

Northern Area Planning Committee

MINUTES OF THE NORTHERN AREA PLANNING COMMITTEE MEETING HELD ON 3 FEBRUARY 2021 AT ONLINE MEETING.

Present:

Cllr Tony Trotman (Chairman), Cllr Peter Hutton (Vice-Chairman), Cllr Chuck Berry, Cllr Christine Crisp, Cllr Gavin Grant, Cllr Howard Greenman, Cllr Mollie Groom, Cllr Chris Hurst, Cllr Toby Sturgis, Cllr Brian Mathew and Cllr Ashley O'Neill

48 **Apologies**

There were no apologies for absence received.

49 **Minutes of the Previous Meeting**

The minutes of the previous meeting held on 9 December 2020 were presented.

Resolved

To approve and sign the minutes of the meeting held on 9 December 2020 as a true and correct record.

50 **Declarations of Interest**

There were no declarations of interest.

51 **Chairman's Announcements**

The Chairman explained the procedure should a recess be required.

52 **Public Participation**

The Chairman explained the rules of public participation and the procedure to be followed at the meeting.

No questions had been received from Councillors or members of the public.

53 **Planning Appeals and Updates**

The Chairman moved that the Committee note the contents of the appeals report included within the agenda pack. As such, it was:

Resolved

To note the appeals report for the period of 28 November 2020 to 22 January 2021.

54 **Planning Applications**

The Committee considered the following applications:

55 **20/04863/FUL - Land Adjacent to Waitrose, Malmesbury By-Pass, Malmesbury, SN16 9FS**

Public Participation:

Mr John Davies, neighbouring resident, spoke in objection to the application.

Mr Barry Lingard, neighbouring resident, spoke in objection to the application.

Mr Campbell Ritchie, neighbouring resident, spoke in objection to the application.

Councillor Phil Exton, on behalf of Malmesbury Town Council, spoke in objection to the application.

Lee Burman, Development Management Team Leader, introduced the report which recommended that the application be approved, subject to conditions, for the change of use of land and the construction of a gabion wall and infilling.

Reference was made to the presentation slides (Agenda Supplement 1) and it was clarified that the description of development had been amended to include that the application was for a change of use of land from agricultural to private amenity space after correspondence with the applicant. It was noted that the application site was the subject of previous proposals that had been refused as a result of concerns over inadequate information provided to assess the archaeological value of the site and perceived harm to the Malmesbury Conservation Area. It was confirmed that these concerns had been addressed as the application had materially changed due to the submission of a comprehensive archaeological assessment, the exclusion of previous proposals for tree planting and further details to the gabion wall. As such, Senior Conservation and Archaeologist Officers had not raised any objections.

Key issues highlighted included: principle of development; impact on the Heritage Asset (Conservation Area); impact on the character, appearance,

visual amenity and openness of the locality; loss of agricultural land; impact on residential amenity; impact on archaeological interest and potential; impact on ecology/County wildlife site; impact on drainage/flooding; impact on trees; and impact on Highways safety.

Members of the Committee had the opportunity to ask technical questions to the officer. The main points of focus included: the size, height, materials and the importation of those materials proposed for the gabion wall and the infill; logistics of the construction process; drainage; designated car parking areas; and the access point. Councillor Peter Hutton additionally sought further clarity as to the possibility of including certain conditions with respect to restricting external lighting and the amount of paraphernalia that could be left on the site.

In response, officers noted: written details as to the materials the gabion wall and infill would be constructed from were included within the application, however Conditions 3 and 4 requested further details including samples. It was also noted that there were discrepancies in the referencing for the wall sections which officers were again pursuing with the applicant for further details via use of condition. Condition 4 was again highlighted, and it was noted that it ensured that the materials for the infill were permeable to mitigate an increase in run off but officers did not have details as to what the construction of the infilling would look like. Officers confirmed that there were no plans for any hard surface parking arrangements included within the proposal but noted that it could be conditioned. The addition of the conditions raised by Councillor Hutton were agreed upon, with officers further suggesting that if members were minded to approve, then they could also include conditioning the submission and approval of a Construction Method Statement and/or Elevation for the gabion wall to further control the details of the proposal. Officers additionally highlighted the lack of objection from Highways officers with regard to the access point and the increase in construction vehicle traffic.

Members of the public, as detailed above, had the opportunity to address the Committee and speak on the application.

Councillor Gavin Grant, as the Local Unitary Member, spoke in objection to the application. The main points of focus were the significant change to the character, appearance and visual amenities of the site/locality; the perceived harm to the conservation area and the negative impacts on neighbouring residents' amenities. Reference was also made to the lack of supporters making representations and the lack of detail and accuracy within the application, including the intended use as an amenity space. Other points raised included: concerns over the legitimacy of the applicant's ties to the Malmesbury area and the application site itself; means of accessing the site; the use of the area as a popular local dog walking route; the minimal visual intrusion of the existing Waitrose establishment; and the rural and historic nature of Malmesbury.

Officers reiterated the lack of objections from landscape, ecologist, conservation and Highways Officers. It was emphasised that Planning Officers were seeking to clarify the exact details of ownership and had been assured of proof of a

relationship between the applicant and those named on the property's title deeds.

Councillor Gavin Grant moved to refuse the application against officer recommendations on the basis of Wiltshire Council's Core Policy 57 (i), (iii) and (vii), and Core Policy 51 (ii) and (vii). This motion was seconded by Councillor Chuck Berry.

During the debate members discussed the size of the proposed gabion wall and infilling, the subsequent amount of materials needed, and the transportation of such. Other points debated were: inaccuracies and lack of detail in the application; historical origins of the site; harm to the conservation area; impacts on neighbouring residents' amenities; advantages of local neighbourhood plans in rural communities; and the lack of a residential property attached to the site.

Councillor Gavin Grant sought clarification and advice from Lee Burman and Councillor Toby Sturgis as the Case Officer and Cabinet Member for Spatial Planning, Development Management and Property respectively, as to the strength of the Core Policies cited in the original motion if the Committee were minded to refuse the application. Both Lee Burman and Councillor Sturgis went through each of the Core Policies and Sub-Sections in turn and gave their opinions as to the merit of each in the event that the Committee refused the application and that decision was appealed. Lee Burman additionally noted that members could cite Policy 13 of the Malmesbury Neighbourhood Plan and Paragraph 170 (b) of the Neighbourhood Planning Policy Framework (NPPF) as relevant to the decision to refuse based on matters raised in debate by Committee members. As such, Councillor Gavin Grant amended the original motion to instead refuse the application against officer recommendations on the basis on Wiltshire Council's Core Policy 57 (i), Core Policy 51 (vi), Policy 13 of the Malmesbury Neighbourhood Plan and Paragraph 170 (b) of the NPPF. This amendment was agreed upon and seconded by Councillor Chuck Berry.

At the conclusion of the debate, a vote was taken on the motion for refusal. The Democratic Services Officer called upon each member who confirmed they had been able to hear and, where possible, see all relevant materials and indicated their vote in turn.

Following which, it was:

Resolved

The Committee REFUSED the application, contrary to officer recommendations, for the following reasons:

The proposals result in an unnatural, manmade landscape feature (gabion wall and levelled land) of substantial scale in an open agricultural field and this is considered intrusive, incongruous and uncharacteristic of the locality with consequent harm to the character, appearance and visual amenity of the locality. The proposals are therefore contrary to CP51 (vi) & CP57 (i) of the Wiltshire Core Strategy Jan 2015; Policy 13 of the

Malmesbury Neighbourhood Plan (Made February 2015); and para 170(b) of the National Planning Policy Framework (July 2019).

56 **20/08777/FUL - 31 The Close, Lydiard Millicent, SN5 3NJ**

Eleanor Slack, Senior Planning Officer, introduced the report which recommended the application be approved, subject to conditions, for a proposed detached garage.

It was noted by officers that two periods of public consultation had been undertaken due to amendments made to the application including a redesign of the materials used and reduction in the height of the proposal. It was additionally noted that the boundary hedge to the North West of the proposed garage would be removed. Officers highlighted that the Highways Officer had reviewed the proposal a number of times and did not raise any objections with respect to the proximity of the application to the bordering private access road and considered that the arrangement would meet the minimum visibility standards.

Key issues highlighted included: principle of development; impact on the character of the area; impact on neighbour amenity; parking/highways; and impact on drainage.

Members of the Committee had the opportunity to ask technical questions to the officer. The main points of focus included: the height of the proposed door; external lighting; references to the Emerging Lydiard Millicent Neighbourhood Plan in the report; and the involvement of the Lydiard Millicent Parish Council.

In response, officers noted that there was no external lighting proposed but highlighted Condition 5 which required the applicant to submit plans for approval before installing any external lighting if desired. It was emphasised that officers felt the proposal was in line with Policy LM1 (Managing Design in Lydiard Millicent) of the Emerging Lydiard Millicent Neighbourhood Plan. It was additionally noted that officers did not believe that the Lydiard Millicent Parish Council had quoted Policy LM1 in their objection and that they had only objected during the first consultation period, with comments received on 9 November 2020.

Councillor Mollie Groom, as Local Unitary Member, was experiencing technical difficulties, therefore the Chairman, Councillor Tony Trotman, read a statement of objection on Councillor Groom's behalf. The main point centring around safety concerns with regard to reduced visibility for both pedestrians and other road users on the main route and adjacent private access road.

The Chairman, Councillor Tony Trotman, moved to approve the application, subject to conditions, in line with officer recommendations which the Vice-Chairman, Councillor Peter Hutton, seconded.

During the debate members discussed the possibility of adding a condition that requested the applicant change their design by moving the proposed garage 0.5m further inside the boundary to mitigate the safety concerns raised by Councillor Groom and objectors as detailed in the officer's report. Other topics deliberated included the lack of objection from Highways Officers, and the complications that could arise from requesting a change of location.

Councillor Gavin Grant suggested an amendment to the motion to include an informative ensuring that the height of the hedgerow on the Eastern boundary of the site was maintained to aid in the visibility for vehicles using the private access road. Councillors Tony Trotman and Peter Hutton accepted the amendment to the motion.

Councillor Chuck Berry suggested a further amendment to the motion to include an informative that recommended moving the proposed garage 0.5m further inside the boundary. Neither the Chairman nor Councillor Peter Hutton agreed to the amendment. As such, Councillor Berry sought a seconder to his amendment which Councillor Brian Mathew undertook. After some debate as to the procedure for amendments and the validity of the proposed amendment, Councillor Chuck Berry withdrew his proposal for an amendment to the motion but requested it be recorded that he felt that he had advocated the correct procedure for seeking amendments to proposals.

At the conclusion of the debate, a vote was taken on the amended motion for approval. The Democratic Services Officer called upon each member who confirmed they had been able to hear and, where possible, see all relevant materials and indicated their vote in turn.

Following which, it was:

Resolved

The Committee APPROVED the application, subject to conditions, in accordance with officer recommendations, with an additional INFORMATIVE TO APPLICANT as follows:

The applicant should note that the Council considers that any hedgerow replanting to the eastern site boundary should be maintained at a height that ensures visibility for vehicles utilising the adjacent site access.

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:

Site location plan

Received 09/10/2020

2079.1 Rev C - Proposed floor plans and elevations

Proposed Block plan

Received 22/12/2020

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

3. The garage hereby permitted shall not be used at any time other than for purposes ancillary to the residential use of the main dwelling, known as 31 The Close and it shall remain within the same planning unit as the main dwelling.

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

4. 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, supply and planting sizes and planting densities;
 - means of enclosure;
 - all hard and soft surfacing materials;

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

5. No external lighting shall be installed until plans showing the type of light appliance, the height and position of fitting, illumination

levels and light spillage in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Professionals in their publication "Guidance Notes for the Reduction of Obtrusive Light GN01:2020", have been submitted to and approved in writing by the Local Planning Authority. The approved lighting shall be installed and shall be maintained in accordance with the approved details and no additional external lighting shall be installed.

REASON: In the interests of the amenities of the area and to minimise unnecessary light spillage above and outside the development site.

INFORMATIVES:

- **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.

- **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.**
- **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.**
- **The Council recommends that the applicant notes and implements the recommendations of the UK Constructors Group Good Neighbour Site Guide during the construction of the development hereby approved.**

- 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
- The applicant should note that the Council considers that any hedgerow replanting to the eastern site boundary should be maintained at a height that ensures visibility for vehicles utilising the adjacent site access.

57 **Urgent Items**

There were no urgent items.

(Duration of meeting: 3.00 - 5.45 pm)

The Officer who has produced these minutes is Ellen Ghey of Democratic Services, direct line 01225 718259, e-mail ellen.ghey@wiltshire.gov.uk

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

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