

Eastern Area Planning Committee

MINUTES OF THE EASTERN AREA PLANNING COMMITTEE MEETING HELD ON 21 MARCH 2024 AT WESSEX ROOM - THE CORN EXCHANGE, MARKET PLACE, DEVIZES, SN10 1HS.

Present:

Cllr Philip Whitehead (Chairman), Cllr Adrian Foster, Cllr Iain Wallis, Cllr Stuart Wheeler and Cllr Dominic Muns (Substitute)

Also Present:

Cllr Caroline Thomas

25. **Apologies**

Apologies for absence were received from:

- Cllr Kelvin Nash – substituted by Cllr Dominic Muns
- Cllr Tony Pickernell
- Cllr Dr Brian Mathew
- Cllr Paul Oatway QPM

26. **Minutes of the Previous Meeting**

On the proposal of the Chairman, seconded by Cllr Adrian Foster, it was:

Resolved

To approve the minutes of the meeting held on 22 February 2024 as a true and correct record.

27. **Declarations of Interest**

In relation to Item 8, Cllr Iain Wallis made an additional declaration that he worked for the Department of Environment, Food and Rural Affairs. He emphasised that he would be speaking in a personal capacity and any views expressed were not necessarily representative of the department.

28. **Chairman's Announcements**

There were no Chairman's announcements.

29. **Public Participation**

The Committee noted the rules on public participation.

30. **Planning Appeals and Updates**

On the proposal of the Chairman, seconded by Cllr Iain Wallis, it was:

Resolved

To note the appeals report for the period between 9 February and 8 March 2024.

31. **PL/2023/03305: York Place, Marlborough, Wiltshire, SN8 1AR**

Public Participation

- Mr Dave Crucefix had a statement read out in opposition to the application
- Mr Hugh Tapper made a statement highlighting concerns he had about aspects of the application, including the party wall of the Grade II listed adjoining property.
- Mr Matt Holmes (Spruce Town Planning) spoke in support of the application
- Mr Paul Backhouse (Aster Communities) spoke in support of the application

The Senior Planning Officer, David Millinship, introduced a report which recommended that the application for the demolition of the existing buildings and construction of 28 affordable homes together with associated parking, access and landscaping, be approved subject to conditions and a legal (s.106) agreement. Key details were stated to include the principle of development, parking, preservation of the historic environment and impact upon neighbouring amenity.

It was noted that the existing 1970s building was constructed as a development of 32 units for people over the age of 55. The site was owned by the applicant, Aster Group, who were a Registered Provider Partner (housing) of Wiltshire Council. The replacement building, if approved, would include 13 one bedrooomed units and 15 two bedrooomed units, all of which would be affordable.

Attention was drawn to the location of the proposed development in a conservation area. When the existing building was built around 1972 it was constructed in a modern style that contrasted with the existing buildings, many of which were listed. The existing structure shared a party wall with the Grade II listed, 51 St Martins Place and, as such, a listed building application and party wall agreement would be required before the development could proceed.

Members of the Committee then had the opportunity to ask technical questions of the Senior Planning Officer. Details were sought about whether concerns had been raised about the construction of a taller structure towards the rear of the site where a terrace of bungalows were currently located. The Senior Planning Officer confirmed that the size of gable wall facing the Rectory dwelling to the south of the site had been reduced to reflect concerns about overlooking. It was noted that there would be some indirect overlooking of this property but the

majority of the windows that could be impacted were in non-habitable rooms. The majority existing trees on the site boundary would be retained.

Further information was sought about the potential party wall agreement and listed building consent required and their relationship to the planning application. The Senior Planning Officer noted that Paragraph 200 of the National Planning Policy Framework (NPPF) required local planning authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal. He explained that demolition of York Place presented a high likelihood of direct impact upon historic fabric of 51 St Martins Place as part of the roof support would be lost once York Place was demolished. However, the Senior Planning Officer explained that the Committee could be satisfied that there were technical solutions to protect heritage assets. The listed building permission would cover the details of the demolition process.

Members of the public then had the opportunity to present their views to the Committee as detailed above. Mr Crucefix had a statement read out on his behalf.

Mr Hugh Tapper raised concerns about aspects of the application, including the scale of development, limited community space and available parking. He welcomed some of the amendments to the scale of the original proposals and was encouraged that they would be more sympathetic than the 1970s development. However, he expressed surprise that approval of the scheme might precede the knowledge and understanding of the measures required to protect the adjoining Grade II listed property at 51 St Martins.

The Unitary Division Member, Cllr Caroline Thomas then spoke in opposition the application as submitted on the grounds of overdevelopment of the site, the adverse impact on parking and potential to facilitate an increase in anti-social behaviour.

In response to the points raised by the public and Unitary Division Member, the Senior Planning Officer confirmed that the design had been considered in relation to Wiltshire's emerging Design Guide. Although no balconies had been provided the development exceeded the requirements for communal space. The development was considered sustainable due to its location within walking distance to the town centre and within 100 metres of a bus stop.

The Highways Team noted that the existing building did not include any provision for off-street parking. They clarified that it would not be possible to condition that the applicant should pay for a Traffic Regulation Order and capacity parking study east of the A346. Similarly, it would not be possible to use S106 money to fund a residential parking permit scheme as such a scheme would require the support of 50 percent of local residents. The development comprised of one and two bedroomed units, so were unlikely to attract larger families requiring a large number of cars. The number of units had also been reduced to mitigate concerns about parking.

The Senior Planning Officer explained that a Parking Allocation Plan had been included in the proposed conditions outlined in the report, to make clear which units would have access to the parking spaces. A Travel Plan Monitoring Fee would be secured through a S106 agreement.

So that the Committee had something to debate, the Chairman, seconded by Cllr Stuart Wheeler, proposed that the application be granted subject to the conditions outlined in the report and the completion of a S106 agreement.

A debate followed where the party wall agreement, provision of affordable housing, parking and architectural merits of the proposed scheme in relation to the existing 1970s building, were discussed.

A range of views were expressed about the role of the applicant and the potential loss of housing provision for older people in the existing building. Cllr Adrian Foster wanted it to be noted on record that he did not believe that the applicant had acted improperly. He noted the financial pressure on housing associations.

Concerns were raised about the demolition process and its potential impact on the adjoining listed building at 51 St Martins, a heritage asset that was formerly the Seven Stars Pub. It was noted that there was a condition in the Senior Planning Officer's report stipulating that the development could not commence until a Demolition Environmental Management Plan was in place. It may also be possible to commence demolition at the opposite end of the site to 51 St Martins.

In response to queries it was stated that S106 agreements had to be compliant with Community Infrastructure Levy requirements, being relevant, necessary and reasonable. The Head of Development Management, Andrew Guest, advised that it would not be appropriate to condition that S106 funding was used to provide a crossing over the A346 to the nearby green as it would go beyond the legal requirements placed on the applicant.

At the conclusion of the debate, it was:

Resolved

To GRANT permission for the demolition of the existing buildings and construction of 28 affordable homes together with associated parking, access and landscaping, subject to the conditions outlined in the report and the completion of a S106 agreement.

Conditions

1. Time Limit

The works 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 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. Approved plans

The development hereby permitted shall be carried out in accordance with the following approved plans and documents, unless otherwise varied by details submitted to and approved in writing by the local planning authority in accordance with the conditions of this planning permission:

- **Location Plan - PP1397-100-01 Rev.P1;**
- **Site Plan - PP1397-100-02 Rev.P6;**
- **Ground floor plan – PP1397-100-03 Rev.P8;**
- **First floor plan - PP1397-100-04 Rev.P7;**
- **Second floor plan - PP1397-100-05 Rev.P6;**
- **Roof plan - PP1397-100-06 Rev.P5;**
- **Lower ground floor plan and elevations – PP1397-100-07 Rev.P8;**
- **Elevations 1 - PP1397-100-08 Rev.P7;**
- **Elevations 2 - PP1397-100-09 Rev.P6;**
- **Elevations 2 - PP1397-100-10 Rev.P5;**
- **Landscape Masterplan – SPP3292 90 001 Rev.E;**
- **Soft landscape plan - SPP3292 90 002 Rev.C.**

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

3. External materials/finishes

Notwithstanding the details of the approved plans, construction of the development hereby approved shall not proceed above finished floor/slab level until a schedule of all external materials and finishes shall be submitted to and approved in writing by the Local Planning Authority. As a minimum, the schedule shall provide details of the type, colour and texture of all external materials and finishes to be used, including all visible features on external facades such as external walls, roofs, windows, doors, hanging tiles and rainwater goods. The details shall include manufacturer and material name along with product literature and photographic examples (submitted electronically in pdf format) and shall not include links to manufacturer/ vendor web sites. If requested, samples of materials and finishes are to be made available for inspection on the development site.

The proposed materials shall be appropriate to the Conservation Area location in accordance with the following:

- Characteristic Flemish and English bond to brick facades in street scene and return;
- Warm orange/red brickwork multi characteristic of the locality of varying mix with tile hanging in a similar warm tone;
- Stone elements (including window sills) to be in reconstituted/cast stone;
- Traditional vertical sliding sash windows;
- Traditional pattern 'conservation' rooflights;
- Windows and doors to be in painted timber to street façade, including slender glazing bars;
- Traditional style gutters, hoppers and downpipes;
- Dormers shown traditionally constructed with lead cheeks and roof matching main roof tiles;
- Details of chimney construction to include brickwork, masonry and flashing (material and construction);
- Traditional ridge tiles, gable ladders and slender roof eaves
- Roof - plain tiles/pantiles in clay and natural slate, not concrete derivatives.

Thereafter, the development shall be completed and maintained in accordance with the approved details.

REASON: In the interests of visual amenity and the character and appearance of the area on accordance with the aims of Core Policies 51, 57 and 58 of the Wiltshire Core Strategy, policies MARL9 and 13 of the Marlborough Area Neighbourhood Plan and the planning policy advice of the National Planning Policy Framework.

4. Archaeological investigation

The development hereby approved shall not commence until a written programme of archaeological investigation, which should include proposals for on-site work and off-site work including the analysis, publishing and archiving of the results, has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved programme of archaeological work shall be carried out and the final report submitted to the local planning authority in accordance with the approved details.

REASON: To enable the recording of any matters of archaeological interest in accordance with the aims of Core Policy 58 of the Wiltshire Core Strategy and the planning policy advice of the National Planning Policy Framework.

5. Contamination

No development (except for demolition of existing buildings) shall commence on site until an investigation of the history and current condition of the site to determine the likelihood of the existence of

contamination arising from previous uses has been carried out and all of the following steps have been complied with to the satisfaction of the Local Planning Authority:

Step (i) A written report has been submitted to and approved by the Local Planning Authority which shall include details of the previous uses of the site for at least the last 100 years and a description of the current condition of the site with regard to any activities that may have caused contamination. The report shall confirm whether or not it is likely that contamination may be present on the site and the potential impact of any adjacent sites

Step (ii) If the above report indicates that contamination may be present on, under or potentially affecting the proposed development site from adjacent land, or if evidence of contamination is found, a more detailed site investigation and risk assessment should be carried out in accordance with DEFRA and Environment Agency's "Model Procedures for the Management of Land Contamination CLR11" and other authoritative guidance and a report detailing the site investigation and risk assessment shall be submitted to and approved in writing by the Local Planning Authority.

Step (iii) If the report submitted pursuant to step (i) or (ii) indicates that remedial works are required, full details have been submitted to the Local Planning Authority and approved in writing and thereafter implemented prior to the commencement of the development or in accordance with a timetable that has been agreed in writing by the Local Planning Authority as part of the approved remediation scheme. On completion of any required remedial works the applicant shall provide written confirmation to the Local Planning Authority that the works have been completed in accordance with the agreed remediation strategy.

REASON: To ensure the risks associated with land contamination are identified and remediated in accordance with the aims of Core Policy 56 of the Wiltshire Core Strategy and the planning policy advice of the National Planning Policy Framework.

6. Tree Protection Plan

The development shall be implemented in strict accordance with the approved Tree Protection Plan and the mitigation measures set out within the submitted Arboricultural Method Statement (Author: Hillside Trees Ltd. Dated: August 2023, Report Version: 1.2) with the proposed tree protection barriers and ground protection measures laid out in full prior to the commencement of the development.

No retained tree/s shall be cut down, uprooted or destroyed, nor shall any retained tree/s be topped or lopped other than in accordance with the approved plans and particulars. Any topping or lopping approval shall be carried out in accordance British Standard 3998: 2010 "Tree Work -

Recommendations" or arboricultural techniques where it can be demonstrated to be in the interest of good arboricultural practise.

If any retained tree is removed, uprooted, destroyed or dies, another tree shall be planted at the same place, at a size and species and planted at such time, that must be agreed in writing with the Local Planning Authority.

No fires shall be lit within 15 metres of the furthest extent of the canopy of any retained trees or hedgerows or adjoining land and no concrete, oil, cement, bitumen or other chemicals shall be mixed or stored within 10 metres of the trunk of any tree or group of trees to be retained on the site or adjoining land.

In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs above shall have effect until the expiration of five years from the first occupation or the completion of the development, whichever is the later

REASON: To enable the Local Planning Authority to ensure the retention of trees on the site in the interests of visual amenity and protection of biodiversity in accordance with the aims of Core Policies 50, 51, 57 and 58 of the Wiltshire Core Strategy, policy MARL9 of the Marlborough Area Neighbourhood Plan and the Planning Policy Advice of the National Planning Policy Framework.

7. Demolition Plan (DEMP)

The development hereby approved shall not commence until a Demolition Environmental Management Plan (DEMP) has been submitted to and approved in writing by the local planning authority. As a minimum, the DEMP shall include details of the following relevant measures:

- i. An introduction consisting of demolition phase environmental management plan, definitions and abbreviations and project description and location;**
- ii. A description of management responsibilities;**
- iii. A description of the demolition programme;**
- iv. A named person and telephone number for residents and LPA to contact;**
- v. Detailed Site logistics arrangements;**
- vi. Details regarding parking, deliveries, and storage;**
- vii. Details regarding dust and noise mitigation;**
- viii. Details of the hours of works and other measures to mitigate the impact of demolition on the amenity of the area and safety of the highway network; and**
- ix. Communication procedures with the LPA and local community regarding key demolition issues – crusher durations etc..**

There shall be no burning undertaken on site at any time.

Demolition hours shall be limited to 0800 to 1800 hrs Monday to Friday, 0800 to 1300 hrs Saturday and no working on Sundays or Bank Holidays.

Stone crushing shall be limited to 10.30hr to 15.30hrs Monday to Friday with no crushing at weekends or bank holidays. Where possible this shall take place away from sensitive noise receptors; and where located nears residential dwellings acoustic screening must be used to minimise potential impact.

REASON: To minimise detrimental effects to neighbouring amenities and the natural environment, during the demolition and construction phases in accordance with the aims of Core Policies 50 and 57 of the Wiltshire Core Strategy and the Planning Policy Advice of the National Planning Policy Framework.

8. Construction, Transport and Env Plan (CTEMP)

No development shall commence, including demolition, ground works/excavation, site clearance, vegetation clearance and boundary treatment works until a Construction Transport and Environmental Management Plan (CTEMP) has been submitted to and approved in writing by the Local Planning Authority. As a minimum, the Plan shall provide details of the following:

i. Details to demonstrate how runoff will be managed during construction (including initial demolition phase) to prevent an increase in flood and pollution risk;

ii. Working method statements for protected/priority species, such as nesting birds and reptiles;

iii. Mitigation strategies already agreed with the local planning authority prior to determination, such as for great crested newts, dormice or bats; this should comprise the pre- construction/construction related elements of strategies only;

iv. Work schedules for activities with specific timing requirements in order to avoid/reduce potential harm to ecological receptors; including details of when a licensed ecologist and/or ecological clerk of works (ECoW) shall be present on site;

v. Key personnel, responsibilities and contact details (including Site Manager and ecologist/ECoW);

vi. Timeframe for provision of compliance report to the local planning authority; to be completed by the ecologist/ECoW and to include photographic evidence;

vii. the movement of construction vehicles and provision for parking of vehicles of site operatives and visitors;

viii. the cutting or other processing of building materials on site;

ix. the provision for loading and unloading of plant, materials and demolition materials;

- x. the provision for storage of plant and materials used in constructing the development, as well as demolition materials;
- xi. the provision for wheel washing and vehicle wash down facilities;
- xii. measures to control the emission of dust and dirt during construction;
- xiii. the provision for recycling/disposing of waste resulting from demolition and construction;
- xiv. The location and use of generators and temporary site accommodation
- xv. Site working hours and a named person for residents to contact

No construction or demolition work shall take place on Sundays or Public Holidays or outside the hours of 0800 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays. Where piling is required, this must be Continuous flight auger piling wherever practicable to minimise impacts. Ground workers should remain vigilant for visible and olfactory signs of contamination during demolition of on-site buildings.

The details to be submitted under this condition shall include all details of timing and phasing of proposed measures to ensure that they are in place and maintained for so long as required.

The approved Statement shall be adhered to throughout the construction period. The development shall not be carried out otherwise than in full accordance with the Statement without the prior written permission of the Local Planning Authority.

REASON: To minimise detrimental effects to neighbouring amenities and the natural environment, during the demolition and construction phases in accordance with the aims of Core Policies 50 and 57 of the Wiltshire Core Strategy and the Planning Policy Advice of the National Planning Policy Framework.

9. Landscape and Ecology Management Plan (LEMP)

Prior to commencement of the development, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP shall include long term objectives and targets, management responsibilities and maintenance schedules for each ecological feature within the development, together with a mechanism for monitoring success of the management prescriptions, incorporating review and necessary adaptive management in order to attain targets.

The LEMP shall also include details of the legal and funding mechanism(s) by which long-term implementation of the plan will be secured. The LEMP shall be implemented in full for the lifetime of the development in accordance with the approved details.

REASON: To ensure the long-term management of landscape and ecological features retained and created by the development, for the

benefit of visual amenity and biodiversity for the lifetime of the scheme in accordance Core Policies 50, 57 and 58 of the Wiltshire Core Strategy and the planning policy advice of the National Planning Policy Framework.

10. Drainage Strategy

No development shall commence on site (excluding demolition) until a scheme for the discharge of surface water from the site, including SuDS (sustainable drainage systems) and all third party approvals (as necessary), has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority and the sewerage undertaker. The details shall also include provision of the following:

- i) Evidence that additional ground investigations have been undertaken in line with the recommendations on Section 6.8 of the submitted ground investigation, to confirm the viability of deep bore soakaways on site.**
- ii) Confirmation that the peak groundwater level is in excess of 1m below the base of the soakaway (as per the Wiltshire Council Soakaway Guidance) and confirmation of infiltration rates.**

Following approval of steps i) and ii), the applicant shall submit for approval in writing by the LPA the following information:

- iii) Revised soakaway calculations to demonstrate that the deep bore soakaways offer a viable drainage strategy.**
- iv) Calculations and drawings for the drainage system design showing that conveyance routes are designed to convey without flooding the critical 1 in 30 year + climate change rainfall event.**
- v) Calculations and drawings for the drainage system design showing that attenuation features are designed to attenuate without flooding the critical 1 in 100 year rainfall event + climate change.**
- vi) Hydraulic Models should set the MADD factor / additional storage volume factor to 0m³ / ha in order to prevent an overestimation of storage capacity in the proposed drainage network. Notwithstanding the submitted drainage strategy plan; this plan shall be updated to utilise the same pipe numbering as shown in the hydraulic modelling so that both can be considered in conjunction**
- vii) Detailed Design Drawings of the proposed deep bore soakaways**
- viii) Detail drawings of the proposed proprietary pollution capture systems**
- ix) Cross sections and long-sections through the proposed attenuation tanks**
- x) Drawings showing how overland exceedance flows in excess of the 1 in 100yr + cc storm are safely managed on site to prevent risks to people and property.**
- xi) An confirming details of the proposed ownership, inspection and maintenance regime for the proposed drainage infrastructure.**

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

REASON: To comply with Core Policy 67: Flood Risk within the Wiltshire Core Strategy (adopted January 2015) and to ensure that the development can be adequately drained without increasing flood risk to others.

11. Foul Drainage

No development shall commence on site (excluding demolition) until details of the works for the disposal of sewerage including the point of connection to the existing public sewer have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be first occupied until the approved sewerage details have been fully implemented in accordance with the approved plans.

REASON: To comply with Core Policy 67: Flood Risk within the Wiltshire Core Strategy (adopted January 2015) to ensure that the proposal is provided with a satisfactory means of drainage and does not increase the risk of flooding or pose a risk to public health or the environment.

12. Highways – Travel Plan

No development shall commence until a draft Travel Plan-Welcome Pack has been submitted to and approved in writing by the Local Planning Authority in accordance with the recommendations of the submitted Travel Plan (dated August 2023).

No unit shall be occupied until those parts of the Travel Plan-Welcome Pack capable of being implemented prior to occupation have been implemented. The Welcome Pack will be provided to each unit on first occupation of that said unit and provided to each new occupier of that unit/any unit which remains in the control of the applicant for at least five years following first occupation of the last residential unit. If required, the Welcome pack shall be updated on issuing and comprise up-to-date information at the time of issue.

Reason: In the interests of reducing the amount of private car movements to and from the development in accordance with the aims of Core Policy 60, 62 and 64 of the Wiltshire Core Strategy and the planning policy advice of the National Planning Policy Framework.

13. Sustainable Energy Statement

Prior to the commencement of the development hereby approved, a final Energy and Sustainability Strategy shall be submitted and approved in writing by the Local Planning Authority in accordance with the principles set out within the submitted Energy and Sustainability Strategy (Revision C, dated September 2023). The development shall be implemented and maintained in accordance with the approved strategy thereafter.

REASON: In the interests of achieving sustainable development in accordance with WCS Core Policy 41 of the Wiltshire Core Strategy and the planning policy advice of the National Planning Policy Framework.

14. Site planting and hard-surface materials

Notwithstanding the details shown on the approved plans, no development shall commence until details of a hard and soft landscaping scheme have been submitted to and approved in writing by the local planning authority, the details of which shall include:

- a) all hard and soft surfacing materials,**
- b) details of means of enclosure including gates and boundary treatments, (including details of any existing fencing/treatments to be retained)**
- c) a detailed plan identifying existing trees and hedges to be retained and a planting plan and specification showing all plant species, supply and planting sizes and planting densities, and details of after-care.**

- ii) All so-approved planting shall be carried out no later than the first planting and seeding season following the first occupation of any part of the development or the substantial completion of the development whichever is the sooner.**

- iii) All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock.**

- iv) Any trees or plants (including existing trees and hedges to be retained) which, within a period of five years from first occupation of the development, 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.**

- v) All hard landscaping shall also be carried out in accordance with the approved details prior to the first 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, to provide some biodiversity enhancement and to protect the privacy of future occupiers and neighbours of the development in accordance with the aims of Core Policies 50, 57 and 58 of the Wiltshire Core Strategy and the planning policy advice of the National Planning Policy Framework.

15. Boundary enclosures

Prior to first occupation of the development hereby approved, the boundary fencing and means of enclosure shall be implemented in accordance with the details of the approved plans and maintained in that state thereafter.

REASON: In the interests of visual amenity and the character and appearance of the area in accordance with the aims of 57 and 58 of the Wiltshire Core Strategy, policy MARL9 of the Marlborough Area Neighbourhood Plan and the Planning Policy Advice of the National Planning Policy Framework.

16. Security measures

The development hereby approved shall not be occupied or brought into use until details of security measures, including CCTV, access control measures and signage, have been submitted to and approved in writing by the local planning authority. Thereafter, the development shall be completed and maintained in accordance with the agreed details.

REASON: In accordance with Wiltshire Core Strategy (2015) Core Policy 57 to incorporate measures to reduce actual or perceived opportunities for crime or antisocial behaviour.

17. Access, parking, refuse and cycle storage

No part of the development hereby permitted shall be occupied until the vehicular and pedestrian accesses (to include visibility splays and restrictive bollards), off-street car parking, vehicle turning areas, refuse storage and cycle storage areas have been constructed/laid out in full in accordance with the details shown on the approved plans.

Thereafter, the areas shall be kept available for their intended purposes and maintained free from obstruction (including but not limited to, the storage of materials).

REASON: To ensure safe access, adequate off-street parking provision and vehicle turning manoeuvring space in the interests of amenity and highway safety in accordance with the aims of Core Policies 60, 61 and 64 of the Wiltshire Core Strategy, policy MARL9 of the Marlborough Area Neighbourhood Plan and the Planning Policy Advice of the National Planning Policy Framework.

18. Parking allocation and EV charging

No part of the development hereby permitted shall be occupied until the off-street car parking spaces have been implemented in accordance with a car parking allocation plan and provided with electric vehicle charging

points, in accordance with full details that shall first be submitted to and approved in writing by the local planning authority. Thereafter, the development shall be maintained in accordance with the approved details.

REASON: To ensure that car parking spaces are appropriately allocated to the units and that EVCPs are made available to future occupiers and visitors of the scheme in order to promote the use of low-carbon modes of transport and to prevent harm to the Marlborough Air Quality Management Area in accordance with the aims of Core Policies 55, 60, 61 and 64 of the Wiltshire Core Strategy and the Planning Policy Advice of the National Planning Policy Framework.

19. Ecology – Biodiversity mitigation and enhancement measures

The approved biodiversity mitigation and enhancement measures shall be incorporated into the development in accordance with:

- Section 6 and Appendices D, F, H and J of the Ecological Impact Assessment of Marlborough, York Place, Version 1.0, Date 19th April 2023 by Abricon Ltd.
- Proposed Planting Plan, Drawing number: SPP3292 92 002, Rev: A, Date: April 23, by Swan Paul Partnership Ltd.

or as otherwise specified in a relevant European Protected Species Licence superseding this permission. The installation of these features shall be supervised by a professional ecologist and this part of the condition shall be discharged when photographic evidence of installed features have been submitted to and approved in writing by the local planning authority. These measures will continue to be maintained and made available for wildlife for the lifetime of the development.

REASON: For the avoidance of doubt and for the protection, mitigation and enhancement of biodiversity in accordance with the aims of Core Policies 50, 57 and 58 of the Wiltshire Core Strategy and the planning policy advice of the National Planning Policy Framework.

20. Ecology – Compliance with Ecology Strategies

The development will be carried out in strict accordance with the following documents:

- Section 6 and Appendices D, F, H and J of the Ecological Impact Assessment of Marlborough, York Place, Version 1.0, Date 19th April 2023 by Abricon Ltd.
- Proposed Planting Plan, Drawing number: SPP3292 92 002, Rev: A, Date: April 23, by Swan Paul Partnership Ltd.

REASON: For the avoidance of doubt and for the protection, mitigation and enhancement of biodiversity in accordance with the aims of Core Policies 50, 57 and 58 of the Wiltshire Core Strategy and the planning policy advice of the National Planning Policy Framework.

21. Ecology – External lighting

No new external artificial lighting shall be installed at the site unless full details have first been submitted to and agreed in writing by the local planning authority.

REASON: In the interests of conserving biodiversity and the condition of North Wessex Downs Area of Outstanding Natural Beauty in accordance with the aims of Core Policies 50, 51, 57 and 58 of the Wiltshire Core Strategy and the planning policy advice of the National Planning Policy Framework.

INFORMATIVES

- 1. This permission shall be read in conjunction with the Agreement made under Section 106 of the Town and Country Planning Act, 1990 and dated the [INSERT] the requirements of which must be complied with in addition to the conditions of this permission.**
- 2. Listed Building Consent is required for the works relating to the neighbouring Grade II Listed Building, No. 51 St Martins. Prior to the commencement of any works with potential to directly or indirectly impact upon the fabric and/or structural integrity of the listed building, a Listed Building Consent application shall be submitted to and approved in writing by the Local Planning Authority. The Listed Building Consent application shall include a programme of the proposed works and timescales for their implementation set out in relation to the programme and timescales works for the wider development scheme. The proposed works shall reflect the matters set out within the submitted 'Application of the Party Wall Act' statement and the comments made by the LPA's Conservation Officer in relation to this planning application.**
- 3. The attention of the applicant is drawn to the contents of the letter from Thames Water dated 10th May 2023 pertaining to foul and surface water disposal and to existing services on the site.**
- 4. The applicant should note that Wiltshire Council's Soakaway Guidance should be followed and Pre- treatment to remove silt should be considered into the soakaway design. The factor of safety and distance of soakaways from buildings or structures should be mentioned as a part of design to comply with the Wiltshire Council's Soakaway Guidance.**

5. 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.
6. The adults, young, eggs and nests of all species of birds are protected by the Wildlife and Countryside Act 1981 (as amended) while they are breeding. Please be advised that works should not take place that will harm nesting birds from March to August inclusive. All British birds, their nests and eggs are protected under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000 while birds are nesting, building nests and sitting on eggs. The applicant is advised to check any structure or vegetation capable of supporting breeding birds and delay removing or altering such features until after young birds have fledged. Damage to extensive areas that could contain nests/breeding birds should be undertaken outside the breeding season. This season is usually taken to be the period between 1st March and 31st August but some species are known to breed outside these limits.
7. The habitat within the proposed development site and the surrounding area is suitable for roosting, foraging and commuting bats. An increase in artificial lux levels can deter bats which could result in roost abandonment and/or the severance of key foraging areas. This will likely result in a significant negative impact upon the health of bat populations across the region. Artificial light at night can have a substantial adverse effect on biodiversity. Any new lighting should be for the purposes for safe access and security and be in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication GN01:2021, 'Guidance for the Reduction of Obtrusive Light' (ILP, 2021), and Guidance note GN08-18 "Bats and artificial lighting in the UK", issued by the Bat Conservation Trust and Institution of Lighting Professionals.
8. The roof of the existing building is used as a bat roost. Under the Conservation of Habitat Regulations, it is an offence to harm or disturb bats or damage or destroy their roosts. Planning permission for development does not provide a defence against prosecution under this legislation. The applicant is advised that a Natural England licence will be required before any work is undertaken to implement this planning permission.
9. Any alterations to the approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the Local Planning Authority before commencement of work.
10. The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land

outside their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence. If you intend carrying out works in the vicinity of the site boundary, you are also advised that it may be expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996.

11. The application involves an extension to the existing/creation of a new vehicle access/dropped kerb. The consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a licence will 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 our Vehicle Crossing Team on vehicleaccess@wiltshire.gov.uk and/or 01225 713352 or visit their website at <http://wiltshire.gov.uk/highways-streets> to make an application. The applicant must also ensure that any works within 8m of a watercourse (including discharge to and/or piping of road side ditches) will require full Land Drainage Consent. Please contact the Drainage Team at Drainage@wiltshire.gov.uk

12. 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.

13. 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 <https://www.wiltshire.gov.uk/dmcommunityinfrastructurelevy>.

14. The application states that foul drainage will discharge to a public sewer. This requires consultation with the sewerage undertaker for the area. The surface water drainage strategy must comply with [Developers-guidance-note-surface-water-soakaways-2.pdf](http://wiltshire.gov.uk) (wiltshire.gov.uk), which sets out the standards that must be met for planning approval and adoption.

15. The council requires an indemnity in order to operate on any roads that are not adopted, including during any period where the council needs to deliver waste collection services prior to adoption. The required

arrangements are set out in section 5.8 of the Council's Waste guidance with a sample indemnity provided in Appendix C.

32. **PL/2023/10902: Saddlepack Farm, Stert, Wiltshire, SN10 3HZ**

Public Participation

- Mr Jon House had a statement read out in opposition to the application asking that it be deferred until the completion of a mobility report.
- Mr Chris Powell spoke in support of the application
- Mr Mark Wightman spoke in support of the application
- Mr Miles Elderfield spoke in support of the application
- Cllr Lewis Cowen (Stert Parish Council) spoke in opposition to the application

The Senior Planning Officer Jonathan James introduced a report which recommended that the retrospective application for a temporary agricultural worker's dwelling, for a period of three years, be approved subject to the conditions outlined in the report. Key details were stated to include the principle of development, the landscape and visual impact, environmental and ecological impacts and the impact on neighbouring amenity.

Attention was drawn to the reference on page 69 of the agenda pack to permitted development rights for additional structures on the site. The Senior Planning Officer recommended that an additional condition be added to restrict permitted development for outbuildings.

It was noted that the site was located in open countryside outside of the village of Stert, south of an area of priority habitat. Although there was a presumption against new residential development outside of the defined limits of development, Core Policy 48 of the Wiltshire Core Strategy did allow an exception if they were required to meet the needs of a rural worker who was required to live permanently at or near their place of work. The Senior Planning Officer explained that, although a retrospective application, the subject mobile home was intended to be moved and would be located outside of an area of priority habitat adjacent to an approved stable block. The mobile home provided single storey, two bedroomed accommodation and dark brown timber cladding would be added to the exterior to mitigate the visual impact of the building. Planting nearby would also be conditioned to provide screening. The Senior Planning Officer believed that the proposed development generally complied with Core Policy 57 (Ensuring High Quality Design and Place Shaping) of the Wiltshire Core Strategy as it would not intrude into the landscape or diminish the scenic beauty of the surroundings.

Members of the Committee then had the opportunity to ask technical questions of the Senior Planning Officer. Details were sought on whether the proposed development would be a temporary structure. It was confirmed that the

permission applied for was for a period of three years but that it would be possible to seek planning consent for a permanent dwelling in the same location if it had been demonstrated that a financially viable enterprise had been established. Permission for a permanent dwelling would have to be sought through a new, albeit related, application.

Members of the public then had the opportunity to present their views to the Committee as detailed above, including a written statement read out on behalf of Mr House.

The Chairman, Cllr Philip Whitehead, did not speak in his capacity as the Unitary Division Member during the public participation section.

In response to the points raised by the public, the Senior Planning Officer confirmed that he was satisfied that the obligations of the public sector equality duty under the Equality Act 2010 had been applied in relation to this development and that it would not be unreasonable for the matter to be determined at the meeting.

The Legal Advisor, Alwyn Thomas, highlighted that the objector had had the opportunity to submit a mobility report in accordance with the statutory public consultation timeframes. He advised that the applicant had the right to have the matter considered and that his opinion concurred with that of the Senior Planning Officer that the obligations under the Equality Act had been met. The Legal view aligned with that of the Senior Planning Officer that it would not be unreasonable for the matter to be determined at the meeting. He noted that it was open to the Committee to defer the application pending a mobility report, although they should be mindful that a right of appeal for non-determination may be open to the applicant.

In response to other points raised by the public, the Senior Planning Officer confirmed that Wiltshire Council's ecologist was satisfied with the scheme subject to it being carried out in accordance with the Biodiversity Mitigation and Enhancement Plan submitted in December 2023. He confirmed that the permission would be dependent on the resident of the proposed dwelling being an agricultural worker under the terms of Condition 9 in the report.

He also agreed that it would be appropriate for the wording in the conditions to be amended to ensure the removal of the hardstanding, so that replanting could take place.

So that the Committee had something to debate, the Chairman, seconded by Cllr Stuart Wheeler, proposed that the application be granted.

A debate followed where issues such as supporting young farmers and sustainable food production were discussed. In response to queries it was stated that the recommendation from Wiltshire Council's ecologist that an area of priority woodland be fenced off from potential grazing and encroachment would be covered under the biodiversity mitigation measures.

Other issues raised included the possibility of extending the timeframe to remove the existing structures to allow a reasonable time for the new temporary accommodation to be installed. The Head of Development Management, Andrew Guest, confirmed that references to existing buildings related to those which had unauthorised use, the shipping container, and the hardstanding on which they stood, not to the barns on site.

At the conclusion of the debate, it was:

Resolved

To GRANT permission for a temporary agricultural worker's dwelling. For the final wording of the conditions to be delegated to the Senior Planning Officer and Head of Development Management in consultation with the Chairman.

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 and documents:

- **Application Form**
- **Design and Access Statement (Dec 2023)**
- **Agricultural Statement (Nov 2023)**
- **Site Location Plan**
- **Proposed Site Plan**
- **Proposed Elevations and Floor Plan**

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

3. The development shall be carried out in strict accordance with the following document:

- **Biodiversity Mitigation and Enhancement Plan (Dec 2023, Cotswold Environmental)**

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

4. The existing unauthorised mobile home, metal shipping container and associated paraphernalia, and the hardcore ground surfacing on which they stand, shall be permanently removed from the farm (Saddlepack

Farm) within 4 months of the date of first occupation of the temporary accommodation hereby approved or within 8 months of the date of this planning permission, whichever is the sooner, and the land shall then be restored in accordance with the approved details contained within the Biodiversity Mitigation and Enhancement Plan (Dec 2023, Cotswold Environmental).

REASON: In order to safeguard and restore that part of the priority habitat in the interests of biodiversity and ecology and the character and appearance of the area.

INFORMATIVE: This condition is necessary to ensure that the existing unauthorised mobile home and the associated development located elsewhere on the farm and within the designated priority habitat are removed as soon as is practical whilst allowing a reasonable timeframe for the new temporary accommodation to be installed, its precommencement conditions discharged and its occupation commenced. The applicant is reminded that the existing unauthorised mobile home remains subject to an Enforcement Notice which is awaiting an appeal decision. This planning permission does not affect the Enforcement Notice other than by allowing a short period of time for retention of the unauthorised development during implementation.

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:
- a. location and current canopy spread of all existing trees and hedgerows bounding the application site;
 - b. full details of any to be retained, together with measures for their protection in the course of development;
 - c. a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
 - d. any trees (details of their size, species and locations to be agreed in writing with the Local Planning Authority), shall be planted in accordance with BS3936 (Parts 1 and 4), BS4043 and BS4428
 - e. Fencing around the priority woodland restoration area, including height, type.

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

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 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 fencing etc. 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 and in the interests of conserving and enhancing biodiversity.

7. Prior to the occupation of the temporary accommodation hereby approved, a scheme for the discharge of surface water from the site, incorporating sustainable drainage details, shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage shall be constructed in accordance with the approved scheme within three months of the occupation of the temporary accommodation.

REASON: The matter is required to be agreed with the Local Planning Authority in order that the development is undertaken in an acceptable manner, to ensure that the development can be adequately drained.

8. Prior to the occupation of the temporary accommodation hereby approved details of the works for the disposal of sewerage shall be submitted to and approved in writing by the Local Planning Authority. The temporary accommodation shall also not be first occupied until the approved sewerage details have been fully implemented in accordance with the approved plans.

REASON: The matter is required to be agreed with the Local Planning Authority in order that the development is undertaken in an acceptable manner, to ensure that the proposal is provided with a satisfactory means of drainage and does not increase the risk of flooding or pose a risk to public health or the environment.

9. The occupation of the temporary accommodation shall be limited to a person solely or mainly working, or last working, in the locality in agriculture or in forestry, or a widow or widower of such a person, and to any resident dependants.

REASON: The site is in an area where residential development for purposes other than the essential needs of agriculture or forestry is not normally permitted and this permission is only granted on the basis of an essential need for temporary residential accommodation in this location having been demonstrated.

10. The mobile home hereby permitted and any ancillary works or structures shall be removed and the land restored to its former condition on or before the 27 March 2027 in accordance with a scheme to be submitted to and approved by the Local Planning Authority.

REASON: Permission would not normally be granted, but regard has been had to the functional needs of the agricultural enterprise in granting a planning permission of limited duration. Permission has been granted on a temporary basis to establish whether there is a functional need for permanent on site residential accommodation on this agricultural holding.

11. No external lighting shall be installed on-site unless otherwise agreed in writing by the local planning authority. Details should include 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 Institution of Lighting Professionals in their publication “The Reduction of Obtrusive Light” Guidance Note 01/21 (reference GN01/21). 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 conserving biodiversity and in the interests of the amenities of the area and to minimise unnecessary light spillage above and outside the development site.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.3) (England) Order 2020 (or any Order revoking or re-enacting or amending that Order with or without modification), no buildings or structures, or gate, wall, fence or other means of enclosure, other than those shown on the approved plans, shall be erected or placed anywhere on the site.

REASON: To safeguard the character and appearance of the area.

Informatives:

13. Informative:

The applicant should note that under the terms of the Wildlife and Countryside Act 1981 (as amended) and the Habitats Regulations 2017 (as amended) it is an offence to disturb or harm any protected species including for example, breeding birds and reptiles. The protection offered to some species such as bats, extends beyond the individual animals to the places they use for shelter or resting. Please note that any planning 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.

14. Informative:

Breeding Birds

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

33. Urgent items

There were no urgent items.

(Duration of meeting: 3.00 - 4.57 pm)

The Officer who has produced these minutes is Matt Hitch of Democratic Services, direct line 01225 718059, e-mail matthew.hitch@wiltshire.gov.uk

Press enquiries to Communications, direct line 01225 713114 or email communications@wiltshire.gov.uk