

NORTHERN AREA PLANNING COMMITTEE

DRAFT MINUTES OF THE NORTHERN AREA PLANNING COMMITTEE MEETING HELD ON 3 AUGUST 2016 AT COUNCIL CHAMBER - COUNCIL OFFICES, MONKTON PARK, CHIPPENHAM.

Present:

Cllr Tony Trotman (Chairman), Cllr Peter Hutton (Vice Chairman), Cllr Christine Crisp, Cllr Mollie Groom, Cllr Toby Sturgis, Cllr Chuck Berry, Cllr Howard Greenman and Cllr Howard Marshall

91 **Apologies**

Apologies were received from Cllr Ansell, Cllr Chivers and Cllr Hurst.

92 **Minutes of the Previous Meeting**

Resolved:

To approve and sign as a correct record the minutes of the meeting held on 13 July 2016.

93 **Declarations of Interest**

There were no declarations of interest.

94 **Chairman's Announcements**

The Chairman drew the meeting's attention to the following matters: The evacuation procedures; the procedure for public participation; and the policy on recording and broadcasting of meetings.

95 **Public Participation and Councillors' Questions**

The Committee noted the rules on public participation and that no questions had been submitted.

96 **Planning Appeals**

The Committee noted the contents of the appeals update.

97 **Planning Applications**

Attention was drawn to the late list of observations provided at the meeting and attached to these minutes, in respect of applications **7a**, **7b** and **7c** as listed under 'Agenda Supplement 1'.

98 **15/07244/FUL- Land at Moor Lane Farm, Minety, Wiltshire**

James Wallwork spoke in support of the application. Nicola Dow and Pete Sladdon spoke in objection to the application.

The planning officer, Mathew Pearson, introduced the application for the proposed construction of a solar farm; comprising solar arrays, inverters, transformers, equipment housing, security fencing, CCTV cameras, internal tracks and ancillary equipment. He highlighted that the application had previously been to Committee and had been deferred by Members and, at this point, Members had identified 6 areas where further information was required before a final decision could be made. These 6 areas included the following: flooding, detailed access drawings, a full construction management transport plan, detailed potential cabling routes, ground levels and the public right of way (PROW). Attention was drawn to the late list of observations, provided under 'Agenda Supplement 1'. Maps, plans and photographs of the site were shown.

Mr Pearson relayed that Wiltshire Council's Drainage Officer had commented that there was a recognised flooding issue in the area. However, it was concluded by the officer that this was not caused by run-off from the moor on which the site was located. Potential flooding was in fact caused by flood water running 'uphill' from the River Thames. The meeting was informed that the solar panels would not raise flood risk in the area. The Council's drainage officer had also highlighted that the use of the site for pasture would make any historic land drainage system ineffective, the proposed solar farm would have no direct effect on flooding in the area.

In terms of detailed access drawings, a full construction management transport plan and detailed potential cabling routes, the meeting was informed that highways officers were largely satisfied with the proposals put forward for the site. Some minor further details were conditioned in regards to wheel washing facilities. It was stressed that while it was recognised that there would be an impact on local people during the construction period, this could be seen as severe over the 30 year life span of the site. As such the NPPF stated that permission should be granted and the impact was deemed to be acceptable.

It was explained that the proposed development would not materially raise the ground level of the site and that, at the end of the 30 year life span of the site, the Council's standard reinstatement condition had been applied to the proposed application. Mr Pearson also noted that the PROW would remain in situ and would be fenced off during the construction phase, in order to ensure that members of the public were still able to use the pathway.

It was highlighted that due to a recent high court case, the planning officer should make it clear that as stated in the report, the proposed development was in conflict with Core Policy 58. However, planning officers believed that: as the proposed construction was deemed to cause less than substantial harm; because the development would be well screened; as the site was not versatile in terms of agricultural use; there was a large public benefit to renewable energy and as the scheme complied with sustainability criteria and the NPPF, that the scheme could be recommended for approval.

Members were then invited to ask technical questions and the planning officer confirmed that under the proposed solar panels the site would be retained as a meadow.

Members of the public were then invited to speak, as detailed above.

Cllr Hilliar, Minety Parish Council, spoke in objection to the application.

Cllr Berry spoke in his capacity as the local member and detailed that as the grass on the proposed site would be shaded by the solar panels, then there could be difficulties in terms of drainage and the grass underfoot would not flourish. He also commented that the PROW could become very degraded and would require continual upkeep to remain usable.

In response to questions, the planning officer responded that the proposed two cable routes would be unlikely to cause any issues during the implementation phase and that it was not uncommon for the cable route to be confirmed at a later date. It was stressed that officers felt that the cable routing was suitably conditioned. In addition, it was confirmed that deliveries to the site and construction vehicles leaving the site had been conditioned to take place only during the day and outside of school hours.

In the debate that followed several points were raised, which included the following: the listed building adjacent to the site would have full view of the solar panels and this would degrade the view of the building and impinge the amenity; Wiltshire had already installed a large amount of renewable energy sources in comparison with other Counties, of which 96% accounted for solar power; more optimum sites existed in Wiltshire for the creation of a solar farm; there were concerns over flooding on the proposed site; there were concerns over the amount of traffic confined to narrow routes associated with the proposed construction.

Cllr Berry proposed, seconded by Cllr Sturgis, to refuse the application on the basis of Core Policy 58 and NPPF paragraphs 132 and 134. The reason for this refusal was because the proposed development would cause less than substantial harm to the setting of the adjacent listed building and there were no particular public benefits that would overcome this harm. Wiltshire had already installed a vast amount of renewable energy sites and there were seen to be more adequate sites in Wiltshire for the installation of a solar farm, which would not cause harm to the setting of listed buildings. The proposed development was considered to conflict with Core Policy 58 and Paragraph 134 of the NPPF

The motion was put to the vote and passed.

Resolved:

To refuse the application as it conflicts with Core Policy 58 and paragraph 134 of the NPPF.

REASON:

The location and quantity of solar panels' fencing, associated structures and infrastructure would be harmful to the setting and integrity of the adjacent Grade II Listed Building. The proposals are thereby contrary to the NPPF paragraph 132 as the proposed development would not conserve the heritage asset due to the harm caused within its setting; paragraph 134 as the development would lead to less than substantial harm to the significance of the designated heritage assets and although there is some public benefit by building renewable energy, this does not outweigh the harm caused to the heritage assets. The proposal would also therefore be contrary to Core Policy 58 in the Wiltshire Core Strategy Adopted 2015.

99 **16/02433/FUL & 16/02612/LBC - The Old Stables, Grittleton House, Grittleton, Wiltshire, SN14 6AJ**

The planning officer, Chris Marsh introduced the application and outlined that the application was for the proposed conversion of stables to form dormitories

for Grittleton House School. A map, blueprints and photographs of the area were shown.

Mr Marsh explained that, in light of the shift in justification for the proposed development as outlined in the late list of observations, the planning officers had not had a significant opportunity to consider the application in full. Officers would therefore need sufficient time to consider the public benefit of the application in detail, before an adequate recommendation could be provided. Mr Marsh then signalled that he wished to recommend that the application be deferred until after such a time.

The Chairman proposed, seconded by Cllr Hutton, that the application be deferred to allow officers and members sufficient time to consider the significant late observations appropriately.

The motion was put to the vote and passed.

Resolved:

To defer the application until after such a time as Officers and Members had had the appropriate opportunity to reconsider the public benefit of the application.

REASON:

In light of the significant late observations received on the morning of the Committee meeting which related to a shift in justification for the proposed development, Officers require sufficient time to reconsider the application in order to be able to make an informed recommendation to the Committee.

100 **16/03644/VAR - Barncroft , The Barton, Upper Common, Kington Langley, Wiltshire, SN15 5PF**

Stephen Gardener and Patricia Gardener spoke in objection to the application.

Ben Turner spoke in support of the application.

The planning officer, Mathew Pearson, outlined that the application was for a variation to a 2015 application which had sought permission for the demolition of the existing bungalow within the site and the erection of a large 6 bedroom dwelling, as well as a detached 4 bay garage. It was highlighted that the variation principally related to a revision in the site layout and that the previous application had been decided by way of delegated powers. Photographs of the area and plans were shown.

Mr Pearson explained that the revision to the site layout was to move the garage from the south west corner of the site to the north east corner. He stated that the garage would largely retain its size (as detailed on the original application); the difference from that originally proposed and as a part of this application, would be that the garage would have a complete rear wall.

It was detailed that the applicant would need to remove the hedgerows that line the public right of way (PROW) during the construction phase. However, this had been conditioned to ensure that any disturbance to the PROW would be acceptable. Mr Pearson detailed that it was a priority that the PROW was reinstated on its legal line.

The meeting was informed that the proposed development would be required to adhere to the conclusions of the ecology survey that had been undertaken. It was noted that the site plans were deemed to be acceptable and that officers felt the impact in relation to the surrounding properties was acceptable. Indeed, it was highlighted that although the proposed building would be viewed from 2 listed buildings, officers felt that the design of the site was acceptable and would not impact on the setting or significance of these properties.

Members of the Committee were then invited to ask technical questions. Mr Pearson confirmed that the newly reduced height of the garage would mean that the eaves height of the garage would remain similar to the existing garage, located to the east of the bungalow. The garage would be viewed as a single ridge from the neighbouring property, although this ridge would be closer to the neighbouring property than the current larger gable end and ridge associated with the existing bungalow.

Members of the public were then invited to speak, as detailed above.

Cllr Greenman spoke in his capacity as the local member and applauded how the applicant had shown himself to be keen to maintain a good relationship with his neighbours. Cllr Greenman thanked the planning officer, Mr Pearson, for his endeavours in helping to ensure that the proposed development could be palatable for the site's neighbours. However, Cllr Greenman still felt that the garage was located too close to the neighbouring property and would have an unacceptable impact and would therefore not be supporting the application.

In response to questions, the planning officer confirmed that as a new driveway had been proposed, the new location of the garage was not seen to have any substantial impact on the neighbouring properties in terms of vehicle movements. It was highlighted that in the conservation area, one could find a range of building styles and thus, the outbuilding for the proposed development would relate to the building on site, as opposed to the neighbouring property. It was further confirmed that there would be approximately a 6 metre gap between the rear of the garage of the elevation of dwelling number 3 (a neighbouring property).

In the debate that followed several points were raised, which included the following: the view from the 300 year old neighbouring listed building could be seen as detrimental; the applicant had clearly tried to resolve the issue of overbearing and this had been addressed by way of a new design layout and the lowering of the garage's elevation; it was important that garages were used to store vehicles; the movement of the house (from the original application) was not significant.

Cllr Hutton proposed, seconded by Cllr Crisp, that the application be approved subject to the set of outlined conditions in the report.

The motion was put to the vote and passed.

Resolved:

The application is recommended for approval with 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:

Plans

Drawing No: 02 Revised Site Plan with Egress Drievway Shown (dated 11 August 2014, received by LPA on 14 June 2016)

Drawing No: 03 House Floor Plans (11 August 2014)

Drawing No: 04 House Elevations (11 August 2014)

Drawing No: 05 Garage Roof and Floor Plans (dated 9 March 2015, received by LPA on 14 June 2016)

Drawing No: 06 Garage Elevations (dated 9 March 2015, received by LPA on 14 June 2016)

Drawing No: 2001 Refuse Store (17 November 2015)

Statements

Extended Phase 1 Habitat Survey by Alder Ecology (April 2015)

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

3 No development shall commence on site until the exact details and samples of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning

Authority. Development shall be carried out in accordance with the approved details.

REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, in the interests of visual amenity and the character and appearance of the area

4 No railings, fences, gates, walls, bollards and other means of enclosure development shall be erected in connection with the development hereby permitted until details of their design, external appearance and decorative finish have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the development being occupied.

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

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

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

6 No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include :-

- * location and current canopy spread of all existing trees and hedgerows on the land;**
- * full details of any to be retained, together with measures for their protection in the course of development;**
- * a detailed planting specification showing all plant species, supply and planting sizes and planting densities;**
- * means of enclosure;**
- * car park layouts;**
- * all hard and soft surfacing materials;**
- * minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);**

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

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

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

8 No development will commencement until an Ecological Mitigation Strategy for the property shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall include details of replacement / compensatory habitat provision for bats, birds and reptiles. All compensatory habitat features shall be maintained in accordance with the approved strategy unless otherwise approved in writing by the Local Planning Authority.

REASON: In the interests of protected species.

9 The dwelling hereby approved shall achieve a level of energy performance at or equivalent to Level 4 of the Code for Sustainable Homes. No dwelling shall be occupied until evidence has been issued and submitted to, and approved in writing by, the local planning authority certifying that this level or equivalent has been achieved.

REASON: To ensure that the objectives of sustainable development equal or equivalent to those set out in Policy CP41 of the Wiltshire Core Strategy are achieved.

10 No dwelling shall be occupied until all the existing buildings on site have been permanently demolished and all of the demolition materials and debris resulting there from has been removed from the site.

REASON: In the interests of the character and appearance of the area and neighbouring amenities.

11 The development hereby permitted shall not be occupied until the first five metres of the access, measured from the edge of the carriageway, has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.

REASON: In the interests of highway safety.

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

REASON: In the interests of highway safety.

13 Before the development hereby permitted is first occupied the first floor windows in the east and west side elevations shall be glazed with obscure glass only [to an obscurity level of no less than level 3] and the windows shall be maintained with obscure glazing in perpetuity.

REASON: In the interests of residential amenity and privacy.

14 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), there shall be no additions to, or extensions or enlargements of any building forming part of the development hereby permitted.

REASON: In the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions, extensions or enlargements.

15 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), the garage hereby permitted shall not be converted to habitable accommodation.

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

16 **INFORMATIVE TO APPLICANT:** 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.

17 INFORMATIVE TO APPLICANT: 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.

18 INFORMATIVE TO APPLICANT: The applicant should note that there may be badger setts in the vicinity of the site, and as a consequence compliance with certain requirements and provisions of the Badgers Act 1991 may be necessary. If this is the case the applicant is advised to contact Natural England who are responsible for issuing licences relating to development on the site of badger setts.

19 INFORMATIVE TO APPLICANT: 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.

20 INFORMATIVE TO APPLICANT: 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.

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

CIL exemption or relief will not apply and full payment will be required in full and with immediate effect. Should you require further information or to download the CIL forms please refer to the Council's Website www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy.

101 **Urgent Items**

There were no urgent items.

(Duration of meeting: 3.00 - 4.22 pm)

The Officer who has produced these minutes is Natalie Heritage, of Democratic Services, direct line 01225 718062, e-mail natalie.heritage@wiltshire.gov.uk

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