

Strategic Planning Committee

MINUTES OF THE STRATEGIC PLANNING COMMITTEE MEETING HELD ON 12 FEBRUARY 2025 AT COUNCIL CHAMBER - COUNTY HALL, BYTHESEA ROAD, TROWBRIDGE, BA14 8JN.

Present:

Cllr Christopher Newbury (Vice-Chairman), Cllr Carole King, Cllr Stewart Palmen, Cllr James Sheppard, Cllr Elizabeth Threlfall, Cllr Helen Belcher OBE (Substitute) and Cllr Bridget Wayman (Substitute)

12 **Apologies**

Apologies were received from Cllrs Ernie Clark, Adrian Foster, Howard Greenman, Pip Ridout, Jonathan Seed and Rob Yuill.

Cllr Foster was substituted by Cllr Helen Belcher OBE and Cllr Greenman was substituted by Cllr Bridget Wayman.

In the absence of the Chairman, Cllr Christopher Newbury, the Vice-Chairman, presided over the meeting.

13 **Minutes of the Previous Meeting**

The minutes of the meeting held on 23 January 2025 were presented for consideration, and it was,

Resolved:

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

14 **Declarations of Interest**

There were no declarations of interest.

15 **Chairman's Announcements**

There were no Chairman's announcements.

16 **Public Participation**

The procedure on public participation was noted.

17 **Planning Appeals and Updates**

At the Chairman's invitation, Adrian Walker (Development Management Team Leader) spoke to this item.

The officer stated that 1 appeal had been received since the last meeting, which was detailed in the agenda. This was for application 20/11598/OUT, Land East of Church Road, Laverstock, Salisbury. This had come to the Strategic Planning Committee in August with a recommendation to approve and had been refused by the Cttee. The appeal would be dealt with by way of written representations.

As a further update, it was explained that application, PL/2024/06897 - Land off Sherston Road, Malmesbury, which had been deferred at the previous meeting to allow consultation with the Cotswolds National Landscape Board, was not included on this agenda as a response to the consultation had not been forthcoming in time for agenda publication. This was in part due to the shorter than usual gap between meetings. The item would come to a future meeting, hopefully the next one in March.

18 **PL/2024/07482 - Land at Clay Pitts, Greenhill, Royal Wootton Bassett, Wilts, SN4 8EH**

Public Participation

Mike Brewser spoke in objection to the application

Cllr Mel Allsop of Lydiard Millicent Parish Council spoke in objection to the application.

James Repper, Senior Planning Officer, introduced a report which recommended that the application for material change of use of land for the stationing of caravans for residential purposes with dayrooms and hardstanding ancillary to that use (Resubmission of PL/2023/04820) be delegated to the Director of Planning to approve, subject to conditions and successful conclusion of a Section 111 agreement, and appropriate assessment in relation to the North Meadows Special Area of Conservation to be concluded after approval.

Key details were stated to include the principle of development; highways matters and access; character, design & landscape impact and ecological impact.

Slides were shown to the Committee which showed location maps and aerial images. There were Rights of Way (RoW) close to the site. Access to one of these RoW (LMIL4) was via the same gate as the site access. Site plans were shown of the existing site, the proposed site and the previously refused scheme. In addition, photographs of the site and the access were shown to the Committee.

There had been 32 letters of objection to the application from members of the public and the local division Member, Lydiard Millicent Parish Council and Purton Parish Council had objected. However, there were no objections from technical consultees, as there had been on previous applications. Highways had noted in relation to sustainability that the site was outside any settlement boundary. However, as Wiltshire Council could not at the present time

demonstrate a sufficient supply of Gypsy and Traveller sites, combined with changes to the NPPF, this meant that for applications where this was the only issue, then the assumption was in favour of approval. It was considered that with conditions as suggested, there would not be sufficient harm to significantly outweigh the benefits in policy terms.

Members of the committee then had the opportunity to ask technical questions of the officer. Details were sought on Biodiversity Net Gain (BNG), land ownership and sustainability.

In response to the questions on BNG officers explained that applications must contain metrics as to how BNG will be achieved which were assessed by the ecology team, who were happy with the metrics for this application. However, full details were worked out following an approval to grant planning which contains a condition on BNG, as the applicant has to provide a BNG plan to discharge the condition afterwards.

Members highlighted that it would be useful in the new council following the elections in May, if all Cllrs, particularly those who would be on planning committees were provided with training on BNG.

In response to the questions regarding land ownership which the local Member had emailed the Committee about, it was explained that land ownership was not a planning matter in this instance. However, if evidence was provided which showed that the applicant did not own the land stated in the application the planning officer would assess this and this could result in the application becoming invalid. No such evidence had been seen. In addition, planning approval did not give anyone the right to do work on someone else's land.

In response to questions on sustainability it was explained that the previous application had not been refused on sustainability grounds, but for a variety of other reasons. Due to the situation with the council's lack of supply for sites, and changes to the [National Planning and Policy Framework](#) (NPPF), then paragraph 11d of the NPPF came into effect. So, the tilted balance was in play and the presumption was in favour of development. Distances to the nearest services were given. Officers also highlighted that relevant appeal decisions were taken into consideration. Applications which were a similar distance from services had been considered by inspectors and had not been refused for that reason.

In response to further questions, officers explained that there were different types of habitats (grassland for example) which have different biodiversity values, and these need to be correct so that you had a baseline from which to work out BNG.

Previous reasons for refusal were detailed by the officer and could be seen in the decision notice for application PL/2023/04820.

The current application was 0.33 of an acre, the previous application was 0.34 of an acre. The sites were similar in overall size, however, for this proposal a

landscaping scheme had been provided and there was a condition to secure that, the majority of the site would be used for landscaping which would help screen the site from the wider area. This had not been included on the previous application. The officer further explained how all the previous reasons for refusal had been overcome for this application.

The key issue which had changed matters was the inability to demonstrate a 5 year supply of gypsy/traveller sites and the impact of inspectors supporting that view. It was clarified that the Wiltshire Core Strategy (WCS) had not changed and that the new Gypsy and Traveller Development Plan Document was coming through), and this aims to provide more site once approved, however it would take time to deliver those sites.

In response to further queries, officers explained that the carry distance for the bins referred to how far waste staff had to carry bins (not residents). So, residents of the site would have to take their bins to the end of the track to be collected.

Furthermore, it was explained that Natural England would be consulted if the application was approved as part of the Section 111 agreement. It was noted that there had previously been enforcement on the site as there had been use without planning permission.

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

In response to the public statements the planning officer stated that the 9 policy points detailed in WCS Core Policy (CP) 47 had been addressed in his report. The significant difference now was the lack of supply of sites and so paragraph 11d of the NPPF applied (where the presumption is in favour of development). The Chairman requested that paragraph 11d be read to the Committee:

“11d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-dates, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance, provides a strong reason for refusing the development proposed; or*
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.”*

Officers further explained that where Wiltshire Council cannot demonstrate a 5 year supply, be it housing or gypsy and traveller sites, then it meant that our local policies are considered out of date. Recent appeal decisions had found the local policies were out of date as well as we were not meeting our statutory requirements.

The unitary division member, Cllr Steve Bucknell (RWB East division) had not been able to attend the meeting, so had sent a statement which the Democratic Services Officer read out. Cllr Bucknell highlighted that the application was very similar to the previous refused application and had numerous objections from local residents. He detailed 2 of the reasons for refusal which were used last time, which he felt still applied. The statement explained that he understood the applicant did not own all of the land and that the Highways opinion seemed to have changed for no discernible reason. Cllr Bucknell urged the Committee to refuse the application using the grounds he had detailed.

Following this statement, the Chairman and officers had a discussion on reasons for refusal and what could be considered reasonable.

The Chairman then opened the item for debate. Cllr James Sheppard stated that he was very concerned about the application as he did not feel it was sustainable. As such he proposed to refuse the application on sustainability grounds as it was not in or near a settlement and was too far from local settlements and services and so was contrary to Core Policy 47 point v. The Chairman suggested adding the reasons for refusal provided by division Member Cllr Bucknell, which are listed below:

Owing to the scale, layout, design and siting in an open field, the proposed development would result in an urbanisation of the site. This would have an unacceptable impact on local character and the appearance of the countryside, including from views from Rights of Way network. The development would fail to integrate effectively into its surroundings, to conserve and/or enhance landscape character or relate positively to its landscape setting. The proposal is therefore in conflict with Wiltshire Core Strategy Core Policies 47 (vi and viii), 51 (ii and iii), 57 (overall aims and parts i, iii and vi); and paragraphs 130 (a, b and c) and 174 (b) of the NPPF.

The size of the application red line is excessive, and it includes large areas of land not required to deliver the proposed development. The proposal would therefore change the use of a significant quantum of surrounding land unnecessarily, which would not respect the scale of Greenhill. This places the application in conflict with Wiltshire Core Strategy Core Policy 47 (viii) and paragraph 25 of the Planning Policy for Traveller Sites.

Cllr Sheppard was happy to add these to the motion. The Chairman then seconded the motion. Officer advice was sought on whether anything could be considered unreasonable about this motion, and whether it would be defensible at appeal. Officers highlighted that much of this was subjective and highlighted that their recommendation was to approve due to the lack of a supply of sites making our policies out of date and changing weightings, especially of Core Policy 47. It was felt that using Core Policy 47 point vi would be difficult to defend at appeal. However, this was left as part of the motion.

Other Members felt that Core Policy 47 point ii should be added to the motion, as it was note felt to be a safe route for vehicular and pedestrian access,

however as Highways had not objected, it was not felt that this could be added to the reasons for refusal.

This motion to refuse was put to the vote, and the motion fell.

Therefore, Cllr Stewart Palmen proposed to approve the application as per the officer recommendation, which was seconded by Cllr Carole King.

There was no further debate and it was,

Resolved

To delegate to the Director of Planning to approve subject to the following conditions and the conclusion of a Section 111 agreement, and appropriate assessment in relation to the North Meadows Special Area of Conservation to be concluded after approval.

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:**

- Application form and certificate received 9th August 2024**
- Plans and documents:**
- Location Plan DWG: 21_1167B_001 Received 9th August 2024**
- Proposed Site Plan DWG: 21_1167B_003 P03 Received 4th December 2024**
- Proposed Dayroom - Plans and Elevations DWG: 21_1167B_005 Received 9th August 2024**
- Arboricultural Survey DOC: BS5837 - Land at Clay Pitts - Arbtech TSR 01 - 29-05-2024 Received 4th December 2024**
- Tree Constraints Plan Appendix 3 DWG: Arbtech TSR 01 Received 4th December 2024**

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

- 3. The site shall not be occupied by any persons other than gypsies and travellers, defined as persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, and all other persons with a cultural tradition of nomadism or of living in a caravan, but excluding**

members of an organised group of travelling showpeople or circus people travelling together as such.

REASON: Planning permission has only been granted on the basis of a demonstrated unmet need for accommodation for gypsies and travellers and it is therefore necessary to keep the site available to meet that need.

4. No more than four caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 as amended, of which no more than two shall be static caravans, shall be stationed on the site at any time in accordance with the Proposed Site Layout Plan.

REASON: In the interests of the appearance of the site and the amenities of the area,
and to limit the number of caravans on the site in this countryside location where planning permission would not normally be granted.

5. No vehicle over 3.5 tonnes shall be stationed, parked or stored on this site, and no commercial activity or use, including the storage of materials and waste, shall be carried out on the site.

REASON: In the interests of the appearance of the site and the amenities of the area.

6. The development hereby permitted shall not be first brought into use/occupied until the first 5m of the access, measured from the edge of the carriageway and/or whole of the parking area, 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.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or reenacting 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.

8. No external light fixture or fitting will be installed within the application site unless details of existing and proposed new lighting have been submitted to and approved by the Local Planning Authority in writing. The plans will be in accordance with the appropriate Environmental Zone standards set out by the Institution of Lighting Professionals (ILP) Guidance Notes on the Avoidance of Obtrusive Light (GN 01/2021) and Guidance note GN08/23 "Bats and artificial lighting at night", issued by the Bat Conservation Trust and Institution of Lighting Professionals.

REASON: In the interests of conserving the functionality of the local area for biodiversity and to minimise unnecessary light spillage above and outside the development site.

9. No development shall take place until surface water drainage strategy, has been submitted to and approved in writing by the Local Planning Authority. In order to discharge the above drainage, condition the following additional information must be provided:
- Details on the material specification.
 - Details on the level of compaction required, and
 - Cross sections through proposed gravelled area

REASON: To ensure the gravelled area will be able to accommodate the runoff from the development for the 1 in 100 year plus climate change (40%) rainfall event, and will not in effect act as an impermeable surface.

10. No development shall take place until a foul drainage strategy, has been submitted to and approved in writing by the Local Planning Authority. In order to discharge the above condition it is expected that the applicant will provide:
- Evidence that the EA's General Binding rules have been met in full.
 - Drawings to demonstrate the proposed siting of the Foul Package Treatment Plant
 - Supporting calculations to demonstrate compliance with Building Regulations for any drainage field/mound.

REASON: To prevent pollution of nearby water courses.

11. 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 detailed planting specification showing all plant species, which shall not include non-native species, supply and planting sizes and planting densities; all hard and soft surfacing materials

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

12. 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 moved, 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.

13. No petrol or diesel electricity generators shall be used on site at any time unless otherwise permitted by the Local Planning Authority.

REASON: In the interests of amenity.

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

- Preliminary Ecological Appraisal. V3. Arbtech.**

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

15. Prior to the commencement of any works, including vegetation removal and demolition, details of the number, design and locations of features for wildlife in accordance with the Preliminary Ecological Appraisal (V3) shall be submitted to the local authority for approval. These details should be clearly shown on an enforceable plan (e.g., site plan/technical elevations drawing). The approved details shall be implemented before occupation of the final works. These features will continue to be available for the target species for the lifetime of the development.

REASON: To provide enhancement for biodiversity.

16. No demolition, site clearance or development shall commence on site, and; no equipment, machinery or materials shall be brought on to site for the purpose of development, until a Tree Protection Plan showing the exact position of each tree/s and their protective fencing in accordance with British Standard 5837: 2012: "Trees in Relation to Design, Demolition and Construction - Recommendations"; has been submitted to and approved in writing by the Local Planning Authority, and;

The protective fencing shall be erected in accordance with the approved details. The protective fencing shall remain in place for the entire development phase and until all equipment, machinery and surplus materials have been removed from the site. Such fencing shall not be removed or breached during construction operations.

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: 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 enable the Local Planning Authority to ensure the retention of trees on the site in the interests of visual amenity

17. The development hereby permitted shall not be brought into use/ first occupied until the refuse store shown on the approved plans have been provided and made available for use. These facilities shall thereafter be maintained in accordance with the approved details thereafter.

REASON: To ensure the provision of satisfactory facilities for the storage of refuse and recycling.

Informatives:

1. The applicant should note that no construction / demolition vehicle access may be taken along footpath LMIL4 without prior consultation with the Rights of way Countryside Access Officer (CAO). Where appropriate any safety/mitigation/reinstatement measures must be approved by the CAO. It is an offence under section 131A of the Highways Act 1980 to disturb the surface of a public right of way without lawful authority to do so. The Highway Authority have the power to take enforcement action as necessary.
2. 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.
3. The applicant should note that the grant of planning permission does not include any separate permission which may be needed to erect a structure in the vicinity of a public sewer. Such permission should be sought direct from Thames Water Utilities Ltd / Wessex Water Services Ltd. Buildings are not normally allowed within 3.0 metres of a Public Sewer although this may vary depending on the size, depth, strategic importance, available access and the ground conditions appertaining to the sewer in question.
4. 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.

5. The proposal includes alteration to the public highway, consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a license 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 the vehicle access team on telephone 01225 713352 or email vehicleaccess@wiltshire.gov.uk for further details.
6. Wiltshire Council is the land drainage authority under the Land Drainage Act 1991. Land drainage consent is required if a development proposes to discharge flow into an ordinary watercourse or carry out work within 8m of an ordinary watercourse.
An ordinary watercourse is a watercourse that does not form part of a main river. The term watercourse includes all rivers and streams and all ditches, drains, cuts, culverts, dikes, sluices, sewers (other than public sewers within the meaning of the Water Industry Act 1991) and passages, through which water flows.
7. 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>.
8. The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition”) that development may not begin unless:
- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
 - (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Wiltshire Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. For further information on exempt developments please refer to:
<https://www.gov.uk/guidance/biodiversity-net-gain-exempt-developments>

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply.

Irreplaceable habitat:

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

19 **Urgent Items**

There were no urgent items.

(Duration of meeting: 10.30 am - 12.55 pm)

The Officer who has produced these minutes is Democratic Services of Democratic Services, e-mail tara.hunt@wiltshire.gov.uk

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