

NORTHERN AREA PLANNING COMMITTEE

DRAFT MINUTES OF THE NORTHERN AREA PLANNING COMMITTEE MEETING HELD ON 18 JULY 2012 AT COUNCIL CHAMBER - COUNCIL OFFICES, MONKTON PARK, CHIPPENHAM.

Present:

Cllr Desna Allen, Cllr Peter Colmer, Cllr Christine Crisp, Cllr Peter Davis, Cllr Bill Douglas (Substitute), Cllr Peter Doyle, Cllr Mollie Groom (Substitute), Cllr Alan Hill (Vice Chairman), Cllr Peter Hutton, Cllr Simon Killane and Cllr Anthony Trotman (Chairman)

Also Present:

Cllr Sheila Parker and Cllr Dick Tonge

58 Apologies

Apologies were received from Cllr Mark Packard and Cllr Toby Sturgis.

Cllr Packard was substituted by Cllr Bill Douglas.

Cllr Sturgis was substituted by Cllr Mollie Groom.

59 Minutes

The minutes of the meeting held on **27 June 2012** were presented.

Resolved:

To approve as a correct record and sign the minutes.

60 Declarations of Interest

Cllr Peter Doyle declared a non-pecuniary interest in Minute 64a: 12//FUL - *Fordswood Miniature Horse Stud, Lower Kingsdown Road, Kingsdown* - by virtue of being a member of the Cotswold Conservation Board. He declared he would consider all issues with an open mind on their own merits and would participate in the debate and vote on the item.

61 Chairman's Announcements

The Chair reminded all present of the need to turn off or silence any mobile phones and other devices during the meeting.

62 **Public Participation and Councillors' Questions**

The committee noted the rules on public participation.

63 **Planning Appeals**

The Committee noted the contents of the appeals update.

64 **Planning Applications**

Attention was drawn to the late list of observations provided at the meeting and attached to these minutes, concerning Items **7a and 7b** as listed in the Agenda pack.

64a) **12/01252/FUL - Fordswood Miniature Horse Stud, Lower Kingsdown Road, Kingsdown**

Public Participation

Mrs Tina Johnston spoke in objection to the application.

Mr David Wilkes spoke in support of the application.

Mrs Charlotte Watkins, agent, spoke in support of the application.

Cllr Alan Clench, Box Parish Council, spoke in objection to the application.

The Planning Officer presented a report which recommended the application be delegated to the Area Development Manager for approval subject to the signing of a Section 106 agreement and conditions listed in the report and late observations.

The main issues were highlighted as the principle of erecting a permanent rural workers' dwelling in a Green Belt and Area of Outstanding Natural Beauty and subsequent impact upon amenity and landscape character. It was stated to be a significant material consideration that the principle of development regarding the functional need for the dwelling to support to business, and the financial assessment of that business, had been accepted when allowed under appeal. The Council's Agricultural Adviser had stated a workers' dwelling was an essential requirement for the equine business, which was profitable and the dwelling acceptable in scale and design.

The Committee then had the opportunity to ask technical questions of officers. Details of the drainage of the site were sought, and it was stated there had been no concerns raised, but that this could be conditioned. In response to queries regarding the Planning Inspector's comments being in relation to the initial application for temporary permission for a mobile home on site, it was stated that it is standard practice, including under the National Planning Policy Framework, to grant only temporary permission for agricultural and other rural business ventures to test viability before applying for permanent permission.

It was also clarified that though the change to mixed use for the site would

include agricultural elements, the equine business was deemed viable on its own, and thus the viability of those additional agricultural elements was not a consideration. It was also stressed that conditions would tie the occupancy of the site to ownership of the equine business

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

The Local Member, Cllr Sheila Parker, then spoke in objection to the application, highlighting concerns over highways, potential subsidence of the hillside after more development and the viability of the business.

A debate followed, where the lack of objection from Highways officers was noted, and there was further discussion regarding whether the viability tests referred to equine or agricultural activities and the consideration that should be given to the previous Planning Inspector report. The Committee also commented on the tying of the dwelling to workers in the equine business for former workers, and this was clarified as relating to permit retirees to continue living on a site they had previously worked on, and that the dwelling would still need to be purchased in conjunction with the business. The Committee further discussed the possibility of requiring a land management plan for the site to address concerns. Members also praised the Planning Officer for addressing the volume of technical questions so appropriately.

At the conclusion of debate, it was,

Resolved:

To DELEGATE to the Area Development Manager to PERMIT subject to a S106 agreement tying the land and buildings to the new dwelling for the following reason:

The proposal is considered to be justified on the grounds of essential need for an equestrian worker and is thus compliant with policies C3 and H4 of the North Wiltshire Local Plan 2011. The need outweighs the presumption against such development in the Green Belt and the dwelling has been designed to best preserve the openness of the Bath Green Belt and Cotswolds Area of Outstanding Natural Beauty so that it complies with policies C3, NE1 and NE4 of the North Wiltshire Local Plan 2011. The proposal is also considered to comply with the Emerging Core Strategy's policies 48 (Supporting Rural Life) and 51 (Landscape).

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** No development shall commence on site until details and samples of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

- 3** No development shall commence on site until details of all earthworks have been submitted to and approved in writing by the Local Planning Authority. These details shall include the proposed grading including the levels and contours to be formed, and the nature of the material, measures to provide long term stability of the sloping land and a demonstration of the relationship of the new levels to existing vegetation and surrounding landform. Development shall be carried out in complete accordance with the approved details.

REASON: To ensure a satisfactory landscaped setting for the development.

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

REASON: In the interests of highway safety.

- 5** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), there shall be no additions/extensions or external alterations to 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 external alterations.

- 6** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), no garages, sheds, greenhouses and other ancillary domestic outbuildings shall be erected anywhere on the site on the approved plans.

REASON: To safeguard the character and appearance of the area

- 7** 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 have been submitted to and approved in writing by the Local Planning Authority. The lighting approved shall

be installed and shall be maintained in accordance with the approved details.

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

- 8 The development hereby permitted shall be implemented in accordance with the submitted plans and documents listed below. No variation from the approved plans should be made without the prior approval of the local planning authority. Amendments may require the submission of a further application.

Plans

Location Plan (643:01) Plan Numbers 643-S 01; 02 & 03 Plan Numbers 643-P-01; 02; 03 & 04 Topographic Survey

Received 02/05/2012

REASON: To ensure that the development is implemented as approved.

- 9 Unless otherwise agreed in writing by the local planning authority, occupation of the dwelling shall be limited to a person solely or mainly employed or last employed in the horse breeding business occupying the land edged red on drawing no. 643:01, or a widow or widower of such a person, or any resident dependants.

REASON: The dwelling has only been permitted due to the special circumstances of the applicant

- 10 There shall be no residential curtilage formed on the development hereby permitted without the prior written approval of the local planning authority.

REASON: In the interests of protecting the landscape quality of the Green Belt and Cotswolds Area of Outstanding Natural Beauty.

- 11 Unless otherwise agreed in writing by the local planning authority, between 31 October and 31 March inclusive, the number of equines on the land and in the buildings included within the redline on the approved plans shall not exceed 44 (including foals at foot) at any time and during those periods no equines exceeding 40 inches in height shall be permitted on the land or in the buildings.

REASON: To protect the landscape quality of the land.

- 12 The development hereby permitted shall be carried out in strict accordance with the manure storage and disposal methodology as approved under 08/01210/S73A. The approved methodology shall be permanently used.

REASON: In the interests of the landscape quality of the Area of Outstanding Natural Beauty and Green Belt and residential amenity.

- 13 Notwithstanding the provisions of the Town and Country Planning

(General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification no wall, fence or other means of enclosure, other than those shown on the approved plans, shall be erected or placed anywhere on the site on the site edged red.

REASON: To safeguard the character and appearance of the area.

- 14 No hedges within or on the boundary of the site edged red shall be removed without the prior written approval of the local planning authority. If, contrary to this condition, any hedge or part of a hedge is removed or destroyed, new hedging shall be planted during the first available planting season in accordance with details that have first been submitted to and approved in writing by the local planning authority.

REASON: In the interests of the landscape quality of the Area of Outstanding Natural Beauty and Green Belt and residential amenity.

- 15 Prior to the commencement of the development hereby permitted a revised grass management plan shall be submitted to and approved in writing by the local planning authority. Once agreed the approved methodology shall be permanently used.

REASON: To protect the ecological interest of the site

- 16 WC8 (landscape management plan, including the retention of trees and their management).
- 17 No development shall take place until a scheme for the disposal of both foul and surface waste from the building and site has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in complete accordance with those details so approved.

Reason: In the interests of securing satisfactory and sustainable drainage arrangements on the site.

64b) 12/01105/FUL - SW Agricultural Machinery & Plant Hire, Folly Lane, Lacock

Public Participation

Mr Simon Williams, applicant, spoke in support of the application.

Mrs Charlotte Watkins, agent, spoke in support of the application.

The Planning Officer introduced a report which recommended refusal, highlighting the main issues as the impact upon and intrusion into the countryside, character and appearance of the application and the economic impact of the proposal. It was noted that Highways officers had withdrawn their previous objections to the application as noted in the late observations

The Committee then had the opportunity to ask technical questions of the officers, and raised the changed view of Highways.

Members of the public then had the opportunity to address the Committee with their views, as detailed above.

The Local Member, Cllr Dick Tonge, then spoke in support of the application.

A discussion followed, where the lack of a current building on site meaning the proposal was to be regarded as a new build was discussed. It was clarified there had previously been a structure on the site. The potential benefit of the business compared to the impact of the application was debated, and officers also clarified that the business use was principally commercial rather than agricultural. Other suitable locations for the site and the impact of any business growth on the countryside was also raised.

At the conclusion of debate, it was,

Resolved:

That Planning permission be GRANTED for the following reason:

The proposal is considered to be an appropriate form of development comprising a limited expansion of employment generating uses in the countryside, without detriment to wider amenity, in accordance with the provisions of Policies C3, C4, NE15 and BD5 of the adopted North Wiltshire Local Plan 2011.

Subject to the following conditions:

- 1. WA1**
- 2. In complete accordance with the submitted details, the business hereby permitted on this site shall operate only between the hours of 08:00hrs and 18:00hrs Monday to Saturday and at no time outside of those hours and days, unless otherwise agreed in the form of a separate planning permission in this regard.**

Reason: For the avoidance of doubt and so as to avoid and so as to ensure the business does not become a source of unreasonable disturbance to nearby residential occupiers.

- 3. WM13**

**Location Plan 1:2500
Site Plan as proposed 01
Proposed building elevations 1
Proposed building plan 2**

65 **Urgent Items**

There were no urgent items.

(Duration of meeting: 6.00 - 7.30 pm)

The Officer who has produced these minutes is Kieran Elliott of Democratic Services,
direct line (01225) 718504, e-mail kieran.elliott@wiltshire.gov.uk

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

This is information that has been received since the committee report was written. This could include additional comments or representation, new information relating to the site, changes to plans etc.

The text in bold is additional/amended information to that circulated to Members on Tuesday 17th July 2012

Item 7a – 12/01252/FUL – Fordswood Miniature Horse Stud, Lower Kingsdown Road

The County Ecologist has commented on the Ecological Report submitted by the applicant and states that the report demonstrates that the grassland contains remnants of calcareous grassland, but much of the ecological interest has now been damaged due to inappropriate management and poaching from the recent equestrian use. From an ecological point of view it would be defend a refusal as the policy protection afforded to BAP habitats under local and national policies largely relates to their current condition, although NPPF and the emerging Core Strategy do afford some weight to the restoration value of habitats. The preferred option is to submit a revised grassland management plan which will improve the management regime.

16 letters of support have been received from local residents and purchasers and those who visit the site/

Area Development Manager states that the following condition should also be added:

“Within one month of the first use or occupation of the development hereby permitted, the mobile home on site together with its fixtures and fitting shall be completely removed from the site.

REASON: In the interests of visual amenity.”

- 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 No development shall commence on site until details and samples of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

- 3 No development shall commence on site until details of all earthworks have been submitted to and approved in writing by the Local Planning Authority. These details shall include the proposed grading including the levels and contours to be formed, and the nature of the material, showing the relationship of the new levels to existing vegetation and surrounding landform. Development shall be carried out in accordance with the approved details.

REASON: To ensure a satisfactory landscaped setting for the development.

- 4 No part of the development hereby permitted shall be first brought into use until the

NORTHERN AREA PLANNING COMMITTEE ADDITIONAL INFORMATION
18th July 2012

access, turning area and parking spaces have been completed in accordance with the details shown on the approved plans. The areas shall be maintained for those purposes at all times thereafter

REASON: In the interests of highway safety.

- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), there shall be no additions/extensions or external alterations to 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 external alterations.

- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), no garages, sheds, greenhouses and other ancillary domestic outbuildings shall be erected anywhere on the site on the approved plans.

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

- 8 The development hereby permitted shall be implemented in accordance with the submitted plans and documents listed below. No variation from the approved plans should be made without the prior approval of the local planning authority. Amendments may require the submission of a further application.

Plans

Location Plan (643:01) Plan Numbers 643-S 01; 02 & 03 Plan Numbers 643-P-01; 02; 03 & 04 Topographic Survey

Received 02/05/2012

REASON: To ensure that the development is implemented as approved.

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NORTHERN AREA PLANNING COMMITTEE ADDITIONAL INFORMATION
18th July 2012

REASON: The dwelling as only been permitted due to the special circumstances of the applicant

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REASON: In the interests of protecting the landscape quality of the Green Belt and Cotswolds Area of Outstanding Natural Beauty.

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REASON: To protect the landscape quality of the land.

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REASON: To protect the ecological interest of the site

NORTHERN AREA PLANNING COMMITTEE ADDITIONAL INFORMATION
18th July 2012

Item 7b - 12/01105/FUL - Folly Lane, Lacock

An email response to the Committee report in respect of the above has been received from the agent. This is summarized below, with the comments of the Planning Officer (shown in italics):

Impact on open countryside

I am surprised that you consider the proposal will have a detrimental impact on the character of the open

It is considered that the character of the countryside extends beyond that which is visually apparent and includes the land uses and general amenity that define such areas. The site is obscured to some extent by the planting along its Eastern boundary, however the site does not currently host a building of any significant volume.

I can confirm that the most number of vehicles to be stored outside in the yard area at any one time will be 20. This however is unlikely to be on a regular basis as for at least six months of the year most vehicles are let out on long term rental.

As above, the level of activity on the site is substantially above that which might be expected with that of an agricultural enterprise, which should be the benchmark against which the impact of proposals such as this should be assessed.

Impact on highway network

In your report you state that 'owing to the type and frequency of vehicle movements' the development will cause harm to the highway safety. In my view a maximum of 40 movements per week which is only on busy weeks is not excessive.

You refer to a previous appeal decision (N/02/00139/FUL). I have researched this application and contacted the Council Office to find that there is no record of an appeal. In my view I consider my clients proposal is not comparable to a car boot-sale activity.

Unfortunately there appears to have been an error and reference to an appeal on the adjacent site was inaccurate. Highways Officers have reviewed the application again and have concluded that, in fact, there is no objection to the proposals on grounds of highway safety subject to imposition of conditions requiring details of the access, provision of adequate parking and restriction of the use to agricultural machinery repair and hire only. The second reason for refusal on highway safety should be omitted.

The use class of the business

I would like to reiterate my view that the change of use involved in this application is a sui generic use rather than a B2/B8 use.

The Officer is content that the proposal is for a combination of B2 (general industrial) and B8 (storage) Uses, not Sui Generis, as the scheme should be assessed on the basis of the actual activities, rather than the holistic purpose of the business. It is commonplace to consider vehicle repair and maintenance workshops as B2 uses due to the occasional noise implications of mechanical works.

NORTHERN AREA PLANNING COMMITTEE ADDITIONAL INFORMATION
18th July 2012

I refer you to another example of a similar development which was approved under application reference 08/02202/S73A. This application was for a 'Change of Use of Pullet Rearing Unit to Agricultural Machinery Repairs & Sales of Agricultural Machinery. In this case the use class was not specified and in fact in the decision notice it specifically stated 'The development hereby permitted shall be used for the repair and sale of agricultural machinery and for no other purpose (including any other purpose in Class B1, B2, B8)'. I consider a similar condition could be appropriate in my client's case.

In the case of the above application, the business intended to re-use an existing agricultural building with only minor physical alterations, in order to run an agricultural machinery business. As such, this proposal was considered compliant with Policy BD5 of the adopted Local Plan, which prioritises the re-use of rural buildings and seeks to prevent the unjustified dispersal of business into the open countryside.

The condition references 'any other purpose in Class B1, B2, B8' thus making clear that the permission granted relates to these Classes, rather than not. The agent openly likens the current proposal, which is explicitly classified as a B2 and B8 use, to the aforementioned development, which also included a sales element that would be classified within Use Class B1.

Area Development Manager's comments

As referred to above the Highways Officers have amended their recommendation from one of objection to no objection, subject to conditions. However, the principle reason for refusal (that the proposal represents a new business (and building) within the open countryside that is not supported by policy) remains and the recommendation remains one of refusal:

Recommendation

Planning permission be REFUSED for the following reason:

The proposed development amounts to a new business in the open countryside that would be detrimental to the character and appearance of the area which is contrary to the provisions of Policies C3, NE15 and BD5 of the North Wiltshire Local plan 2011.

Plans:

Location plan; Site Plan as proposed; Proposed Building Elevations (Drawing no 1) and proposed building plan (Drawing No 2)

Received 13/04/2012

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