

## WESTERN AREA PLANNING COMMITTEE

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### MINUTES OF THE WESTERN AREA PLANNING COMMITTEE MEETING HELD ON 25 JULY 2018 AT COUNCIL CHAMBER - COUNTY HALL, TROWBRIDGE BA14 8JN.

#### **Present:**

Cllr Christopher Newbury (Chairman), Cllr Jonathon Seed (Vice-Chairman), Cllr Phil Alford, Cllr Trevor Carbin, Cllr Ernie Clark, Cllr Andrew Davis, Cllr Peter Fuller, Cllr Sarah Gibson, Cllr Edward Kirk, Cllr Stewart Palmen and Cllr Pip Ridout

#### **Also Present:**

Cllr Tony Jackson, Cllr Johnny Kidney

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#### 35 **Apologies**

There were no apologies for absence.

#### 36 **Minutes of the Previous Meeting**

The minutes of the meeting held on 27 June 2018 were presented.

#### **Resolved:**

**To approve as a correct record and sign the minutes of the meeting held on 27 June 2018.**

#### 37 **Declarations of Interest**

There were no declarations of interest.

#### 38 **Chairman's Announcements**

There were no Chairman's Announcements.

The Chairman gave details of the exits to be used in the event of an emergency.

#### 39 **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.

40 **Planning Appeals and Updates**

Public Speaker

Francis Morland spoke on the appeals report

The Planning Appeals Update Report for 15/06/2018 and 13/07/2018 was received.

**Resolved:**

**To note the Planning Appeals Update Report for 15/06/2018 and 13/07/2018.**

41 **Planning Applications**

With the agreement of the Chairman, and before the planning applications which required committee determination had been presented, Kenny Green, as Development Management Team Leader, informed the committee that the new National Planning Policy Framework (NPPF) had been published the previous day (i.e. 24 July) and that it took immediate effect. The committee was informed that the published committee reports and recommendations (as set out below) had been re-appraised and that the published recommendations remain unchanged. The committee was furthermore informed that following the individual case officer's verbal and visual presentations for each application and agenda item, Mr Green would provide members with a detailed outline of the NPPF changes. The committee was informed that every published paragraph reference to the now redacted NPPF had been superseded. Members were also informed that some of the material changes comprised a 'lift and shift' revision with the paragraph numbering being changed with the policy direction and emphasis remaining the same. Where there was a material revision to the policy direction, the committee was informed immediately after the case officer has completed their presentation.

The Committee considered the following applications:

42 **17-12348-OUT - Land East of Damask Way Warminster**

Public Participation

Andrew Rushton spoke in objection to the application

Adrian Bailey spoke in objection to the application

Mark Reynolds spoke in objection to the application

Ian Mellor spoke in support of the application

Paul Greatwood spoke in support of the application

Matt Williams spoke in support of the application

Steve Sims, as Senior Planning Officer, introduced the report which recommended that outline planning permission be granted subject to a s106 legal agreement for up to 28 dwellings on land to the east of Damask Way with all matters reserved except for the vehicular means of access (with a new access being proposed off Upper Marsh Road).

A site visit had been undertaken by Committee Members on the 23 July in accordance with the deferment resolution made at the previous meeting on 25 June 2018. The officer's report and presentation reflected upon the committee site visit and clarified that the application site comprised approximately 0.7ha of agricultural grade 3a land with the remainder of the 2.23ha site being 3b land. The officer informed the committee that the published report set out with the aid of an overlay map (produced by officers) the location and extent of the site graded as 3a and 3b land. The committee was also informed that the published report responded to the other deferment reason through providing more detail pursuant to the 2007 refused application nearby at No.2 Henford Close.

It was noted that seven late representations had been received in objection to the application however they did not raise new or additional matters that was not set out within the published report. It was however clarified that the reference made within the report to a residential address referred to as number 5 was actually number 75. The no. 5 reference was understood to be a plot number.

Key issues included; the principle of development, the impact on the character and appearance of the area, the impact on the amenity of neighbouring residents, highway issues, ecology issues, the impact on heritage assets (in this case a nearby listed building), drainage issues and necessary planning obligations.

Following the officer presentation, Kenny Green, referenced the following changes to the NPPF and the implications relevant to the application:

- Paragraphs 14, 186 and 187 which previously set out the need for LPAs to approach decision making in a positive way and look for solutions and approve applications in sustainable locations and satisfy economic, social and environment sustainable development objectives had been retained but renumbered and set out essentially within paragraphs 11 and 38. Under paragraph 38, LPAs were still encouraged to approach decision making in a positive and creative manner.
- Paragraphs 39-46 of the new NPPF set out the policy support in terms of encouraging pre-application and officer/developer negotiations in pursuit of delivering the best possible development outcomes; which had been followed in this particular case.
- In direct reference to the emerging Wiltshire Housing Sites Allocation Plan it was noted that: Paragraph 216 of the 2012 version of the NPPF had been replaced by paragraph 48. The committee was informed that the essential direction remained the same in that where an emerging

plan was being prepared, like the WHSAP, decision makers 'may' give weight to the emerging plan and its policies according to the stage it had reached in its preparation – i.e. the more advanced it is, the greater the weight that can be applied. Members were advised that with respect to the emerging WHSAP it still had to be sent to the Secretary of State to appoint a planning inspector to schedule an examination and with respect to paragraph 48 sub-section a), it could not be considered as being advanced enough to be afforded significant weight.

Members were advised that this was furthermore supported by the second criterion sub-section b) as set out within paragraph 48 which stated that the extent to which there are unresolved objections to relevant policies should inform the level of weight to be afforded to an emerging plan. Members of the committee were informed that there were unresolved material objections to the emerging WHSAP which required an appointed inspector to dutifully review and decide what to examine. The committee was advised that the examination process could take 6 months or more and that it was appropriate to only apply limited weight to the emerging WHSAP and that full weight should be given to the adopted Wiltshire Core Strategy and the development plan framework which included the made Warminster Neighbourhood Plan and the NPPF with special attention given to paragraphs 2 and 47.

- In reference to the natural environment, the committee was advised that: former NPPF paragraphs 109-125 had been replaced by paragraphs 170-183, which set out the new direction on conserving and enhancing the natural environment and identify net gains or betterment. The officer report had been re-appraised and remained policy compliant with the proposed illustrative scheme including mitigation to deliver ecological betterment on the site through additional landscaping, tree planting and providing new habitat opportunities.
- The policy direction on preventing significant loss of the best and most versatile agricultural land was now set out within paragraphs 170, 172 and footnote 53 on page 49 and Annex 2 Glossary of the new NPPF. The Committee was informed that 0.7 hectares of the application site (2.2 hectares total) was 3a agricultural land which was not considered 'significant'. With the aid of the published overlay plan, the committee was informed that the existing Damask Way residential development had already encroached over the majority of the 3a land in this part of the settlement and that losing a further 0.7 hectares would be outweighed as part of the planning balance when factoring in the delivery of new housing to include 8 affordable homes.
- In reference to conserving heritage assets it was noted that the new NPPF retained the statutory test of appraising the significance of any heritage asset affected by a development and to confirm the level of impact, as previously set out within paragraphs 128-141, with the new national policy direction set out within paragraphs 184-202.

- The committee was informed that paragraph 196 of the new Framework set out the need to weigh up the public benefits against an identified 'less than substantial level' of harm to the wider setting of the nearby listed building, and as reported within the published committee agenda, officers maintain that the public benefits would outweigh the identified harm in this case.
- In reference to drainage, it was noted that paragraph 103 had been replaced by paragraphs 155, 157 and 163 however there was no need to revise the appraisal set out within the published report.
- In reference to highway matters, members were informed that paragraph 32 had been replaced by paragraph 109 which now set out that "development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe".
- The committee was advised that the application had been re-appraised in light of the above and that the published recommendation remained unchanged.
- Members were also informed that Chris Manns, a highway engineer representing the local highway authority, was present at the meeting and would be available to answer any technical related highway questions from members of the committee.

Members of the Committee then had the opportunity to ask technical questions of the officer with details sought on: whether the loss of the 3a agricultural land area would be significant enough to justify a refusal decision; whether the developer could increase the number of houses under a follow up application; concerns and queries were raised direct to the highway officer about whether two lorries could pass each other safely at the revised access (which is a detailed matter as part of the consideration of the application) and about pedestrian safety along the new access, the positioning of drains; and, questions were raised as to whether the access and road gradient would work; how the emergency access would be maintained during construction; whether the developer owned the emergency access; and separately through questioning the case officer again questions were asked about whether a bat survey had been carried out and habitat regulation implications; and, whether the neighbourhood plan allocated the site for development.

In response to the technical questions, officers informed the committee that: the 3a agricultural land was not considered a significant enough parcel of land to justify a refusal of planning permission. If the applicant or prospective developer wished to go beyond the terms of any approved outline consent, a fresh application would be required. The committee was informed that any such proposal could not be submitted under a reserved matters submission.

In response to the highway related questions, the highways officer confirmed that the access road would be wide enough to allow two lorries to pass each

other and that there would be a 2m refuge strip which did not have to be tarmac and could be a shared road. The field drains would need to be moved back to the edge of the carriageway and an assurance was given that the road widening and gradients could work although it was acknowledged that it may not be possible for the existing emergency access to be available during the construction of the new access for safety reasons, although a detailed schedule of the work plans would set out the timeframe for any disruption.

Officers continued to advise the committee that the Council's senior ecologist after assessing the site proposals, was of the view that there was no evidence that any protected species were on site and that a bat survey was not necessary. The Committee was informed that in relation to nutrient management, the Council had entered into a memorandum of understanding with the Environment Agency, Wessex Water, Natural England and neighbouring local authorities to have a consistent approach to managing phosphate levels and that a condition is recommended by officers to limit the amount of water usage for each occupant residing in each dwelling per day as set out within condition no. 20.

It was also confirmed that the developer did not own the emergency access although the necessary notification and certificates had been completed for the application and that officers had received no representation from the landowner of the emergency access stating any opposition to it being re-engineered, as proposed, to accommodate this new development.

The committee was furthermore advised that the Warminster Neighbourhood Plan did not allocate any residential sites for development and nor did it seek to secure the site as a local green space, unlike other parts of the town.

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

Local member, Councillor Tony Jackson, spoke in objection to the application highlighting key concerns relating to the exit route for cyclists being too narrow to be adopted and developed further and moreover, Cllr Jackson referenced previous highway advice provided at the time of the original outline development in circa 2012 that there would be no future development potential on this site due to a lack of safe and adequate pedestrian and cyclist infrastructure and street lighting.

A motion to refuse the application was moved by Councillor Andrew Davis and seconded by Councillor Pip Ridout referencing 8 reasons for refusal comprising the following:

1. That the development would prejudice the emerging housing policy set out within the draft Wiltshire Housing Sites Allocation Plan (WHSAP) which inter alia seeks to remove the application site from the settlement limits; and the development is premature contrary to NPPF paragraph 216.

Mr Green's response: The committee was advised that this reason for refusal was flawed and that the emerging WHSAP could only be given limited weight explaining the stage the emerging plan had reached and the fact that there were material unresolved objections and that the application proposal was not considered to be premature. The Committee was also informed that the NPPF paragraph in the cited refusal reason was wrong and due regard must instead be given to paragraph 48 of the new Framework.

2. That the major development with its heavily engineered access road and associated engineering operations would be in a prominent, elevated countryside location and would fail to conserve the rural landscape character contrary to WCS CP51 and NPPF paragraph 109.

Mr Green's response: The committee was advised that the NPPF cited paragraph was wrong and should instead read as para 170 of the new Framework.

3. That the major development would result in the significant loss of the best and most versatile agricultural land contrary to paragraph 112 of the NPPF and NPPG (sic) and moreover, the need for the development had not been evidenced and the application failed to consider the economic and other benefits of retaining the land in agricultural use or consider alternative sites of lower grade agricultural land.

Mr Green's response: The committee was advised that the 0.7 hectare extent of 3a land (which is acknowledged as being the best and most versatile land along with grade 1 and 2 land) is not considered by officers to equate to a 'significant' loss to warrant a refusal. The committee was also informed that the referenced NPPF paragraph in the motion to refuse was also flawed since it referred to the redacted NPPF and should instead refer to paragraph 170.

4. The proposed intensification of vehicular, cyclist and pedestrian movements along Upper Marsh Road and Smallbrook Road would result in a severe threat to highway safety of all road users along these sub-standard routes contrary to WCS CP61 and NPPF paragraph 32.

Mr Green's response: The committee was advised what paragraph 109 of the new Framework set out in terms the government policy direction relating to developments being prevented or refused on highway grounds.

5. The proposed development would harmfully encroach upon and lead to a domestication of the setting of the grade II\* Turnpike Cottage resulting in less than substantial harm to the heritage asset. The public benefits of the scheme would not outweigh the identified harm contrary to WCS CP58 and NPPF paragraphs 132 and 134.

Mr Green's response: The committee was informed that the referenced listed building was not grade II\*, but instead grade II; and that the wrong NPPF paragraphs are referenced and that paragraph 196 of the 2018 Framework was relevant. Members were also advised of the public benefits officers had identified that would outweigh the less than substantial harm to the wider setting of the referenced local listed building.

6. The proposed development failed to include a bat survey and there was inadequate information provided to determine whether the development would result in harm to European protected species contrary to WCS CP50 and NPPF paragraphs 117 and 119.

Mr Green's response: The committee was informed that the application had been appraised by the Council's ecologist and the published committee report set out the ecology issues which in relation to bats, it is acknowledged that the site is likely to have good potential for foraging bats, however it is reported that the site fell outside the consultation areas for Annex II bats but is located on the potential flight route for the Bath and Bradford on Avon Bats SAC and the Chilmark Quarries Bats SAC. After a careful review of the submission no bat survey was deemed necessary. The committee was also informed that the referenced NPPF paragraphs in the cited reason for refusal was again wrong and should refer to paragraphs 175-177.

7. The proposed development fails to provide adequate information to undertake a Habitats Regulation Assessment in respect of the impact it would have on phosphate levels in the River Avon SAC and SSSI and that the application should be refused as a precautionary approach since the development conflicts with WCS CP69 and NPPF paragraphs 117, 119 and 199.

Mr Green's response: The committee was informed that a habitat regulations assessment (HRA) had been carried out as part of the detailed multipartite engagement to manage phosphate levels entering the River Avon SAC and SSSI; and, that the report set out in detail the ecologist's appraisal and the necessity to have mitigation in the form of a planning condition to restrict the amount of water being used per person per day in each dwelling imposing the maximum standards set by Building regulations; and, in relation to the Salisbury Plain SPA, the HRA and Mitigation Strategy had been recently reviewed and the report set out officer advice. The wrong NPPF paragraphs are again referenced and should refer to paras 175-177.

8. The proposed development would result in a net loss of biodiversity contrary to the requirement for major development to deliver an increase in biodiversity and is thus contrary to WCS CP50.

Mr Green's response: The committee was informed that the application although in outline was supported by an illustrative masterplan which



included provision for new landscaping, densely planted buffers between potential new housing and the site boundaries which were mostly already heavily treed; and, in addition, the proposal had the capability of delivering net biodiversity gains through the planting of native species, improving boundary connectivity and delivering new habitats.

A debate and vote followed whereby the motion was lost.

A motion to move the officers' recommendation was then moved by Councillor Peter Fuller and seconded by Councillor Stewart Palmen.

A debate followed with the key points focusing on: whether a condition could be added to restrict the number of dwellings and condition 22 should be re-worded to correct the typographical error replacing the word 'stab' with slab.

At the end of the debate it was;

### **Resolved**

**To delegate authority to the Head of Development Management to grant outline planning permission subject to the planning conditions and informatives listed below following the completion of a legal agreement to enshrine the developer obligations under s106 of the Town and Country Planning Act 1990 as summarised within section 10 of the report.**

**1. The development hereby permitted shall be begun either before the expiration of five 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. 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;**
- (b) The layout 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 3(1) of the Town and Country Planning (General Development Procedure) Order 1995.**

**3. 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.**

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

**Site Location Plan scale 1:2500 dwg no. 07179 – 12 rev C**

**Indicative Site Layout scale 1:500 dwg no. 07179 – 10 rev U**

**Site Access Arrangement and Preliminary Levels scale 1:200 dwg no. 006 rev D**

**Off-Site Improvement Works scale 1:250 dwg no. 007 rev A**

**Proposed Site Access and Off-Site Improvement Works scale 1:500 dwg no. 009**

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

**5. No development shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the access / driveway), incorporating sustainable drainage details together with permeability test results to BRE365, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until surface water drainage has been constructed in accordance with the approved scheme.**

**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 that the development can be adequately drained.**

**6. No development shall commence on site until a scheme for the discharge of foul water from the site, including any required offsite capacity improvements to existing sewer system to provide capacity to serve the site, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until foul water drainage has been constructed in accordance with the approved scheme.**

**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 that the development can be adequately drained.

7. No development shall commence on site until details of the estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking, cycle parking and street furniture, including the timetable for provision of such works, have been submitted to and approved by the Local Planning Authority. The development shall not be first occupied until the estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking, cycle parking and street furniture have all been constructed and laid out in accordance with the approved details, unless an alternative timetable is agreed in the approved details.

**REASON:** To ensure that the roads are laid out and constructed in a satisfactory manner.

8. No development shall commence on site until full details of the access, including drainage and retaining works, have been submitted to and approved in writing by the local planning authority. The junction shall be completed in accordance with the approved details prior to the occupation of any dwelling within the site.

**REASON:** To ensure the access is laid out and constructed in a satisfactory manner, in the interests of highway safety.

9. No development shall commence on site until full engineering details of the proposed highway works, forming mainly of carriageway widening and retaining works, all as generally identified on drawing No. IMA-17-167-007-A (Off-Site Improvement Works), have been submitted to and approved by the Local Planning Authority. No development shall commence on site until the highway works have been constructed in full accordance with the approved details.

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

10. No development shall commence on site until full details of the tie-in between the existing emergency access link and the proposed access road has been submitted to and approved in writing by the local planning authority. The works shall be completed in accordance with the approved details prior to the occupation of any dwelling within the site.

**REASON:** To ensure the access is laid out and constructed in a satisfactory manner, in the interests of highway safety.

11. No development shall commence on site until full details of the proposed pedestrian/cycle link between the existing emergency access link and the proposed access road has been submitted to and approved in writing by the local planning authority. The works shall be completed in accordance with the approved details prior to the occupation of any dwelling within the site.

**REASON:** To ensure that an adequate pedestrian/ cycle route is provided, in the interests of highway safety.

12. No development shall commence on site until full details of the upgrading of footpath WARM53 has been submitted to and approved in writing by the local planning authority. The works shall be completed in accordance with the approved details prior to the occupation of any dwelling.

**REASON:** To ensure that an adequate pedestrian/cycle route is provided and in the interests of highway safety.

13. No part of the development 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 900mm above the nearside carriageway level. The visibility splays shall be maintained free of obstruction at all times thereafter.

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

14. The gradient of the access shall not at any point be steeper than 1 in 30 (3.33%) for a distance of 9m metres from its junction with Upper Marsh Road and 1 in 12.5 (8%) throughout the site thereafter.

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

15. No development shall commence on site until a Travel Plan Statement has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include details of implementation and monitoring and shall be implemented in accordance with these agreed details. The results of the implementation and monitoring shall be made available to the Local Planning Authority on request, together with any changes to the plan arising from those results.

**REASON:** In the interests of road safety and reducing vehicular traffic to the development.

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

- Means of access for construction vehicles;
- Number and frequency of construction vehicles;

- The parking of vehicles of site operatives and visitors;
- Loading and unloading of plant and materials;
- Storage of plant and materials used in constructing the development;
- The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- Wheel washing facilities;
- Measures to control the emission of dust and dirt during construction;
- A scheme for recycling/disposing of waste resulting from demolition and construction works;
- Measures for the protection of the natural environment;
- The location and use of generators and temporary site accommodation;
- Pile driving (if it is to be within 200m of residential properties);
- Months and hours of construction, including deliveries.

has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement without the prior written permission of the Local Planning Authority.

**REASON:** 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.

17. No dwelling shall first be occupied until a Residential Waste Minimisation and Waste Management Plan for that part of the site has been submitted to and approved in writing by the Local Planning Authority. The Residential Waste Minimisation and Waste Management Plan shall include details of the volume and type of waste to be generated; re-use of materials and proposals for on and off site recycling; storage of re-cycling and waste collection facilities; proposals for and implementation of waste reduction; and proposals for the review and updating of the Residential Waste Management Plan.

**REASON:** In the interests of sustainable development.

18. A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and approved in writing by, the Local Planning Authority before commencement of the development. The content of the LEMP shall include, but not necessarily be limited to, the following information:

- a) Full specification of habitats to be created, including locally native species of local provenance and locally characteristic species;
- b) Description and evaluation of features to be managed; including location(s) shown on a site map;
- c) Landscape and ecological trends and constraints on site that might influence management and how these will be dealt with;

- d) Aims and objectives of management;**
- e) Appropriate management options for achieving aims and objectives;**
- f) Prescriptions for management actions;**
- g) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a 5-10-year period) detailing when planting will occur;**
- h) Details of the body(ies) or organisation(s) responsible for implementation of the plan, including a specialist body/organisation/contractor with wildlife-related experience and/or qualifications to specifically manage the County Wildlife Site;**
- i) Ongoing monitoring and remedial measures;**
- j) Timeframe for reviewing the plan;**
- k) Details of how the aims and objectives of the LEMP will be communicated to the occupiers of the development.**

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that the conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented. The LEMP shall be implemented in full in accordance with the approved details.

**19. No development shall commence on site (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include, but not necessarily be limited to, the following:**

- a) Risk assessment of potentially damaging construction activities**
- b) Identification of 'biodiversity protection zones'**
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements)**
- d) The location and timing of sensitive works to avoid harm to biodiversity features**
- e) The times during construction when specialists ecologists need to be present on site to oversee works**
- f) Responsible persons and lines of communication**
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person(s)**
- h) Use of protective fences, exclusion barriers and warning signs.**
- i) Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works.**

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

**A report prepared by a competent person(s), certifying that the required mitigation and/or compensation measures identified in the CEMP have been completed to their satisfaction, shall be submitted to the Local Planning Authority within 3 months of the date of substantial completion of the development or at the end of the next available planting season, whichever is the sooner.**

**REASON: To ensure adequate protection, mitigation and compensation for protected species, priority species and priority habitats.**

**20. The dwellings shall not be occupied until the Building Regulations Optional Requirement of a maximum water use of 110 litres per person per day has been complied with. Within 3 months of each phase being first occupied or brought into use, a post construction stage certificate certifying that this standard has been achieved shall be issued and submitted to the local planning authority for its written approval.**

**REASON: To ensure that the development does not contribute to the unfavourable condition of the River Avon SAC due to excessive discharge of phosphates from sewage treatment plants.**

**21. No development shall commence within the area indicated (proposed development site) until 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 the approved programme of archaeological work has been carried out in accordance with the approved details.**

**REASON: To enable the recording of any matters of archaeological interest.**

**22. No part of the residential development hereby approved shall commence beyond slab level (following approval of the subsequent reserved matters) until detailed plans showing the type of external light appliances, the height and position of the fittings, the illumination levels and light spillage levels in accordance with the appropriate Environmental Zone standards as set out by the Institute of Lighting Engineers in their publication GN01:2011, 'Guidance for the Reduction of Obtrusive Light' (ILP, 2011), have been submitted to and approved in writing by the Local Planning Authority. Where development potentially affects green corridors and wildlife habitat, lux plots shall be submitted for the Council's written approval. Thereafter, all approved lighting shall be installed and be maintained in accordance with the approved details.**

**REASON: In the interests of the amenities of the area and to minimise unnecessary light spillage above and outside the development site as well as being fully mindful of the proximity to the AONB and special landscape areas.**

## **INFORMATIVES**

**This permission shall be read in conjunction with an Agreement made under Section 106 of the Town and Country Planning Act, 1990 and dated the [to be inserted following the sealing of a s106]**

**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)**

**The applicant is advised of the need to submit plans, sections and specifications of the proposed retaining wall for the approval of the Highway Authority in accordance with Section 167 of the Highways Act 1980. (For information, this relates to retaining walls which are wholly or partly within 4 yards (3.65metres) of a street and which is at any point of a greater height than 4'6"(1.40 metres) above the level of the ground at the boundary of the street nearest that point.)**

**The applicant should note that under the terms of 'The New Roads and Street Works Act 1991', any person other than a Statutory Undertaker must obtain a licence to carry out excavation works within a street. Licences may be obtained by application from the relevant Area Co-ordinating Engineer at Wiltshire's Highway Authority; [highwaysandstreetscene@wiltshire.gov.uk](mailto:highwaysandstreetscene@wiltshire.gov.uk)**

**The proposal includes alteration to the public highway and the consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a license may 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 the vehicle access team on telephone 01225 713352 or email [vehicleaccess@wiltshire.gov.uk](mailto:vehicleaccess@wiltshire.gov.uk) for further details.**



**It will be necessary for the applicant to enter into a Mini Section 278 / Section 278 Agreement with the Local Highway Authority to ensure that the works within the existing public highway can be completed to the full approval of the Highway Authority. This will include a Bond, Supervision Fee and Commuted sums for these highway works.**

**Sewerage Infrastructure:**

**The site is crossed by a 150mm public foul sewer. There must be no building within 3m either side of this sewer, no tree planting within 6m and ground levels along the line of the sewer shall be maintained.**

**The proposed site layout appears to conflict with the sewer easement. The developer should accurately plot the line of the sewer on site and on deposited plans and ensure that the easement zone for this sewer is observed and does not fall within private enclosed gardens. Soakaways must not be sited within the statutory easement.**

**The developer should contact the Wessex Water to agree procedures for working in proximity of the public sewers. It may be possible to divert sewers (satisfactory hydraulic conditions and network capacity must be maintained). Diversions of public apparatus are at the developer's cost and applications should be made as early as possible to our local development engineers [development.north@wessexwater.co.uk](mailto:development.north@wessexwater.co.uk) Please refer to our guidance note DEV014G and our website <https://www.wessexwater.co.uk/Developers/Sewerage/Building-near-sewers/> for further guidance and contacts.**

**Foul Drainage:**

**The site shall be served by separate systems of drainage constructed to adoptable standards. A connection to the public foul network can be agreed in consultation with Wessex Water.**

**Where proposed site levels indicate that a gravity connection may not be possible, the applicant shall make provision within the development layout for a foul pumping station (SPS) with appropriate access arrangements and 15m buffer zone to nearest dwelling.**

**Wessex Water will adopt sewers under a S104 agreement subject to technical review of satisfactory engineering proposals. The developer should contact our local development engineer, [development.north@wessexwater.co.uk](mailto:development.north@wessexwater.co.uk) to agree proposals and submit details for technical review prior to construction. For more information refer to Wessex Water's guidance notes 'DEV011G – Section 104 Sewer Adoption' and 'DEV016G - Sewer Connections'**

**Surface Water Drainage:**

**The FRA & Drainage Strategy (IMA March 2018) proposes Surface water discharge to be managed by SuDS with disposal utilising infiltration drainage. This will be subject to approval by the Lead Local Flood Authority with flood risk measures. A robust strategy for surface water disposal will be expected. Surface water connections to the foul sewer will**

not be permitted. Land drainage run-off shall not be permitted to discharge either directly or indirectly to the public sewerage system.

**Phosphate Loading Impacts on The River Wylfe:**

We are aware that there are concerns regarding the increase in phosphate loadings from new development and the impact upon the receiving watercourse. We can advise that there are proposals to review sewage treatment consent limits, which will reduce phosphate levels with improvements programmed for 2021/22. Further measures are planned by the Wiltshire Council/Environment Agency/Natural England for Nutrient Management Plans that will address phosphate levels within the catchment.

**Water Infrastructure:**

A water supply can be made available from the local network with new water mains installed under a requisition arrangement. Point of connection will be reviewed upon receipt of a Section 41 Requisition Application. The applicant should consult the Wessex Water website for further information. [www.wessexwater.co.uk/Developers/Supply/Supply-connections-and-disconnections](http://www.wessexwater.co.uk/Developers/Supply/Supply-connections-and-disconnections)

Please be advised that nothing in this permission shall authorise the diversion, obstruction, or stopping up of any right of way that crosses the site. You are advised to contact the Council's PROW officer for further information and advice.

In terms of waste collection the applicant is advised the council will only operate on private land where an indemnity is signed by the landowner. The council will also require an indemnity to operate on any roads prior to their adoption.

The applicant is advised that the LPA has considered all the material planning considerations that are relevant for this application on the basis of the site being developed for up to 28 dwellings only. No inference should be taken that in endorsing this development in outline, that any additional housing beyond 28 (should it be proposed under a separate application) would be acceptable.

**Recorded votes:**

**Councillor Pip Ridout – Against**  
**Councillor Andrew Davis – Against**  
**Councillor Edward Kirk – Against**  
**Councillor Ernie Clark – Against**

**Absences**

**Councillor Jonathon Seed was absent from 15:30 to 16:41 and abstained from voting**

**43 18-01969-FUL 25 - The Clovers, Hartley Farm, Winsley, Bradford on Avon  
BA15 2JB**

There was a 10 minute break and the meeting resumed at 17:30.

Public Participation

Lesley Magnus spoke in objection to the application.

Andrew Mead spoke in objection to the application.

Verity Giles-Franklin, as planning officer, introduced the report which recommended that approval be granted for the regularisation of an area of hardstanding and formation of access as well as the change of use of agricultural land to equestrian use and proposed erection of a timber loose box / stable building.

A site visit had been undertaken by committee members ahead of the meeting in accordance with the deferment resolution made at the previous meeting on 25 June 2018. Officers referenced additional reported details contained within the published reports in their presentation.

The committee was also informed about an email from a local resident that had been sent to members on 24 July expressing concerns about the size and impact of the proposed development. The committee was informed that the email did not raise any new information or representation that was not already addressed within report.

The key issues were identified as; the principle of development, the impact on the green belt and special landscape area as well as the impacts on neighbouring amenity, flood risk and highway safety.

Following the officer presentation, Kenny Green, outlined the relevant NPPF changes and the implications for this application which comprised:

- The Impact on the Green Belt Appraisal: The committee was informed that the referenced NPPF paragraphs 87-89 within the published report had now been replaced by paragraphs 143-147. However the same policy direction was in place pursuant to what comprised inappropriate development in the green belt and the exceptions set out within paragraph 145.
- Paragraphs 133 and 134 of the new Framework set out the Green Belt objectives and para 133 and 145 set out the importance attached to preserving the openness of the green belt.
- Highways interests: The committee was again advised on the policy direction set out within paragraph 109 of the new Framework in relation to highway interests and safety.

- The committee was advised that the officers had re-appraised the application against the revised framework and that the published recommendation remained unchanged.

Members of the Committee then had the opportunity to ask technical questions of the officer. Details were sought on: the purpose of the stables, whether any planning permission has been secured for the changes that had taken place on the site and about the increase of traffic.

Officers in response advised the committee that the stables were being proposed for personal horse use and that no permission had been sought previously for the unauthorised area of hardstanding or for the siting of the caravan and field shelters. Members were informed that with the exception of the area of hardstanding, no permission was required for the siting of the tourer caravan and the field shelters after they had been the subject of an enforcement investigation, they were considered to be chattels and exempt from requiring planning permission. The committee was informed that the highways authority had been asked about the level of traffic likely to be associated to the proposed private horse stabling compared to the existing use of the land as a smallholding used presently for grazing sheep; and the response given by the highway team was that there would be only a nominal increase in traffic volume.

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

Local Member Councillor Johnny Kidney spoke in objection to the application highlighting key concerns about the inappropriate scale of the proposed stabling, the consequential impact it would have on the green belt and the development equating to a form of urban sprawl.

A motion to refuse application was moved by Councillor Edward Kirk and seconded by Councillor Phil Alford.

A debate followed where the key points focused on: the extent of the unauthorised development; and, the impacts on the green belt and its openness.

At the end of the debate it was;

### **Resolved**

**To unanimously refuse planning permission for the following reasons:**

- 1. The proposed loose box/stable by reason of its size, bulk and siting in an isolated location detached from any permanent built form of development is found to be harmful to the Green Belt which would not preserve the openness of the Green Belt contrary to Paragraphs 144 and 145(b) of the 2018 National Planning Policy Framework. Furthermore, the proposed development would have a harmful impact on the special landscape area contrary to Saved Policy C3 and CP51 of the Wiltshire**

**Core Strategy by virtue of introducing an isolated form of equestrian development in the open countryside which would conflict with saved Policy E10 of the West Wiltshire District Plan, 1st Alteration.**

**2. The proposal, which in part comprises an area of hardstanding extending to some 555 square metres and finished in loose stone material is considered disproportionate and unjustified for the purposes of keeping a small flock of sheep on the 0.88 hectare site and it represents harmful intentional unauthorised development which diminishes the openness of the greenbelt and falls foul of the Written Ministerial Statement released by the Government on 31 August 2015, published as a planning policy statement on green belt protection and intentional unauthorised development (thus making it a material planning consideration).**

**In addition to the refusal and mindful of the unauthorised development that formed part of the application, members instructed officers to inform the planning enforcement team to commence with enforcement proceedings.**

#### **Absences**

**Councillor Trevor Carbin left the meeting at 17:30.**

**44 17-11739-FUL - 120 Upper Westwood, Bradford on Avon BA15 2DP**

#### **Public Participation**

Lisa Otterbarry spoke in objection to the application.

Diana Lindsey spoke in objection to the application.

Nigel Honer spoke in objection to the application.

Ann Ross spoke in support of the application.

Ewan Earle spoke in support of the application.

Don McGillivray spoke in support of the application.

Cllr John Bishop, Chairman Westwood Parish Council, spoke in objection to the application.

James Taylor, as Senior Planning Officer, introduced the report which recommended that approval be granted for a replacement dwelling.

The key considerations were identified as; the principle of the replacement dwelling, the impact on the green belt, the impact on the special landscape character of the AONB, the impact on the landscaping and trees subject to preservation orders, design and heritage, the impact on nature conservation and ecology interests, the impact on neighbouring amenity, the impact on highway safety, the provision of adequate water supplies and sewerage and surface water disposal.

Following the officer presentation, Kenny Green, informed the committee of the relevant changes made to the NPPF and the relevant implications pursuant to this application:

- The committee was informed that the new NPPF under paragraph 8 set out the direction given to LPAs to support growth and design innovation, as well as identifying the need to provide a range of house types that were well designed and fit for purpose.
- Paragraph 127 of the new Framework advised that decisions should not discourage appropriate innovation and innovative design detailing if there was no substantial harm.
- In terms of the Green Belt, paragraphs 143-147 were pertinent with paragraph 145 being particularly relevant in terms of setting out the exception allowances set out within the NPPF for new 'materially larger' replacement buildings.
- The committee was informed that paragraphs 133 and 134 set out the Green Belt objectives, and paragraph 145 in particular referenced the need to preserve the openness of the green belt.
- The committee was informed that the NPPF did not define what 'materially larger' meant and neither did the saved H20 policy taken from the former West Wiltshire District Plan 1st Alteration. The committee was advised that in the absence of any interpretation of its meaning, the task fell to the decision maker to make a planning judgement on whether a proposed replacement building constituted as being 'materially larger' on a case by case basis. Mr Green furthermore observed that the literal direction made by the government was not about preventing a larger replacement dwelling in principle, instead the policy direction required a judgement to be made on whether the replacement building is 'materially' larger; and that this required assessments to be done based on the comparable differences in terms of heights, footprint and volumes between the existing building and the proposed replacement building.
- In terms of the AONB: the committee was informed that paragraphs 170 and 172 were now relevant in terms of setting out the Framework safeguards.
- With respect to the natural landscape, the nearby ancient woodland and veteran trees, NPPF paragraph 175 and criterion c) was relevant now.
- The committee was advised that the officers had re-appraised the application against the revised framework and that the published recommendation remained unchanged.

Members of the Committee then had the opportunity to ask technical questions of the officer with further clarification sought on the term 'materially larger' and whether there would be any detrimental impacts on protected habitats, ancient woodland and veteran trees.

Officers advised that the 'materially larger' test was relative to size and not a visual assessment test; and, as set out within the report, officers concluded that the 17% footprint increase, the circa extra 1.5m ridge height and approximate 50% extra volume did not constitute as a 'materially larger' replacement dwelling. The committee was also informed that the subject property still benefitted from PD rights and as set out within the report, various additions and outbuildings could be built without the need for planning permission and this fall-back provision should be weighed up as part of the planning balance.

The committee was also informed that the Council's ecologist had assessed the site and application proposals and concluded that the development was acceptable subject to a planning condition securing the implementation of the recommendations set out within the updated bat survey dated June 2018.

The committee was also informed that through negotiation, the case officer had secured a clear buffer and separation between the replacement dwelling's footings and all neighbouring trees including the nearby veteran tree which merited an increased buffer as illustrated on the proposed site plan.

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

Local Member Councillor Johnny Kidney spoke in objection to the application with the key concerns focusing on: local concerns, ecology impacts, the increased size of the replacement dwelling, the loss of accessible housing for the elderly and concerns about the impacts to the conservation area, AONB, habitats, ancient forests and trees.

A motion was moved by Councillor Jonathon Seed to grant planning permission in accordance with the officers recommendation, which was seconded by Councillor Sarah Gibson.

A debate followed where a member debate focused on removing permitted development rights and whether the development was 'materially larger'.

At the end of the debate it was;

**Resolved:**

**To grant planning permission 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:**

Dwg 627-S-02 dated 28/11/17; Dwg 627-S-01 dated 28/11/17; Dwg 627-P-01 D dated 27/03/18; Dwg 627-P-02 C dated 20/03/18; Dwg 627-P-03 C dated 21/03/18; Dwg 627-P-04 D dated 27/03/18; Dwg 627-P-05 B dated 21/03/18; Dwg 627-P-06 B dated 21/03/18; Dwg 627-P-07 B dated 21/03/18; 627-P-08 E dated 27/03/18; Dwg 627-P-09 E dated 21/03/18; Dwg 627-P-10 B dated 21/03/18

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

3. No development shall commence 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 on site until a final 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:-

- location and current canopy spread of all existing trees and hedgerows on and adjacent to the land;
- full details of any to be retained, together with measures for their protection in the course of development;
- a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
- finished levels and contours;
- means of enclosure;
- car park layouts;
- all hard and soft surfacing materials;
- minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);
- proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc); and
- At least 4 trees, of a size and species and in a location to be agreed in writing with the Local Planning Authority, shall be planted in accordance with BS3936 (Parts 1 and 4), BS4043 and BS4428.

**REASON:** 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.

5. 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.

6. All works shall be carried out in strict accordance with the hereby approved Arboricultural Report (ref 7268/2) by Wessex Tree Consultancy and dated March 2018 and the associated Tree Protection Plan (Dwg TPP.02) Wessex Tree Consultancy and dated March 2018.

**REASON:** In order that the development is undertaken in an acceptable manner, to enable the Local Planning Authority to ensure the protection of trees in the interests of visual amenity and biodiversity.

7. No part of the development hereby permitted shall be first occupied until the access, turning area and parking spaces have been completed in accordance with the final scheme of hard and soft landscaping. The areas shall be maintained for those purposes at all times thereafter.

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

8. The development hereby permitted shall not be first occupied until the first five metres of the access, measured from the edge of the public right of way, 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.

9. The access shall remain ungated.

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

10. The development hereby permitted shall not be occupied until the hereby approved surface water drainage (as illustrated on plan drawing

627 P 08 E by Hetreed Ross Architects and dated 27/03/18) have been completed in accordance with the submitted and approved details.

**REASON:** In order that the development is undertaken in an acceptable manner, to ensure that the development can be adequately drained.

11. The development hereby permitted shall not be occupied until the hereby approved sewage disposal works (as illustrated on plan drawing 627 P 08 E by Hetreed Ross Architects and dated 27/03/18) have been completed in accordance with the submitted and approved details.

**REASON:** To ensure that the development is provided with a satisfactory means of drainage.

12. 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;
- d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- 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.

13. The proposed development shall be undertaken in accordance with the recommendations set out in Section 5 of the "Updated Bat Survey" by Seasons Ecology, dated June 2018 (reference SEB1547\_04); and the hereby approved plans which detail the replacement and additional roosting habitat and external lighting.

**REASON:** To ensure appropriate mitigation, compensation and enhancement for protected species; and compliance with The Conservation of Habitats and Species Regulations 2017, the National Planning Policy Framework, the NERC Act 2006 and Core Policy 50 of the Wiltshire Core Strategy (adopted January 2015).

14. 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 Schedule 2, Part 1, Classes A-E 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.

**PLANNING INFORMATIVES:**

Please note that Council offices do not have the facility to receive material samples. Please deliver material samples to site and inform the Planning Officer where they are to be found.

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)

**Absences**

Councillor Phil Alford left the meeting at 18:30

45 **Urgent Items**

The Members agreed that it would be useful for officers to provide a report on clarifying and defining what constituted as 'materially larger' in the context of paragraph 145 of the NPPF; and separately, the committee sought a member's briefing note on the new NPPF to be circulated as soon as possible.

(Duration of meeting: 3.00 - 7.30 pm)

The Officer who has produced these minutes is Jessica Croman of Democratic Services, direct line 01225 718262, e-mail [jessica.croman@wiltshire.gov.uk](mailto:jessica.croman@wiltshire.gov.uk)

Press enquiries to Communications, direct line (01225) 713114/713115