

Eastern Area Planning Committee

MINUTES OF THE EASTERN AREA PLANNING COMMITTEE MEETING HELD ON 22 AUGUST 2024 AT WESSEX ROOM - THE CORN EXCHANGE, MARKET PLACE, DEVIZES, SN10 1HS.

Present:

Cllr Philip Whitehead (Chairman), Cllr Adrian Foster, Cllr Kelvin Nash, Cllr Iain Wallis, Cllr Stuart Wheeler and Cllr Sam Pearce-Kearney (Substitute)

Also Present:

Cllr Tamara Reay

60. **Apologies**

Apologies for absence were received from:

- Cllr Paul Oatway QPM
- Cllr Dr Brian Mathew MP, substituted by Cllr Sam Pearce-Kearney

The Committee sent their best wishes to Cllr Oatway QPM who was unable to attend due to ill health.

61. **Minutes of the Previous Meeting**

On the proposal of the Chairman, seconded by Cllr Adrian Foster, it was:

Resolved

To approve the minutes of the meeting held on 11 July 2024 as a true and correct record.

62. **Declarations of Interest**

There were no declarations of interest.

63. **Chairman's Announcements**

There were no announcements.

64. **Public Participation**

The Committee noted the rules on public participation.

65. **Planning Appeals and Updates**

The Chairman observed that the Inspector had allowed applications for the installation of solar panels on the garage of a listed building.

On the proposal of the Chairman, seconded by Cllr Stuart Wheeler, it was:

Resolved

To note the planning appeals update for the period between 28 June and 9 August 2024.

66. **PL/2024/01509: Townsend Farm Yard, Poulshot, Devizes, SN10 1RZ**

Public Participation

- Ms Clare Plank had a statement read out in opposition to the application
- Mr Richard Cosker (RCC Town Planning) spoke in support of the application
- Mr Nick Church (Gaiger Brothers Ltd) spoke in support of the application

The Senior Planning Officer, Meredith Baker, introduced a report which recommended that the application for the redevelopment of a redundant farmyard to provide 14 'net zero' dwellings and associated works, be approved subject to conditions and the completion of a S106 agreement. Key details were stated to include the principle, and design, of the development as well as the landscape, highway and drainage impacts.

It was reported that the application had been brought to Committee as it was being recommended for approval despite being a departure from the policies of the Development Plan. The proposed development was in open countryside and was contrary to Core Policy 1 (Settlement Strategy), Core Policy 2 (Delivery Strategy) and Core Policy 61 (Transport and Development) of the Wiltshire Core Strategy.

However, the Senior Planning Officer explained that the redevelopment of the land, in landscape and visual impact terms, should have significant positive weight in the planning balance. The proposed development would have several benefits including, delivering an 85 percent biodiversity net gain, improving drainage, as well creating a new bus shelter and footway. Furthermore, the proposed development would provide housing on a site which was unlikely to be economically viable for commercial operation without significant rebuilding.

The Senior Planning Officer argued that the benefits that the development would deliver outweighed the harm it would cause, highlighting that Paragraph 9 of the National Planning Policy Framework (NPPF) stated that development should take account of local circumstances to reflect the character, need and opportunities of each area.

Members of the Committee then had the opportunity to ask technical questions of the Senior Planning Officer. Details were sought about the distribution of affordable housing within the development and whether it met the need

identified in the area. The Senior Planning Officer explained that Wiltshire Council's Housing Enabling Officer had not objected to the scheme, subject to the completion of the S106 agreement. The affordable properties, plots two to five, would include two two-bedroomed dwellings and two three-bedroomed dwellings.

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

The Chairman read out a statement in objection on behalf of Ms Clare Plank, who was unable to attend in person.

The Unitary Division Member, Cllr Tamara Reay, then spoke in support of the application.

The Senior Planning Officer then had the opportunity to respond to the points raised by the public and Unitary Division Member.

So that the Committee had something to debate, the Chairman, seconded by Cllr Stuart Wheeler, proposed that the application be approved in line with officer recommendation.

Details were sought about whether the application site was classified as brownfield land. The Senior Planning Officer explained that the site was technically classed as agricultural, which is excluded from the definition of brownfield land.

The Senior Planning Officer drew attention to a late representation by the Agent proposing amendments to the sequencing of the work. She explained that the Agent's proposed amendments to Conditions 13, 17 and 24 would require that the heat pumps, parking, electric vehicle charging, cycle parking and bin storage facilities, were completed for each property before it could be occupied. This was a change from the conditions in the report that required those works be completed for all the properties before the first could be occupied. Furthermore, the Agent had requested that the requirement for the bus shelter and shared use path to be finished before any of the properties be occupied, under conditions 22 and 23, be amended to require their completion before the occupation of the fifth dwelling. The Senior Planning Officer explained that, although she was content with most of the proposed changes, she did have concerns about the proposals to update Conditions 22 and 23, given the need to guarantee that the footpath and bus shelter were delivered.

Whilst the Committee appreciated the funding challenges in providing the infrastructure up front, they did emphasise that they wanted all the potential benefits associated with the scheme to be realised if the application was approved. Legal advice was sought about whether it would be possible to guarantee the completion of the footpath and bus shelter through the S106 to avoid the need for a revised planning application. The Legal Advisor, Alwyn Thomas, advised that it would be possible to ensure this via a performance bond.

The Chairman and the seconder, Cllr Wheeler, were content for the substantive motion to be amended to include the changes, subject to a guarantee via a performance bond in the S106 agreement that the footpath and bus shelter would be completed. The Committee were happy to delegate the final wording of the conditions to the Senior Planning Officer and Development Management Team Leader, Karen Guest, in consultation with the Chairman. At the conclusion of the discussion, it was:

Resolved

To GRANT permission for the redevelopment of redundant farmyard to provide 14 'net zero' dwellings and associated works, subject to conditions and the completion of a S106 agreement covering the matters set out in the report.

- 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 and documents:**

Documents:

- Application Form**
- Planning Statement by RCC Town Planning Consultancy - Dated January 2024**
- Design & Access Statement by Mathewson Water Architects Rev A - 26-7-2024**
- Transport Statement by PFA Consulting dated December 2023**
- Preliminary Contamination Risk Assessment - P22-069pra_v2**
- Energy and Sustainability Strategy Revision A by JS Lewis Ltc dated December 2023**
- Landscape and Visual Impact Assessment - 22.2437 Revision B by WHLandscape**
- Flood Risk Assessment by PFA Consulting dated January 2024**
- Waste Audit (x2, January 2024) by Gaiger**
- Ecological Appraisal by Malford Environmental Consulting - 12th December 2023**
- Biodiversity Metric 4.0 dated 7th December 2023**
- Report on Structural Aspects of the Feasibility of Conversion of an Agricultural Outbuilding by Structural Solutions dated 4th April 2023**
- Heritage Impact Statement dated October 2023**
- Statement of Community Involvement**

Plans:

- **Site Location Plan - Drawing No. 21146.100-H**
- **Proposed Block Plan - Drawing No. 21146-102-D**
- **Topographical & Drainage Survey Sheets 1 of 3, 2 of 3, 3 of 3- Drawing No. 24176-200-01-REV D**
- **Landscape Mitigation and Enhancement Strategy - Drawing No. WHL-1437-06 Rev B**
- **Hard Landscaping - Drawing No. 21146.114-L**
- **Bat & Bird Boxes - Drawing No. 21146.140-A**
- **Solar, ASHP & EV Plan - Drawing No. 21146.141-B**
- **Demolition Plan - Drawing No. 21146.142**
- **Site Cross-Sections - Drawing No. 21146.139-A**
- **Plot 1: As Proposed - Drawing No. 21146.124-B**
- **Plots 2-5 Elevations - Drawing No. 21146.125-B**
- **Plots 2-5: Floor Plans - Drawing No. 21146.116-C**
- **Plot 6: Plans & Elevations - Drawing No. 21146.126-A**
- **Plot 7 - Elevations - Drawing No. 21146.127-B**
- **Plot 7: Floor Plans - Drawing No. 21146.119-D**
- **Plot 8 - Elevations - Drawing No. 21146.128-B**
- **Plot 8: Floor Plans - Drawing No. 21146.120-D**
- **Plot 9 - Elevations - Drawing No. 21146.129-D**
- **Plot 9: Floor Plans - Drawing No. 21146.122-D**
- **Plot 10 - Elevations - Drawing No. 21146.130-B**
- **Plot 10: Floor Plans - Drawing No. 21146.121-C**
- **Plots 11 and 12 - Elevations - Drawing No. 21146.131-A**
- **Plots 11 and 12: Floor Plans - Drawing No. 21146.118-B**
- **Plot 13 - Elevations - Drawing No. 21146.132-D**
- **Plot 13: Floor Plans - Drawing No. 21146.123-D**
- **Plot 14: Plans & Elevations - Drawing No. 21146.133-A**
- **P14 Garage & P2-5 stores - Drawing No. 21146.137-A**
- **Garages: Plots 1&6 - Drawing No. 21146.135-A**
- **Garage: Plot 10 - Drawing No. 21146.135**
- **Garage Elevations: Plot 9 - Drawing No. 21146.138-A**
- **Garage: Plot 13 - Drawing No. 21146.136-A**

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

3. **Notwithstanding the details of on the approved plans, no development above slab level shall commence on site until the external materials to be used on the development have been submitted to and approved in writing by the Local Planning Authority. Details shall include the brick bond and mortar, rainwater goods and specifications of materials. Development shall be carried out in accordance with the approved details.**

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

4. No development shall commence on site (including any works of demolition), until a Construction Method and Management 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) wheel washing facilities;**
- f) measures to control the emission of dust and dirt during construction;**
- g) a scheme for recycling/disposing of waste resulting from demolition and construction works; and**
- h) measures for the protection of the natural environment.**
- i) hours of construction, including deliveries;**
- j) pre-condition photo survey - any damage related to the development will be put right (to the satisfaction of the Local Highway Authority) within 6 months of the development completion.**
- k) monitoring of, and measures to retain, the existing vegetation across the site, together with details of drainage arrangements during the construction phase.**

has been submitted to, and approved in writing by, the Local Planning Authority. The 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: 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 drainage arrangements and dangers to highway safety, during the construction phase.

5. The development hereby approved shall not commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include details of the following relevant measures:

- i. An introduction consisting of construction phase environmental management plan, definitions and abbreviations and project description and location;**
- ii. A description of management responsibilities;**
- iii. A description of the construction programme;**
- iv. Site working hours and a named person for residents to contact;**
- v. Detailed Site logistics arrangements;**

- vi. Details regarding parking, deliveries, and storage;
- vii. Details regarding dust and noise mitigation;
- viii. Details of the hours of works and other measures to mitigate the impact of construction on the amenity of the area and safety of the highway network; and
- ix. Communication procedures with the Local Planning Authority and local community regarding key construction issues – newsletters, fliers etc.

REASON: In the interests of amenity during the demolition and construction phase.

6. No works shall take place on site, including demolition, ground works/excavation, site clearance, vegetation clearance and boundary treatment works, until a Construction Environmental Management Plan (CEMP) is submitted to and approved by the Local Planning Authority in writing. The Plan shall provide details of the avoidance, mitigation and protective measures to be implemented before and during the construction phase, including but not necessarily limited to, the following:
 - a) Identification of ecological protection areas/buffer zones and tree root protection areas and details of physical means of protection, e.g. exclusion fencing.
 - b) Working method statements for protected/priority species, such as nesting birds and reptiles.
 - c) Mitigation strategies already agreed with the Local Planning Authority prior to determination, such as for great crested newts, dormice or bats; this should comprise the pre-construction/construction related elements of strategies only.
 - d) Work schedules for activities with specific timing requirements in order to avoid/reduce potential harm to ecological clerk of works (ECoW) shall be present on site.
 - e) Key personnel, responsibilities and contact details (including Site Manager and ecologist/ECoW)
 - f) Timeframe for provision of compliance report to the Local Planning Authority; to be completed by the ecologist/ECoW and to include photographic evidence.

Development shall be carried out in strict accordance with the approved CEMP.

REASON: To ensure adequate protection and mitigation for ecological receptors prior to and during construction, and that works are undertaken in line with current best practice and industry standards and are supervised by a suitably licensed and competent professional ecological consultant where applicable.

7. No development shall commence on site until further work regarding the existence of contamination arising from previous

uses (including asbestos) has been carried out and all of the following steps have been complied with to the satisfaction of the Local Planning Authority:

Step (i) a more detailed site investigation and risk assessment should be carried out in accordance with DEFRA and Environment Agency's "Model Procedures for the Management of Land Contamination CLR11" and other authoritative guidance and a report detailing the site investigation and risk assessment shall be submitted to and approved in writing by the Local Planning Authority.

Step (ii) If the report submitted pursuant to step (i) indicates that remedial works are required, full details must be submitted to the Local Planning Authority and approved in writing and thereafter implemented prior to the commencement of the development or in accordance with a timetable that has been agreed in writing by the Local Planning Authority as part of the approved remediation scheme. On completion of any required remedial works the applicant shall provide written confirmation to the Local Planning Authority that the works have been completed in accordance with the agreed remediation strategy.

REASON: Core Policy 56, To reduce the risks associated with land contamination

8. No development shall commence on site until the following details are submitted to and approved by the Local Planning Authority:
- Modelling of the site and overland flow route considering proposed interventions such as ground profiling, the surface water bund on the north western boundary, and de-culverted reach. This modelling should include analysis within the overland flow paths and exceedance paths to understand the impact of these interventions on flood risk for the development site and adjacent land.
 - Details of the measures for managing contamination from the sludge pit.
 - During the infiltration test, perched groundwater was observed in the trial pits (TP1 and SA2), and groundwater monitoring was recommended rear the attenuation pond to confirm whether lining with clay will be required. Monitoring the groundwater level (in line with the recommendation made in the submitted FRA) to determine the peak groundwater level on site. Details of such to be submitted.

REASON: In the interests of adequate drainage of the site.

9. No development shall commence on site until a Landscape Ecological Management Plan (LEMP), including long-term design objectives and targets, management responsibilities and

maintenance schedules for all landscape areas (other than small, privately owned, domestic gardens) and ecological features within the development, together with a mechanism for monitoring success of the management prescriptions, incorporating review and necessary adaptive management in order to attain targets has been submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out as approved in accordance with the approved details and be implemented in full for the lifetime of the development.

REASON: To ensure the proper management of landscape and ecological features retained and created by the development, for the benefit of visual amenity and biodiversity for the lifetime of the scheme.

10. No development shall commence above slab level 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;**
- finished levels and contours;**
- means of enclosure, including specifications, heights and materials of any boundary fencing;**
- all hard and soft surfacing materials;**
- minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);**
- proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc);**

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

11. 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 any of the dwellings, 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.

- 12.** No windows or doors shall be inserted on any dwelling until details of all new external window and door joinery have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.

REASON: In the interests of visual amenity and the character and appearance of the Conservation Area and the significant unlisted building being converted.

- 13.** Prior to first occupation of the dwellings, details of the air source heat pumps (including dimensions, appearance and specifications) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with these approved details and installed for each dwelling prior to the occupation of that dwelling.

REASON: In the interests of sustainable development and visual amenity.

- 14.** The permitted rooflights shall be 'conservation rooflights' in style fitted flush with the roofslope.

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

- 15.** Prior to the installation of any solar panels, full details shall be submitted to and approved by the Local Planning Authority in writing. The details shall include the specifications, colour and fixings. The development shall be carried out in accordance with these approved details and installed prior to first occupation of the dwellings.

REASON: In the interests of visual amenity and sustainable construction.

- 16.** Prior to works to 'Plot 1' (the Coach House) a repair specification and method statement for the conversion of this building shall be submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with these approved details.

REASON: In the interests of the character and appearance of the Conservation Area and to ensure the appropriate conversion of the significant unlisted building.

17. No dwelling shall be first occupied until the access, turning areas, parking spaces and electric vehicle charging point pertaining to that dwelling has 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.

18. There shall be no burning undertaken on site any time of the demolition and construction phase.

REASON: In the interests of residential amenity.

19. Construction and demolition works on-site shall be limited to 0800 to 1800 hrs Monday to Friday, 0800 to 1300 hrs Saturday and no working shall take place on Sundays or Bank Holidays.

REASON: In the interests of residential amenity.

20. No part of the development shall be first occupied, until the visibility splays shown on the approved plans have been provided with no obstruction to visibility at or above a height of 600mm above the nearside carriageway level. The visibility splays shall always be maintained free of obstruction thereafter.

REASON: In the interests of highway safety

21. The development hereby permitted shall not be first occupied until 10m 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.

22. No dwelling on the development hereby approved shall be occupied until the shared use path connecting to Byde Mill Lane, the footway across the site frontage, the crossing point, bus stop, village entrance feature and footway extension at the junction of Mill Lane (details as approved within the approved Transport Statement) have been completed in full.

REASON: To provide the highway mitigation measures and in the interests of highway safety.

23. Prior to the installation of the bus stop shelter hereby permitted, full elevation plans and details, including materials) shall be submitted to and approved by the Local Planning Authority. The bus stop shelter (which also would require agreement with the Local Highway Authority through the Section 278 agreement) shall be

carried out in accordance with these approved details and installed prior to first occupation of the dwellings.

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

- 24.** Notwithstanding the submitted details, no dwelling hereby permitted shall first be occupied until the approved cycle parking and bin storage facilities relating to that dwelling have been provided in full and made available for use in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The cycle parking and bin storage facilities shall be retained for use at all times thereafter.

REASON: To ensure that satisfactory facilities for the parking of cycles and storage of waste are provided and to encourage travel by means other than the private car.

- 25.** The development shall be carried out in strict accordance with the following documents:

- Ecological Appraisal (Malford Environmental Consulting, 12th December 2023);
- Landscape Mitigation and Enhancement Strategy. Drawing No. WHL-1437-06 Rev B (WHLandscape, Dec 2023);
- Biodiversity Metric 4.0 Completed by Dominic Hill, 07 December 2023

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

- 26.** Before the development hereby permitted is first occupied the following windows shall be glazed with obscure glass only to an obscurity level of no less than level 4 and non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, or the windows are installed with such measures to restrict opening as may first have been submitted to and approved in writing by the local planning authority:

- Plot 7 dwelling - first floor side elevation (south western and north eastern) windows.
- Plot 8 dwelling- first floor side elevation (north eastern and south western) windows.
- Plot 9 garage - first floor window on south western elevation.
- Plot 10 first floor windows on the south western side elevation.
- Plot 13 - first floor eastern side elevation windows.
- Plot 14 - first floor north western side elevation.

The windows shall be permanently maintained with obscure glazing in perpetuity.

REASON: In the interests of residential amenity and privacy.

Informatives:

- 1. This permission shall be read in conjunction with the Agreement made under Section 106 of the Town and Country Planning Act, 1990 and dated the [INSERT WHEN SIGNED] the requirements of which must be complied with in addition to the conditions of this permission.**
- 2. The developer/applicant will be expected to enter into a S278/S38 Agreement with the Highway Authority before commencement of works on the highway hereby approved.**
- 3. There is a low risk that great crested newts / reptiles could occur on the application site. These species are legally protected and planning permission does not provide a defence against prosecution. In order to minimise the risk of these species occurring on the site, the developer is advised to clear vegetation during the winter, remove all waste arising from such clearance and maintain vegetation as short as possible. If these species are found during the works, the applicant is advised to stop work and follow advice from a consultant ecologist.**
- 4. There is a low risk that bats may occur at the development site. Bats are a transient species and many species depend on buildings for roosting, with each having its own preferred type of roost. Most species roost in crevices such as under ridge tiles, behind roofing felt or in cavity walls and are therefore not often seen in the roof space. Bat roosts are protected all times by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 even when bats are temporarily absent because, being creatures of habit, they usually return to the same roost site every year. Planning permission for development does not provide a defence against prosecution under this legislation or substitute for the need to obtain a bat licence if an offence is likely. If bats or evidence of bats is found during the works, the applicant is advised to stop work and follow advice from an independent ecologist or the applicant is advised to follow the advice of a consultant professional ecologist or to contact Natural England's Batline through the internet.**
- 5. The adults, young, eggs and nests of all species of birds are protected by the Wildlife and Countryside Act 1981 (as amended) while they are breeding. Please be advised that works should not take place that will harm nesting birds from March to September inclusive. All British birds, their nests and eggs are protected under Section 1 of the Wildlife and Countryside Act 1981 (as amended)**

and the Countryside and Rights of Way Act 2000 while birds are nesting, building nests and sitting on eggs. The applicant is advised to check any structure or vegetation capable of supporting breeding birds and delay removing or altering such features until after young birds have fledged. Damage to extensive areas that could contain nests/breeding birds should be undertaken outside the breeding season. This season is usually taken to be the period between 1st March and 31st September but some species are known to breed outside these limits.

6. 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.
7. The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. If the development is determined to be liable for CIL, a Liability Notice will be issued notifying you of the amount of CIL payment due. If an Additional Information Form has not already been submitted, please submit it now so that we can determine the CIL liability.

In addition, you may be able to claim exemption or relief, in which case, please submit the relevant form so that we can determine your eligibility. The CIL Commencement Notice and Assumption of Liability must be submitted to Wiltshire Council prior to commencement of development. Should development commence prior to the CIL Liability Notice being issued by the local planning authority, any CIL exemption or relief will not apply and full payment will be required in full and with immediate effect. Should you require further information or to download the CIL forms please refer to the Council's Website

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

8. Any alterations to the approved plans, brought by compliance with Building Regulations or any other reason must first be agreed in writing with the Local Planning Authority before commencement of works.
9. Wiltshire Council is the land drainage authority under the Land Drainage Act 1991. Land drainage consent is required if a development proposes to discharge flow into an ordinary watercourse or carry out work within 8m of an ordinary watercourse.

67. **PL/2024/05326: Forest View, East Grafton, Marlborough, SN8 3DB**

Public Participation

- Mr Michael Fowler (Fowler Architecture and Planning Ltd) spoke in support of the application
- Mr Bill Clemence spoke in support of the application

Cllr Stuart Wheeler recused himself from the Committee and sat with the public. He spoke only in his capacity as Unitary Division Member.

The Senior Planning Officer, Meredith Baker, introduced a report which recommended that the application for the erection of a one and a half storey detached garage be refused for the reasons outlined in the report. Key details were stated to include the principle of development, as well as the design, highway and ecological impacts.

Attention was drawn to the location of the proposed development within the East Grafton Conservation Area. The Senior Planning Officer explained that although there was a substantial hedge screening the site, by nature of its design, sighting and 6.1 metre height, the proposed development was contrary to Core Policy 57 (Ensuring High Quality Design and Place Shaping) and Core Policy 58 (Ensuring the Conservation of the Historic Environment) of the Wiltshire Core Strategy. As a substantial structure, the proposed one and a half storey garage would not have a subordinate relationship with its host dwelling and would overdevelop the front of the site. Furthermore, insufficient information had been provided to ensure that the proposed development would not harm the surrounding trees and hedgerows, so it was contrary to Core Policy 51 (Landscape) of the Wiltshire Core Strategy.

Members of the Committee then had the opportunity to ask technical questions of the Senior Planning Officer and Development Management Team Leader, Karen Guest. Details were sought about whether it would be possible, if the development were to be approved, to add a condition to guarantee the retention of the nearby trees and hedge. The Development Management Team Leader explained that it would not be possible to condition the retention of the hedgerow long term unless their trunks were above a certain size. She noted that trees would have a degree of protection as they were in a conservation area but would not necessarily have Tree Protection Orders (TPOs). The Senior Planning Officer highlighted that the existing planning permission for parking on the site included permission to remove the tree shown on page 74 of the agenda pack, so removal of this tree had already been approved.

In response to a query about whether the possibility of erecting a single garage had been discussed with the Applicant, the Senior Planning Officer confirmed that it had. She noted that she would be likely to recommend approval for a single storey car port on the site. The Development Management Team Leader

emphasised that the height of the proposed development in relation to existing buildings on the site was the Planning Authority's principal concern.

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

The Unitary Division Member, Cllr Wheeler then spoke in support of the application, arguing that the proposed application would not be detrimental to the conservation area and would be well screened by a hedge that the Applicant planned to retain.

In response to the points raised by the public and Unitary Division Member, the Senior Planning Officer noted that she had informed the Applicant that a single storey garage with a door was likely to be acceptable on the site. She had not requested a specific height for the pitch of the roof. She noted that the tree report provided for the application was a resubmission of the report provided under application PL/2023/05139. The report had not been updated to reflect that the proposed garage was larger than the parking spaces approved under the previous application. The Development Management Team Leader highlighted that a height of around four metres was typical for a garage and it was not uncommon for a two-storey dwelling to be under seven metres in height.

So that the Committee had something to debate, the Chairman, seconded by Cllr Adrian Foster, proposed that the application be refused for the reasons outlined in the report.

A debate followed where the height of the proposed development, potential for future conversion and turning circles for vehicles, were discussed.

At the conclusion of the debate, it was:

Resolved

That planning permission for the erection of a detached garage be REFUSED.

Reasons

- 1. The proposed detached outbuilding by reason of its design, height and siting would be visually intrusive and detrimental to the character and appearance of the site and would overdevelop the front of the site. The proposed outbuilding would also fail to preserve or enhance the character and appearance of the East Grafton Conservation Area whereby there would be no public benefits to outweigh the harm generated. As such the proposal would be contrary to the National Planning Policy Framework (2023) and Policies 57 and 58 of the Wiltshire Core Strategy.**

2. Insufficient information has been submitted to adequately demonstrate that the proposal would protect and safeguard the surrounding trees, large shrubs and hedges within the East Grafton Conservation Area contrary to the National Planning Policy Framework (2023) and Policies 51 and 57 of the Wiltshire Core Strategy.

68. **Urgent items**

There were no urgent items.

(Duration of meeting: 3.00 - 4.10 pm)

The Officer who has produced these minutes is Matt Hitch of Democratic Services, direct line 01225 718059, e-mail matthew.hitch@wiltshire.gov.uk

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