

Northern Area Planning Committee

MINUTES OF THE NORTHERN AREA PLANNING COMMITTEE MEETING HELD ON 18 AUGUST 2021 AT COUNCIL CHAMBER - COUNCIL OFFICES, MONKTON PARK, CHIPPENHAM, SN15 1ER.

Present:

Cllr Tony Trotman (Chair), Cllr Howard Greenman (Vice-Chair), Cllr Chuck Berry, Cllr David Bowler, Cllr Steve Bucknell, Cllr Gavin Grant, Cllr Ashley O'Neill, Cllr Nic Puntis, Cllr Elizabeth Threlfall and Cllr Martin Smith

58 **Apologies**

Apologies for absence were received from Councillor Dr Brian Mathew.

59 **Minutes of the Previous Meeting**

The minutes of the meeting held on 3 February 2021 were presented for consideration, and it was,

Resolved:

To approve and sign as a true and correct record of the minutes of the meeting held on 3 February 2021.

60 **Declarations of Interest**

Councillor Nic Puntis declared an interest in Item 7b as he knew the landowner, however he clarified that he would approach the vote in a fair and openminded manner.

61 **Chairman's Announcements**

The Chairman made those in attendance aware of the Covid regulations that were in place for the meeting.

The Chairman proposed that the meeting would follow an order different to that previously published in the agenda. It was,

Resolved:

That the meeting would follow the following order of items; 7c, 7d, 7a and 7b.

62 **Public Participation**

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

The Chairman welcomed all present. He then explained the rules of public participation and the procedure to be followed at the meeting.

63 **Planning Appeals and Updates**

Clarity was sought regarding the applications which had received appeals against Non-Determination.

The Chairman moved that the Committee note the contents of the appeals report included within the agenda as Supplement One. It was,

Resolved:

To note the Planning Appeals Update Report for 18 August 2021.

64 **Planning Applications**

To consider and determine the following planning applications:

65 **20.09557.FUL - Ferncliffe, Wadswick, Box, Corsham, Wiltshire, SN13 8JD**

Public Participation

Dale Evans spoke in support of the application.

Cllr Richard Campbell spoke on behalf of Box Parish Council.

Development Management Team Leader, Simon Smith, presented a report which outlined ground floor extensions to provide enlarged garage, conversion of existing bedrooms into new lounge and office. Installation of dormer windows to provide first floor accommodation with new staircases.

Details were provided of the site including the principle of development, impact upon heritage assets, design and scale, impact on residential amenity and impact upon landscape.

Members of the Committee had the opportunity to ask technical questions regarding the application. Details were sought on the additional height of the building if planning permission was to be granted as well as whether the property would be used for business purposes.

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

A debate then followed with the following issue being a central point of discussion. It was acknowledged that there are few houses in the area therefore the impacts on neighbours must be considered more than normal. It was also

acknowledged that negotiation had taken place between the Agent and Planning Officers, with a revision having taken place in Condition 4.

A motion to move and accept the officer recommendation was moved by Councillor Trotman and seconded by Councillor Bucknell. Amendments were accepted to restrict further development by the withdrawal of permitted development rights and a further amendment to Condition 4 to only refer to a specific window.

At the conclusion of the debate, it was,

Resolved:

That Planning Permission and be GRANTED, subject to the following 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:

**Location, block plan and existing elevation – 010/2020/2A
Block Plan – 010/2020/12A
Proposed South West and North East elevation – 010/2020/10A
Proposed North and South elevation – 010/2020/11B
Proposed first floor plan – 010/2020/9A
Proposed ground floor plan – 010/2020/
Proposed sections – 010/2020/13**

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

3 The reconstituted stone and clay tiles used for all new walls and roofs respectively shall match that of the existing building in material, colour, texture and method of laying.

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

4 Before the additional accommodation hereby permitted is first occupied, all new first floor windows in the North and South elevations as well as the new first floor bedroom dormer window closest to the boundary with Reapers Cottage in the North-East elevation (all specified elevations as labelled on the submitted plans) shall all be glazed with obscure

glass only and to an obscurity level of no less than level 5. All said windows shall be permanently maintained with obscure glazing in perpetuity.

REASON: So as to prevent unacceptable overlooking into neighbouring properties and their gardens to the detriment of their amenity, privacy and living conditions.

5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting or amending this Orders with or without modification), no further development within Part 1, Classes A through to D (inclusive) shall take place on the dwelling house the subject of this planning permission.

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 any further additions, extensions or enlargements in the context of this property where relatively extensive extensions have now been granted planning permission.

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.

66 **20.10382.FUL - Woodlands, The Street, Grittleton, Chippenham, Wiltshire, SN14 6AP**

Public Participation

Liz Matthews spoke in objection of the application.

Development Management Team Leader, Simon Smith, presented a report which outlined a retrospective erection of a summerhouse in the rear garden.

Details were provided of the site including the principle of development, impact upon heritage assets, design and scale, impact on residential amenity and impact upon landscape.

Members of the Committee had the opportunity to ask technical questions regarding the application. Details were sought on whether the application would have been approved had it initially been presented as proposed now. Additionally, whether it would be possible to ensure that if permitted that the

slate could never be removed as well as whether Council Officers would be able to determine the wood colour used.

Additional details were also sought on what the enforcement process would be if the proposed works, if granted, had not been carried out within three months. Also, whether a Section 106 agreement could be used for positive engagement. The date of original construction was also questioned.

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

The local Unitary Member, Councillor Nick Botterill, was unable to attend the meeting, therefore Democratic Services Officer, Ben Fielding read out a statement regarding the application on his behalf

A debate then followed which centred on how the Committee believed that the summerhouse that had been constructed had breached Core Policies 57 and 58. Construction without permission as well as the impact upon the nearby Grade II* listed chapel were discussed as well as the potential removal of trees within a conservation area.

Additionally, the importance of enforcement was discussed by the Committee and how enforcement must take place. It was suggested that the Chairman discuss this with the relevant Cabinet Member.

A motion to move and accept the officer's recommendation was moved by Councillor Tony Trotman, however no seconder was found, and the motion consequently fell.

A motion to refuse the officer's recommendation to grant planning subject to conditions was moved by Councillor Steve Bucknell and seconded by Councillor Gavin Grant. The reasonings for refusal were cited as being Core Policies 57 (i), (iii), (vii) and 58, as well as the requirement of sections 12 and 16 to the NPPF.

At the conclusion of the debate, it was,

Resolved:

That planning permission be refused for the following reason:

By reason of its design, siting and exterior finish, the building is considered to be a poor and inappropriate form of development in this sensitive location inside of a Conservation Area and surrounded by listed buildings. In particular, the development is considered to adversely impact upon, and cause harm to, the setting of the Grade II listed "Woodlands" and Grade II* listed Baptist Chapel, both of which are in immediate proximity of the building. No public benefit identified to outweigh that impact and harm. Accordingly, the development would be contrary to the requirements of policies CP57 (i), (iii) and (vii) and CP58 to

the Wiltshire Strategy as well as the requirement of sections 12 and 16 to the NPPF.

67 **20.11568.FUL & 21/00220/LBC - The Doctors House, 21 Church Street, Sherston, SN16 0LR**

Public Participation

James Marshall spoke in support of the application.

Development Management Team Leader, Lee Burman and Senior Conservation Officer, Caroline Ridgwell presented a report which outlined a two-storey extension and internal alterations.

Details were provided of the site including the impact on heritage assets (Listed Buildings and Conservation Area), related development plan policy and national guidance compliance and the site history.

Members of the Committee had the opportunity to ask technical questions regarding the application. Details were sought regarding the height of the roof in relation to the original plan.

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

The Local Unitary Member, Cllr Martin Smith, then spoke regarding the application acknowledging that the decision was dependant on the potential harm and benefits to the property.

A debate then followed which centred on the importance of preserving and protecting listed heritage buildings. The lack of public comment on the application was also acknowledged.

A motion to move and accept the proposal to refuse the application for Full Planning Permission was moved by Councillor Tony Trotman and seconded by Councillor Ashley O'Neill.

A motion to move and accept the proposal to refuse the application for Listed Building Consent was moved by Councillor Tony Trotman and seconded by Councillor Nic Puntis.

Resolved:

To refuse the application for Full Planning Permission for the following reason:

The development proposed by virtue of its scale, form, positioning and design character would result in harm to the significance and value of the Listed Building. The proposals are therefore in conflict with CP57 (i & iv) &

CP58 (iii) Wiltshire Core Strategy (2015); and paragraphs 194,199, 200 & 202 National Planning Policy Framework (2021).

To refuse the application for Listed Building Consent for the following reason:

The works proposed would harm the significance of the heritage assets and their setting through loss of historic fabric, architectural detail and understanding of the building's origin. There are less harmful ways to achieve improvements to the building. The works as shown would be contrary to section 16(2), 66(1) and 72(1) of The Planning (Listed Building and Conservation Area) Act 1990, the NPPF (paras 194,199, 200, 202 & 204 the BS7913, as well as CP58 of the Wiltshire Core Strategy.

68 21.00658.FUL - Land off Ashton Road, Minety

Public Participation

Ian Cain spoke in objection of the application.

Tony Kernon spoke in support of the application.

Development Management Team Leader, Lee Burman, presented a report which outlined Change of use of land from agriculture to equestrian. Erection of agricultural storage barn with incorporated equestrian rehabilitation area. Siting of horse walker and rainwater harvesting tank and creation of hardstanding.

Details were provided of the site including the principle of development, impact on heritage assets, impact on highways, impact on character and appearance of the locality, impact on residential amenities and impact on ecological interest.

Members of the Committee had the opportunity to ask technical questions regarding the application. Details were sought on whether ecology surveys had been completed and were up to date. Confirmation was provided that all necessary surveys had been completed including for newts, bats, protected species and hedgerows. Additionally, the designations of land for equestrian and agricultural use were questioned and queries were raised as to the agricultural permitted development rights which may apply to the wider landholding/site.

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

The Local Unitary Member, Councillor Chuck Berry, then spoke regarding the application, acknowledging the points made by both the applicant and main objector. Points made included the opportunity of using conditions to contain significant inconvenience to neighbouring properties as well as reference to the agricultural store.

A motion to move and accept the officer recommendation was moved by Councillor Howard Greenman and seconded by Councillor Gavin Grant. An amendment was accepted to add a condition to restrict the use of the use of the

barn and horse walker for equestrian rehabilitation activities to only take place between the hours 09:00 in the morning and – 18:00 in the evening from Monday to Sunday and including Bank Holidays.

At the conclusion of the debate, it was,

Resolved:

That permission is **GRANTED** subject to the following conditions:

Conditions: (8)

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:

KCC2820/07 - Block plan

KCC2820/06 10/20se - Location plan

KCC2820/08 10/20se - Proposed storage/rehabilitation building: elevations and floor plan

KCC2820/09 10/20se - Proposed horse walker

KCC2820/10 01/21se - Proposed rainwater harvesting tank

Received 10/02/2021

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

3 The development hereby permitted shall only be operated solely on the basis of the approved full livery arrangements and at no time shall the site offer or provide for DIY livery services.

REASON: In the interests of highway safety.

4 The facilities hereby approved including the horse walker, horse spa and horse treadmill shall be for the sole use of horses accommodated at the site under full livery. No other horses shall use the approved facilities at any time unless approved in writing by the Local Planning Authority.

REASON: to protect the amenity enjoyed by neighbouring properties and to control the number of vehicle movements associated with the site

5 No external lighting shall be installed on site 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 Engineers in their publication "Guidance Notes for the Reduction of Obtrusive Light" (ILE, 2005)", 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.

6 The horse walker provided must be the Molenkoning walker, with glide rail system, push gates and rubber matting flooring. No other type of horse walker shall be installed on the site.

REASON: To protect residential amenity

7 The development shall be carried out in strict accordance with Sections 5 and 6 of the Ecological Construction Method Statement (prepared by Wild Service, 08/06/2020) and Appendix 1 of the Great Crested Newt Survey (Prepared by Astute Ecology, June 2019).

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

8 The approved construction method statement, received by the Local Planning Authority on 8th July 2021, 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: To ensure that the development is undertaken in an acceptable manner, to minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase.

9 The use of the barn and horse walker for equestrian rehabilitation activities shall only take place between the hours 09:00 in the morning and – 18:00 in the evening from Monday to Sunday and including Bank Holidays.

REASON: To ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

Informatives: (4)

10 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.

11 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. 12 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.

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

69 Urgent Items

There were no urgent items.

(Duration of meeting: 3:00pm – 5:45pm)

The Officer who has produced these minutes is Ben Fielding of Democratic Services, direct line 01225 718656, e-mail Benjamin.fielding@wiltshire.gov.uk
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