

Eastern Area Planning Committee

MINUTES OF THE EASTERN AREA PLANNING COMMITTEE MEETING HELD ON 10 SEPTEMBER 2020 AT ONLINE MEETING.

Present:

Cllr Mark Connolly (Chairman), Cllr Paul Oatway QPM (Vice-Chairman), Cllr Ian Blair-Pilling, Cllr Peter Evans, Cllr Richard Gamble, Cllr James Sheppard and Cllr Jerry Kunkler (Substitute)

Also Present:

Cllr Jane Davies

26. **Apologies**

Apologies were received from Cllr Stewart Dobson who was substituted by Cllr Jerry Kunkler.

Apologies were also received from Cllr Nick Fogg MBE.

27. **Minutes of the Previous Meeting**

The minutes of the meeting held on 9 July 2020 were presented for consideration and it was;

Resolved:

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

28. **Declarations of Interest**

Cllr Richard Gamble declared for transparencies sake that he had a non-pecuniary interest in agenda item 7a, 18/09889/FUL Land at South Street, Avebury as he was a former resident of Avebury and the former Portfolio Holder for Heritage, Arts and Tourism. He declared that he would consider the application on its merits with an open mind as he debated and voted on the item.

29. **Chairman's Announcements**

The Chairman explained the procedure should a recess be required.

30. **Public Participation**

The Chairman detailed the procedure for the meeting and the procedures for public participation which were set out at item 5 of the agenda.

31. **Planning Appeals and Updates**

The Chairman proposed a motion that the Committee note the updates for the period of 25/06/2020 to 28/08/2020, this was seconded by Cllr Paul Oatway QPM. It was;

Resolved:

To note the report on completed and pending appeals.

32. **Planning Applications**

The following planning applications were considered.

33. **18/09889/FUL - Land at South Street, Avebury, SN8 1QZ**

Public Participation

- Stephen Thomas, Chairman of the Avebury Society spoke in objection to the application.
- Dave Scattergood provided a statement in objection which was read out by the Democratic Services Officer.
- Aaron Smith, Agent, spoke in support of the application.
- Steve Croft of Centurion (Western) Limited (Applicant) spoke in support of the application.
- Stephen Stacey, Chair, Avebury Parish Council spoke in objection to the application.

Nick Clark, Senior Planning officer, presented a report which recommended that planning permission be granted with conditions for the erection of a dwellinghouse with garaging and access.

Key details were stated to include the following, the principle of the development; impacts on the character and appearance of the area and the impact on the heritage setting of the Stonehenge & Avebury World Heritage Site, the nearby Avebury Conservation Area and nearby non-designated heritage assets.

Slides were shown to the meeting, showing the location of the site, adjacent land owned by the applicant and its location in relation to heritage assets and the conservation area.

The proposal was for a one and half storey 4 bedroom dwelling with a detached garage/study and access would be via South Street. There was a retaining wall along the front of the site, which was about 3 foot high and was made up of sarsen stones. This wall also ran alongside the adjacent play area and Barley Cottage, the neighbouring property to the West.

There had been a number of objections, from Avebury Parish Council; the Avebury Society; the Campaign to Protect Rural England and 9 local residents. The main objections raised included that the proposal did not meet the identified housing need in Avebury for 1 and 2 bedroom dwellings; that the size of the proposed dwelling would dominate September Cottage (opposite); the loss of continuity of the sarsen wall; damage to this wall and the impact on the play area.

It was stated that although the proposal would not meet the identified need for 1 and 2 bedroom dwellings in the area, it would meet housing need in general, so this would not be sufficient to refuse the application.

With regard to September Cottage it was stated that the proposed dwelling would be slightly offset from September Cottage and due to the retaining wall and planting above would not impede the view. Therefore, it was concluded that there would be no harm to the heritage significance of September Cottage.

It was explained that the sarsen wall was approximately 50 metres in length in its totality and a 6 and a half metre length of the wall would be removed to form the new access to the site. The stones would be reused to form the return walls into the site and this was a condition recommended if approval was granted. The wall was not listed and not in the conservation area. However, it was a non-designated heritage asset. It was stated that the level of harm caused by breaking into the wall for the site access would be minimised by reusing the stones and the level of harm was considered to be the lowest level. It was felt that this very small level of harm would be outweighed by the benefit of a new dwelling.

The new house was situated approximately 1 metre from the play area boundary and it was concluded that there would be no adverse impact on the play area.

Therefore, the application was recommended for approval, subject to the conditions listed in the report.

Members of the committee then had the opportunity to ask technical questions of the officer. The officer confirmed that the sarsen wall had no official protection.

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

The unitary division member, Cllr Jane Davies, spoke in objection to the application. It was stated that the application had been very controversial and there was much local opposition to the proposal. Key issues included were that people opposed the principal of the development; the impact on the character and appearance of the area; the impact on the heritage setting of the Stonehenge and Avebury World Heritage Site; that the site was not considered locally to be an infill site; the proposal did not meet local housing need; the

dwelling did not fit the character of the settlement; the size of the dwelling; damage to the sarsen stone wall, which could have been avoided by using the rear access to the site; the worry that the applicant would use their further land behind the site to develop further similar dwellings. Cllr Davies therefore hoped that the committee would oppose this application.

In response to public statements the officer stated that the World Heritage Site officer had been consulted regarding the application and was satisfied that there would be no impact on the outstanding universal value of the World Heritage Site. Regarding whether the site was infill development, it was acknowledged that whilst the gap was not typical of a space between two dwellings, it was in a clear gap between a dwelling and the play area, which was part of the village use. Therefore, this could be considered an infill site.

The Chairman then proposed a motion to approve the application, with conditions, as per the officer's report. This was seconded by Cllr Jerry Kunkler.

A debate followed where some Members stated they had previously been concerned regarding this issue of infill, however after visiting the site and reading the report felt that, although slightly unusual, the site did meet the criteria for infill development.

The loss of some of the sarsen wall was debated, some felt this be unfortunate, however felt that on balance the recommendation to approve the application was to be supported, as the World Heritage Site officer had not objected and there were no sound planning reasons for refusal. Others felt that the loss of the some of the sarsen wall was a real shame. WCS CP 58 part 3 was cited;

Development should protect, conserve and where possible enhance the historic environment. Designated heritage assets and their settings will be conserved, and where appropriate enhanced in a manner appropriate to their significance, including: iii. buildings and structures of special architectural or historic interest.

There was real disappointment that the World Heritage Site officer did not consider the loss of some of the wall as significant damage.

It was also stated that it was very disappointing that the applicant had not thought to use their land to the rear of the site for access, rather than using the front and removing a section of the sarsen wall. Whilst others agreed with this sentiment, it was stated that the Members had to consider the application in front of them.

At the conclusion of the debate it was;

Resolved:

That planning permission be granted subject to the following conditions as per the officer recommendation.

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

REASON

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

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- 2 Subject to the conditions below the development shall be carried out in accordance with the following approved drawings and details:

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|--------------------|---------------------------------------|
| Location Plan | 180714-01 |
| Block Plan | 180714-03A (received 11th March 2019) |
| Design Scheme | 180714-04 (received 11th March 2019) |
| Topographic Survey | SWS081823topo |
| Heritage Statement | 26/05/2020 (received May 27th 2020) |
| Site Sections | 180714-06 (received May 27th 2020) |

REASON

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

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- 3 i) No development shall commence on site (including formation of an access) until a Construction Method Statement, which shall include the following:

- a) the parking of vehicles of site operatives and visitors;
- b) loading and unloading of plant and materials;
- c) storage of plant and materials used in constructing the development;
- d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- e) measures to control the emission of dust and dirt during construction;
- g) a scheme for disposing of waste resulting from construction works (including excavation); and
- h) hours of construction.

has been submitted to, and approved in writing by, the Local Planning Authority.

- ii) The so-approved Statement shall be complied with in full throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved Construction Method Statement.

REASON

The application includes insufficient detail to demonstrate how the works are to be undertaken. The above details are needed in order that the development is undertaken in an acceptable manner, to minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, and setting within the Stonehenge & Avebury World Heritage Site and dangers to highway safety, during the construction phase.

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- 4** i) No development shall commence above ground floor slab level until the details of the following have been submitted to and approved in writing by the local planning authority:
- a) external materials to be used in the walls and roofs (including ridge tiles),
 - b) the materials and finishes of boarding on the dormer windows,
 - c) materials and finishes to be used on the exposed flank sides of the dormer windows,
 - d) materials to be used in all soffits, fascias and barge boards,
 - e) window arches and cills,
 - f) windows,
 - g) the material and finish of the garage doors,
 - h) materials and finish of the front porch canopy, and
 - i) rainwater goods.
- ii) The development shall not be carried out other than in accordance with the so-approved details.
- iii) All external timber joinery as so-approved shall thereafter be so-maintained and if the need arises, shall not be replaced other than using materials and finishes as so-approved.

REASON

In the interests of visual amenity and the character, appearance and heritage setting of the area.

INFORMATIVE

The details to be submitted under this condition should include details such as product literature and photographic examples, and only if requested, samples to be made available for inspection on the site.

The window details to be submitted should include for timber windows with a painted finish; the windows to be designed without storm proof sections and to be set back a minimum of 80mm in reveals.

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- 5** i) Prior to the first occupation of the dwelling or the substantial completion of the development (whichever is the sooner) there shall have been submitted to and approved in writing by the local planning authority a scheme of hard and soft landscaping, the details of which shall include:-
- a) location and current canopy spread of all existing trees and hedgerows on the land to be retained,
 - b) a plan showing the location and extent of all new planting,
 - c) a detailed planting specification showing all plant species, supply and planting sizes and planting densities,
 - d) means of enclosure (including any existing fences to be retained),
 - e) all hard and soft surfacing materials.
- ii) All so-approved soft landscaping shall be carried out in the first planting and seeding season following the first occupation of the dwelling or following the substantial completion of the development whichever is the
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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 which, within a period of five years of planting, die, are removed, or become seriously damaged or diseased (including those to be retained) 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) Where replacement of failed plants is carried out under part (iv) of this condition, the requirements of part (iv) are to apply to the replacement planting as from the date of it being carried out.

vi) All hard landscaping shall also be carried out in accordance with the approved details prior to the first occupation of the dwelling 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, in the interests of neighbouring amenities and the character and appearance of the area and setting within the North Wessex Downs AONB and World Heritage Site.

INFORMATIVE

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The details to be submitted under part (i)(d) of this condition shall in particular include full details of proposals for the front boundary wall and driveway returns using stone recovered through creating the driveway entrance.

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- 6 The development hereby permitted shall not be first brought into use 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.

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- 7 i) No part of the development hereby permitted shall be brought into use until the access, turning area and non-garage parking spaces have been completed in accordance with the details shown on the approved plans.

ii) The said areas shall be maintained for those purposes at all times thereafter.

REASON

In the interests of highway safety.

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- 8** i) There shall be no disturbance of the front boundary wall or other works for formation of the access from South Street until there has been submitted to and approved in writing by the local planning authority:
- a) A method statement for removal and protection of stones removed from the wall, and details for their safe storage on the site until re-used.
 - b) Full details for the construction of the return walls forming the access using the stones, including details of the tie-in to the retained length of wall.
 - c) Timing for commencement of construction of the dwelling following completion of these works.
- ii) The development shall be carried out in full accordance with the so-approved details and there shall be no occupation of the dwelling until the access walls have been constructed in accordance with the so-approved details.

REASON:

In the interests of the character and appearance of the area and maintaining the heritage interest of the sarsen stone wall.

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- 9** i) 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 measures, has been submitted to and approved in writing by the Local Planning Authority.
- ii) The development shall not be first occupied until surface water drainage has been constructed in accordance with the so-approved scheme.

REASON

The application contained insufficient information to enable this matter to be considered prior to granting planning permission. Surface water drainage proposals need to be agreed before development commences in order that the development is undertaken in an acceptable manner, commencement of the development could prejudice the options for drainage. Drainage measures thus need to be determined at the outset to ensure that the development can be adequately drained in the interests of controlling flood risk and highway safety.

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- 10** The gradient of the access way shall not at any point be steeper than 1:15 for a distance of 10 metres from its junction with the public highway.

REASON

In the interests of highway safety and accessibility.

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- 11** i) No part of the development shall be occupied until the visibility splays shown on the approved plans have been provided with no obstruction to visibility at or above a height of 900mm above the nearside carriageway
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level.

ii) The said visibility splays shall be maintained free of obstruction at all times thereafter.

REASON

In the interests of highway safety.

12 i) The first-floor window in the west elevation shall be glazed with obscure glass only and is to be permanently fixed shut unless the lower cill level of the opening part of the window is set at a height of no less than 1700mm above the finished floor level of the room served by the window.

ii) The said window shall be permanently so-maintained in perpetuity.

REASON

In the interests of neighbouring amenity and privacy.

13 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), no windows or other form of openings other than as shown on the approved plans, shall be inserted above ground floor ceiling level in the west elevation of the development hereby permitted.

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.

INFORMATIVE

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The proposal includes alteration to the public highway and the consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a license may be required from Wiltshire's Highway Authority before any works are carried within the highway, including its verges. The applicant will also need to apply for a Vehicle Crossing Licence in order to create the new access. Please contact the vehicle access team on telephone 01225 713352 or email vehicleaccess@wiltshire.gov.uk for further details

34. **20/03194/LBC & 20/04069/FUL - Barn at Southcott Manor, Southcott Road, Pewsey SN9 5JF**

Public Participation

- Mark Pettitt, Agent spoke in support of the application.
- Mrs. Middleton, Applicant spoke in support of the application
- Confirm that we had one from Pewsey PC that was after the deadline but was circulated to the Committee and case officer.

Pippa Card, Senior Conservation/Planning Officer presented a report which recommended that listed building consent and planning permission be granted subject to conditions for the retention of glazed doors to 2 original cart door openings.

Slides were shown to the meeting, showing the barn's location, plans of the barn and photographs showing the glazed doors.

It was explained that the glazed doors had been installed without the benefit of listed building consent or planning permission in 2017 and the Council was made aware of the unauthorised works via an enforcement complaint received on 17th February 2020. The applicants were now seeking to rectify the situation by submitting the two applications to gain permission for the works to the grade II listed barn.

The main consideration was the impact that the doors had on the special interest of the listed building i.e. were the changes harmful to the significance of the designated heritage asset. The special interest of the grade II listed barn lay in its simple vernacular construction of timber framing with a combed wheat reed thatched roof.

Originally the building would have had two sets of paired timber threshing doors fixed to these openings, so that they could be closed to protect the crop stored within from the elements. These doors had been lost over time and although the list description notes that there were cart doors in the second bays, there was no evidence that they were in situ at the time of listing (30th October 1987) or that they had been removed since listing. It was known by officers from visits carried out since 2010 that the barn did not have doors then.

In 1991 a change of use was approved from storage to one for activities relating to the production of cider. The current owners had realised a need to provide a secure building for the storage and protection of the product and associated equipment within the building.

Adaptive reuse of any redundant farm building could safeguard the building from deterioration by providing it with a long-term use, particularly so when in

secure ownership and having an active use protects the building for the foreseeable future.

In terms of the building's character, it would originally have had solid timber doors. The glazed doors had enclosed the barn to the elements rather than blocking them up: the doors were in sections and could be fully opened due to them being fitted into runners enabling them to be fully opened for access, as required. The glazed doors also preserved the view through the building that was possible prior to the changes. This approach was considered to be in line with Historic England guidance.

The NPPF requires that the proposals be assessed on the level of harm caused to the significance of the designated heritage asset (paragraph 193). Substantial harm was usually reserved for the total loss or destruction of a designated heritage asset or development within its setting and therefore was not relevant here, as the building was being retained and there was no development within its setting. Although the addition of the glazed doors was an alteration to the building, the impact on the building was that relating to the visual and aesthetic qualities of the vernacular building, as no intervention or loss of historic fabric had been required in order to implement the changes.

The concerns of the community in relation to the ecological impact of the changes to the building were noted. The Ecological Assessment (EA) provided with the application confirmed that there was evidence of birds entering the building through small gaps within the elevations and that fresh bat droppings had also been witnessed, providing evidence that the building was still being used by some species. Both the Council's Ecologist and the EA statement had suggested that additional bat and bird nesting boxes could be provided within the property boundary to mitigate any harm done to alleviate any concerns raised on this matter. Informatives had been suggested by the Council's Ecology Team to be included on a positive decision.

With regard to the comments relating to the lack of an application for the change of use, this had not been applied for, as the use of the building for production of organic cider and apple juice was approved in 1991. The Agent and Applicants had confirmed that the use continues to be for the apple harvest and associated agricultural equipment. Comments had been received regarding the current use not being in accordance with the planning permission approved in 1991, however no evidence to support these claims had been provided. A website link contained with one of the representations was investigated but the link did not work and returned an error message.

The scheme was considered to accord with the aims of Wiltshire Core Strategy, in particular Core Policy 57 'Ensuring High Quality Design & Place Shaping' and Core Policy 58 'Ensuring the Conservation of the Historic Environment'.

It was determined that the retention of the glazed doors would not harm the significance of the designated heritage asset, its setting or the special qualities of the North Wessex Downs AONB. The scheme did not have a harmful impact

on the listed barn's historic fabric and overall character as a traditional farm building.

The strong strength of feeling against the proposal by the local community was recognised, however it was considered that there were no valid grounds to refuse listed building consent or planning permission for the proposal.

In response to technical questions it was stated that it was hard to assess whether wildlife had been disturbed by the installation of the doors, as they were installed in 2017, so the ecology team had stated that any harm had already occurred. However, it was noted in the Ecological Assessment provided with the application that small birds and bats were still accessing the building.

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

It was noted that an application to speak had been received after the deadline from Pewsey Parish Council. Therefore, Pewsey Parish Council, who were in objection to the application, circulated their statement to all Committee members and the planning officer.

The unitary division member, Cllr Jerry Kunkler, spoke in support of the application. Cllr Kunkler stated that he had called the application is as was requested to do so. However, he did not agree with the views of the objectors. He felt the applicants had spent thousands on the house and estate and that the barn was vastly improved. He felt it was a shame that the applicants had previously taken bad advice, as when installing the doors, they were advised they did not need planning permission.

In response to public statements the officer stated that the Parish Council had maintained their objections to the proposal.

The Chairman proposed a motion that listed building consent and planning permission with conditions, as set out in the report, be granted, as per the officer recommendation. This was seconded by Cllr Ian Blair-Pilling.

A debate followed where the following issues were discussed. Many of the councillors felt that there did not seem to be any substantial harm caused from an ecological point of view. Birds and bats were still using the building and the informatives also provided alternatives. There was no change of use and no harm to the fabric of the building or the locality. The long-term viability of the building was enhanced and the doors were sympathetic and of the style supported by Historic England when adapting buildings of this kind.

However, many councillors were disappointed that this was a retrospective application, although that was not a reason to refuse the application now.

At the conclusion of the debate it was;

Resolved:

That listed building consent and planning permission be granted subject to the following conditions:

20/03194/LBC

No time limit is required as the works have already been carried out. Therefore the following are recommended:

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

- Design & Access Statement
- Drawing no. 200339-01 – Location Plan
- Drawing no. 3669-001 Rev B – General Arrangement Plan

Dated as received 14th April 2020.

- Drawing no. 200339-101 –Barn elevations and floor plan showing original openings
- Drawing no. 200339-100 – Barn elevations and floor plans showing new screen doors
- Drawing no. 200339-1 – Door Jamb Detail
- Drawing no. 200339-1A – Opening Jamb Detail
- Drawing no. 200339-2 – Door Head Detail
- Drawing no. 200339-2A – Opening Head Detail
- Heritage Statement by Forum Heritage Services
- Inspection Survey for Bat Roost and Bird Nesting Potential by All Ecology
- Schedule of works

Dated as received 31st July 2020.

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

2. **INFORMATIVE TO APPLICANT**

The applicant should note that the approval of this application does not include the change of use to the building.

3. **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 including roosting bats. The protection extends beyond the individual animals to the places they use for shelter or resting. 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.

4. INFORMATIVE TO APPLICANT

General enhancement where impacts low: Although no evidence of bats and birds was found during the survey of the existing buildings, the proposed development offers an opportunity to incorporate features for bats and birds as part of the construction of the replacement dwelling, annex and garage, as a biodiversity enhancement in accordance with paragraph 175 of the National Planning Policy Framework. As an enhancement, roosting opportunities can be incorporated into buildings at very little cost, such as integral bat bricks (e.g. <http://www.ibstock.com/sustainability-ecozone.asp>), bat tubes (e.g. http://www.nhbs.com/2fr_schwegler_bat_tube_tefno_162812.html) or Habitat (<http://www.habibat.co.uk/>), which will not interfere with the living space of the building and require no maintenance. Other products are available from alternative suppliers. The Bat Conservation Trust (BCT) website provides a product list that may be useful to the applicant / agent (http://www.bats.org.uk/pages/new_build.html). Similar products are also available for nesting birds.

20/04069/FUL

No time limit is required as the works have already been carried out. Therefore the following are recommended:

1. The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Design & Access Statement
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 - Drawing no. 3669-001 Rev B – General Arrangement Plan

The above dated as received 11th June 2020.

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35. Urgent items

There were no urgent items.

(Duration of meeting: 3.00 - 5.00 pm)

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

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