

## Eastern Area Planning Committee

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### MINUTES OF THE EASTERN AREA PLANNING COMMITTEE MEETING HELD ON 7 NOVEMBER 2019 AT WESSEX ROOM, CORN EXCHANGE, THE MARKET PL, DEVIZES SN10 1HS.

#### **Present:**

Cllr Mark Connolly (Chairman), Cllr Paul Oatway QPM (Vice-Chairman), Cllr Ian Blair-Pilling, Cllr Stewart Dobson, Cllr Peter Evans, Cllr Nick Fogg MBE, Cllr Richard Gamble and Cllr Christopher Williams (Substitute)

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#### 55. **Apologies**

Apologies were received from Cllr James Sheppard. Cllr Sheppard was substituted by Cllr Christopher Williams.

#### 56. **Minutes of the Previous Meeting**

The minutes of the meeting held on 15 August 2019 were considered and it was,

#### **Resolved:**

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

#### 57. **Declarations of Interest**

The Chairman read out a note emphasising the quasi-judicial role of the Committee, the requirement to act in accordance with the rules of natural justice to act fairly towards all interested parties, to approach the matter with an open mind and determine the application with an open mind. He then invited any declarations.

Councillor Mark Connolly declared that in relation to application 19/06982/VAR he was acquainted with the applicant, in his capacity as a Councillor, but not in a social or any other capacity. Therefore he would debate and vote on the item, considering it with an open mind.

Councillors Paul Oatway QPM, Peter Evans, Ian Blair-Pilling and Chris Williams made the same declaration in relation to application 19/06982/VAR; that they knew the applicant as a Wiltshire Councillor but not in any other capacity, therefore they would debate and vote on the matter with an open mind.

Councillors Stewart Dobson, Nick Fogg MBE and Richard Gamble also declared an interest in application 19/06982/VAR. They felt that as well as being acquainted with the applicant in their capacity as Councillor, their relationship extended beyond the professional. Therefore, they felt that they were unable to take part in the debate or to vote on this item.

Cllr Ian Blair-Pilling also declared an interest in application 19/07460/FUL as he was the local member for this application and he would speak as the local councillor during public participation. This was a non-pecuniary interest and Cllr Blair-Pilling stated that he would take part in the debate and vote on the item with an open mind.

58. **Chairman's Announcements**

There were no announcements.

59. **Public Participation**

The rules on public participation were noted.

60. **Planning Appeals and Updates**

The update on appeals was noted.

61. **Planning Applications**

The following planning applications were considered.

62. **19/06465/FUL - Fernbank, Chimney Lane, Honeystreet, SN9 5PS**

After publication of the agenda this application was withdrawn by the applicant. Therefore, it was not considered by the committee.

63. **19/06982/VAR - River Mead House, Church Hill, West Overton, Lockeridge, SN8 4EL**

Cllr Stewart Dobson left the room at 15.05.

**Public Participation**

Mr Bob Green spoke in objection to the application.

Ruaridh O'Donoghue, Senior Planning Officer, presented a report which recommended that planning permission be granted with conditions, for the removal of conditions 3, 7 and 8 of 19/02445/FUL (proposed erection of a building for the storage of agricultural machinery in connection with a farm contracting business (B8 Use)).

The key detail to consider when looking at the application was whether the removal of the visibility splays set out in condition 3 of 19/02445/FUL would still

allow for a safe and suitable means of access to serve the development (Core Policy 61 and NPPF 108).

A summary of consultation responses was given to the meeting. Most concerns were regarding the removal of condition 3 and the visibility splays.

It was stated that works had started in advance, so the applicant was currently in breach of condition 3. Whether enforcement action would be taken would depend on the committee's decision. If the application was approved, no action would be taken. If declined, then enforcement action might need to be taken.

Slides were shown with location plans and photographs, it was explained that the site was outside the main built up area of the village, in a ribbon of development. However, the site was considered open countryside and lay in the North Wessex Downs AONB.

The officer stated that due to a tree with a Tree Preservation Order (TPO) on it, the applicant was unable to complete the splays as per the original condition (2.4m by 43m in both directions). A revised plan was shown and it was explained that the distance would be stepped out by 1m into the carriageway, resulting in a distance of 2.4m by 40.7m. This was considered acceptable by the Local Highways Authority and deemed not to prejudice highway safety. Core Policy 61 and NPPF 108 would be met.

Members of the committee then had the opportunity to ask technical questions of the officer. In response to questions it was stated that the applicant had been advised of the conditions of the application and had accepted these, however they must not have been aware of the TPO. If the committee approved the application they could impose a condition to lift the crown of the tree, however this would be subject to the Tree Officers approval. If the officer said no, then the applicant would be unable to meet the requirements of the condition and the case would come back to committee again.

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

Cllr Mark Connolly proposed a motion to approve planning permission, with conditions, as per the officer recommendation. This was seconded by Cllr Chris Williams.

A debate followed where the following issues were discussed.

The Chairman stated that when looking at the application one had to consider whether reducing the length of the visibility splays from 43m to 40.7m would result in a severe reduction in safety. The committee could only refuse permission on Highways grounds if there was a severe impact on safety. The Chairman and others felt that safety would not be seriously impacted and therefore supported approving the planning permission.

Further debate arose around the possibility of imposing a condition to lift the crown of the tree as farm vehicles would be using the entrance and the driver would be in a high cab. Technical advice was sought from officers regarding this.

Officers reviewed condition 3. Due to the wording of the condition there was already flexibility to increase the height where there was no obstruction to visibility to above 900mm. Therefore it was felt that an additional condition was not required as condition 3 already covered the issues members were concerned about.

At the conclusion of the debate it was;

**Resolved:**

**That planning permission be granted, with conditions as per the officer recommendation.**

- 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 and documents:**

- Application Form**
- Block Plan 1:1000**

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

- 3. No part of the development shall be brought into use, 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.**

- 4. The development hereby permitted shall not be first brought into use until the first fifteen 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.**

5. Any gates shall be set back 15 metres from the edge of the carriageway, such gates to open inwards only.

**REASON:** In the interests of highway safety and to allow for agricultural use.

6. The development hereby permitted shall not be first brought into use until the access has been increased in width to 5 metres over the first 15 metres from the C202 carriageway edge with the provision of a radii of 3 metres to both sides of the access.

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

7. The development shall be carried out in accordance with the approved materials outlined in the Supporting Statement by Woolley & Wallis dated July 2019 unless otherwise agreed in writing by the Local Planning Authority.

**REASON:** In the interests of visual amenity and the character and appearance of the area which is within the AONB.

8. All soft landscaping comprised in the approved details of landscaping entitled Landscape Planting Scheme by Woolley & Wallis shall be carried out in the first planting and seeding season following the first occupation of the building 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.

9. The site shall be used for an agricultural contracting business and for no other purpose (including any other purpose in Class B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provisions equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification). Furthermore, the provisions for change of use under 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) cannot be undertaken.

**REASON:** The proposed use is acceptable, but the Local Planning Authority wish to consider any future proposal for a change of use having regard to the circumstances of the case.

- 10.** 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 additions / extensions / external alterations to any building forming part of the development hereby permitted and no plant or machinery shall be installed outside any such building on the site on the approved plans.

**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 external alterations, or the installation of any outdoor plant/machinery.

- 11.** No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication "Guidance Notes for the Reduction of Obtrusive Light" (ILE, 2005)", have been submitted to and approved in writing by the Local Planning Authority. The approved lighting shall be installed and shall be maintained in accordance with the approved details and no additional external lighting shall be installed.

**REASON:** In the interests of the amenities of the area and to minimise unnecessary light spillage above and outside the development site in the interest of maintaining dark skies within the AONB.

**INFORMATIVE TO APPLICANT:**

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.

Cllr Stewart Dobson re-entered the room at 15:30.

- 64. 19/07460/FUL - Lowerhouse Farm, Lower Chute, Andover, Wiltshire, SP11 9DX**

Public Participation

Ms Ann Rudland spoke in objection to the application

Mr Tim Curran spoke in objection to the application.

Mr Chris Hewlett spoke in objection to the application.

Mr Aaron Smith, Agent, spoke in support of the application.

Carolyn Wall representing Chute Forest Parish Council spoke in objection to the application.

Heather Bourner representing Chute Parish Council spoke in objection to the application.

Georgina Wright, Senior Planning Officer presented a report which recommended that planning permission be granted with conditions for the conversion and extension of outbuildings and stables to form 3 dwellings (amended scheme following refusal of 18/04151/FUL).

Attention was drawn to the additional representations received after publication of the agenda, these representations and responses from the officer were published in agenda supplement 1.

Key details were stated to include the following:

Fundamentally the application was a resubmission. The previous application on the site, 18/04151/FUL, the conversion and extension of outbuildings and stables to form 3 dwellings, was refused by the Eastern Area Planning Committee on 7 September 2018. The full reasons for refusal were stated at the top of page 50 in the agenda pack. In summary the application was refused due to the proximity of plot 2 (now plot 3) to a listed building, compromising its setting and the character and appearance of the conservation area, it would also result in overcrowding. The applicant's proposal was altered and the officer felt that the application before the committee overcame the previous reasons for refusal. When considering this application, the officer advised that it would not be correct to introduce new reasons for refusal at this stage, which were not cited as reasons for refusal to the previous application. Therefore, the officer recommendation was to approve the application with conditions.

Photographs, proposals and elevations were shown to the meeting. The form of the buildings would remain largely unchanged. When viewed from the street the original function and relationship of the buildings was maintained. In the previous application, plot 2 had a very large extension. In the current application plot 3 (which in the last application was called plot 2) no longer had an extension. Therefore, the proposed scheme included raising the elevation of this building by 0.5m in order to accommodate rooms in the roof. This was felt to be acceptable.

Members of the committee then had the opportunity to ask technical questions of the officer. Cllr Blair-Pilling sought details on why the red line on the map and aerial photo included the garages which were to be retained by the main house. There was also to be bat and bird mitigation undertaken on the garages, the councillor queried whether these factors meant that the garages could be developed at a later date. The officer stated that was not what was being proposed. Also, one of the conditions of the planning permission was to remove the permitted development rights, so planning permission would need to be sought for any future works.

Members of the public then had the opportunity to present their views, as detailed above. Main points raised by objectors included; that this was not infill development; the proposed scheme would result in overdevelopment of the site; the housing it would provide did not meet the area's needs; there was a considerable amount of local people who objected to the scheme; that the village did not have good enough infrastructure or public transport to support the new development; it contravened the Chute Design Statement; that the current application should be considered on its own merits and not compared to the previous application.

The agent who spoke in support of the application stated that the reasons for refusal of the previous application were very specific and that the current application had successfully addressed all concerns and overcame the reasons for refusal.

The unitary division member, Cllr Ian Blair-Pilling, spoke in objection to the application. He stated that there were a substantial number of objections to the application and the local parishes were strongly opposed to the proposals. The application was refused previously due to the detrimental effect on the listed building and curtilage. Cllr Blair-Pilling urged the committee to look at the application with fresh eyes, from first principals and consider going against the officer recommendation.

In response to public statements the officer explained that planning law stated that previous decisions are material considerations. Therefore, the planning history of the site had to be taken into account. If the committee felt there were other issues with the application, then these should have been brought up at the original hearing of the previous application. It would be unreasonable to make the agent go away and try to address the reason for refusal only to add additional reasons when they come back with a revised scheme. The committee therefore had to decide whether the current application was acceptable and it had to be looked at in relation to the previous reasons for refusal. If the committee felt that the reasons had been addressed, then they should follow the officer recommendation to approve with conditions.

Cllr Mark Connolly proposed a motion to grant planning permission, as per the officer recommendation. This was seconded by Cllr Chris Williams.

The Chairman stated that the committee had refused the previous application due to the effect it would have caused on a grade 2 listed building, the committee had already accepted the principle of the proposal. The Chairman felt that the applicant had addressed the issues raised. Therefore, he felt that the committee should grant with conditions as recommended by the officer.

A debate followed where other councillors agreed that the principle of development was slightly academic. The application had been refused previously due to CP57 and CP58. It was felt that these issues had been addressed. When following planning law, the committee was obliged to approve.

Some members were very torn due to the strength of public opinion against the application.

At the conclusion of the debate it was proposed that the motion be amended to include a condition to retain the double garage for parking in perpetuity. The precise wording of this condition was to be delegated to officers.

Resolved:

To amend the motion to include a condition to retain the double garage for parking in perpetuity. The precise wording of this condition was to be delegated to officers.

The Committee then voted on the amended motion and it was;

**Resolved:**

**To grant planning permission with conditions, as per the officer recommendation. With the addition of a condition to retain the double garage in perpetuity. The precise wording of this condition was to be delegated to officers**

- 1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**

**REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.**

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

**Application Form & Certificate**

**Ref: 160811-09 – Plot 1 & Plot 2 Elevations. Received – 01.08.2019**

**Ref: 160811-10 Rev A – Design Scheme. Received – 03.09.2019**

**Ref: 160811-11 Rev A – Design Scheme Plans. Received – 01.08.2019**

**Ref: 160811-12 Rev A – Site & Location Plans. Received – 04.10.2019**

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

- 3. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match in material, colour and texture those used in the existing buildings.**

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

4. Notwithstanding the approved drawings, no works to the buildings/extensions hereby approved shall commence until details of the following have been submitted to and approved in writing by the Local Planning Authority:
- (i) Large scale details of all external joinery (1:5 elevation, 1:2 section) including vertical and horizontal cross-sections through openings to show the positions of joinery within openings, depth of reveal, heads, sills and lintels;
  - (ii) Full details of proposed roof lights, which shall be set in plane with the roof covering;
  - (iii) Full details of external decoration to joinery; and
  - (iv) Full details and samples of external materials.

The works 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 preserving the character and visual amenity of the conservation area and the setting of the adjacent listed buildings.

5. No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:
- location and current canopy spread of all existing trees and hedgerows on 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;
  - means of enclosure;
  - car park layouts;
  - other vehicle and pedestrian access and circulation areas;
  - all hard and soft surfacing materials;

**REASON:** The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

6. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the

development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

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

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), no windows, doors or other form of openings other than those shown on the approved plans, shall be inserted in the north eastern, south eastern or south western elevations of the development hereby permitted.

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

8. 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 Part 1, Classes A-E and G shall take place on the dwelling houses hereby permitted or within their curtilage.

**REASON:** In the interests of heritage and 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.

9. No construction or demolition work shall take place on Sundays or Public Holidays or outside the hours of 07:30 to 18:00 on Mondays to Fridays and 08:00 to 13:00 on Saturdays.

**REASON:** To ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

10. No part of the development hereby permitted shall be first brought into use until the 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:** To ensure that adequate provision is made for parking within the site in the interests of highway safety.

11. The existing access shall remain ungated or the existing gates permanently fixed in the open position.

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

12. The development shall be implemented in accordance with the recommendations detailed in Section 5 of the approved ABR Ecology Update Roost Appraisal, Bat Activity Surveys & Nesting Birds Report (19th July 2019) and the identified mitigation measures shall be carried out in full prior to the new dwellings hereby approved being first brought into use.

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

13. The replacement swallow/barn owl nesting opportunist and bat roost boxes identified on the approved plans shall be installed in accordance with the approved details prior to first occupation of the dwellings hereby approved. These bird and bat boxes shall be retained and maintained as such in perpetuity.

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

14. Any external lighting at the site must be installed in accordance with the details set out in the ABR Ecology Update Roost Appraisal, Bat Activity Surveys & Nesting Birds Report (19th July 2019).

**REASON:** in the interests of biodiversity and protected species.

15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), the carport/garaging identified on the plans as serving Lowerhouse Farm shall not be converted into habitable accommodation.

**REASON:** To secure the retention of outbuildings and adequate parking provision, in the interests of highway safety.

#### **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 applicant's attention is drawn to the advisory notes provided at the application by Wessex Water in the letter dated 23rd August 2019; and the comments made by the Council's Drainage Officer to the scheme. Both will need to be considered as part of any detailed drainage scheme for the site or as part of any subsequent building regulation application at the site. Should the detailed scheme materially alter the development proposals, a fresh planning application may need to be submitted to the Local Planning Authority for consideration accordingly.
- 3) 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.

65. **Urgent items**

There were no urgent items.

(Duration of meeting: 3.00 - 4.30 pm)

The Officer who has produced these minutes is Tara Shannon of Democratic Services, direct line 01225 718352, e-mail [tara.shannon@wiltshire.gov.uk](mailto:tara.shannon@wiltshire.gov.uk)

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