

The Divisional Member, Cllr Richard Britton, who was not on the Committee spoke in Objection to the application, noting the objection of the parish council and the key arguments previously stated.

Cllr Britton noted that despite the loss of one bedroom, there would be an increase to the ridge height and the property would be moving forward, making it more prominent from Common Road. In addition, he felt that the design was out of keeping and included a slate roof, whilst all other dwellings except one, had tiled rooves.

Cllr Britton suggested that the development was in reality a 2-storey house pretending to be a dormer and urged the Committee to refuse the application.

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

The Committee discussed the application, the main points included consideration of the materials, height difference and possible impact on neighbouring dwellings.

The Officer explained that when evaluating the application, she had considered the appearance of the current dwelling as a starting point, in that it was currently different in appearance to those around it and therefore could not refuse it on those grounds. In addition, there were other dwellings with similar elements such as timber further along the road towards the school. The presentation did include a photo provided by a third party of unobscured views of the dwelling from Common Road and this photo was re-shown to Members.

The Committee noted the confirmation of the Officer that from the scaled plans, the existing ridge height was 6.5m and the proposed 7.5m and the proposed dwelling would be rotated on its site towards Common Road, with the dormers facing Common Road ~~Croft Height~~. The appearance on Common Road would be changed. Once rotated the front elevation would be set about 22m back into the site in an elevated position. It was noted by the officer that the impact on Common Road would be increased but that the degree of potential harm was a subjective judgement.

The Committee then voted on the motion of approval, in line with the Officer recommendation.

It was;

**Resolved:**

**That application PL/2022/08216 High Croft, Common Road, Whiteparish be Approved 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 listed in the schedule:

**Location and proposed Site Plan ref 2890/03 02H dated March 2022**  
**Proposed Elevations and Floor Plans ref 2890/03 03 Rev J dated March 2022**

**High Croft Landscape Design Concept dated 10/7/22**  
**Design Response from Applicants received 10/1/23**

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

3. The materials for the development hereby approved shall be in accordance with the details submitted in the application, namely slate for the roof, timber cladding and light coloured render for the walls. Development shall be carried out in accordance with the approved details.

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

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

**REASON:** In the interests of residential amenity and privacy.

5. The replacement dwelling hereby approved shall not be occupied until the 2m timber fence along the north and north east site boundary (shown on site plan ref 2890/03/02 Rev H and elevation plans ref 890/03/03 Rev J) has been erected and completed. The perimeter fence shall be maintained in this condition for the lifetime of the development.

**Reason:** In the interests of neighbouring amenities and to prevent undue overlooking.

6. Any new external artificial (domestic) security lighting shall achieve a level of 0.5 lux or less at the edges of the site's boundary features (fences, hedges, tree lines and all other linear features at the site

boundaries). External light fittings throughout the site shall be low level wherever possible, pointing downwards and avoiding any increase in the ambient light within, adjacent to and particularly above the site.

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

7. The hours of construction for the development including any demolition works shall be limited to 0800 to 1800 hrs Monday to Friday, 0800 to 1300 hrs Saturday and no working on Sundays or Bank Holidays. There shall be no fires or burning of waste on the site during the demolition or construction phases.

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

8. Before development of the dwelling commences above slab level, a scheme of enhancement measures (for bats, swifts, bees and other birds) shall be submitted for approval in writing by the Local Planning Authority and implemented before the replacement dwelling is occupied. The measures shall be maintained for the lifetime of the development.

**REASON:** To enhance the biodiversity on the site

9. Notwithstanding the submitted landscape plan (Concept Design dated 7/10/22), before the replacement dwelling is occupied, a scheme to help screen the development from Common Road shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall include the retention and reinforcement of the existing hedge fronting Common Road.

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 replacement dwelling 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.

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

10. The replacement 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 Test catchment SPA and SAC.

**Informatives:**

#### **Bats and great Crested Newts**

The applicant should note that under the terms of the Wildlife and Countryside Act (1981) and the Habitats Regulations (2010) it is an offence to disturb or harm any protected species, or to damage or disturb their habitat or resting place. Please note that this consent does not override the statutory protection afforded to any such species. In the event that your proposals could potentially affect a protected species you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works. Please see Natural England's website for further information on protected species.

#### **CIL**

The applicant is advised that the development hereby approved represents chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. A separate Community Infrastructure Levy Liability Notice will be issued by the Local Planning Authority. Should you require further information with regards to CIL please refer to the Council's Website [www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy](http://www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy)

#### 139 **Urgent Items**

There were no urgent items

(Duration of meeting: 3.00 - 5.20 pm)

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

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