

Northern Area Planning Committee

MINUTES OF THE NORTHERN AREA PLANNING COMMITTEE MEETING HELD ON 6 DECEMBER 2023 AT COUNCIL CHAMBER - COUNCIL OFFICES, MONKTON PARK, CHIPPENHAM, SN15 1ER.

Present:

Cllr Howard Greenman (Vice-Chairman, in the Chair), Cllr Chuck Berry, Cllr David Bowler, Cllr Steve Bucknell, Cllr Gavin Grant, Cllr Jacqui Lay, Cllr Nic Puntis, Cllr Martin Smith, Cllr Elizabeth Threlfall, and Cllr Ruth Hopkinson (Substitute)

Tributes to Cllr Tony Trotman

The Committee held a minute's silence in honour of its Chairman, Cllr Tony Trotman, who had sadly passed away on 30 November. Cllr Trotman had been the Chairman of the Committee since it was established in 2009.

A number of tributes were paid to the Chairman, led by the Vice-Chairman, Cllr Howard Greenman, who noted his long-standing working relationship and friendship with Cllr Trotman and expressed his deep sense of loss at his passing.

Cllr Gavin Grant praised the Chairman as a fine public servant who would be hugely missed. Cllr Nic Puntis added that he had known the Chairman since 1996 and his passing had hit his hometown of Calne very hard. Cllr Steve Bucknell described the Chairman a gentleman, a gentle man, a wise councillor, as well as a wise counsellor.

66 Apologies

Apologies were received from Cllr Dr Brian Mathew.

Cllr Dr Mathew was substituted by Cllr Ruth Hopkinson.

67 Minutes of the Previous Meeting

On the proposal of Cllr Gavin Grant, seconded by Cllr Steve Bucknell, it was:

Resolved:

To approve as a true and correct record and sign the minutes, subject to a correction noting that Cllr Clare Cape had substituted for Cllr David Bowler and that Cllr Peter Hutton had substituted Cllr Howard Greenman.

68 **Declarations of Interest**

For transparency, Cllr Martin Smith made an additional declaration in relation to agenda items 7 and 8 that he was acquainted with the Applicant. He stated he would participate in the debate and vote on each item with an open mind. He had no financial interest in the applications.

69 **Chairman's Announcements**

There were no announcements from the Vice-Chairman.

70 **Public Participation**

The Committee noted the rules on public participation.

71 **Planning Appeals and Updates**

The Committee noted the contents of the appeals update.

Cllr Jacqui Lay observed that an appeal decision relating to an application for 79 houses in Purton had been granted by the inspector. The Vice-Chairman noted that 22 of the last 29 appeals had found against the Committee.

Cllr Steve Bucknell requested news on the progress made towards the Levelling Up and Regeneration Bill, specifically a change requiring local authorities undergoing a Reg 19 consultation to demonstrate a four-year supply of housing rather than the current five-year supply. Development Management Team Leader, Adrian Walker, reported that an update could be provided when there was further information.

On the proposal of Cllr Lay, seconded by Cllr Martin Smith, it was:

Resolved

To note the report on planning appeals and updates for the period between 1 September and 24 November 2023.

72 **PL.2022.07660: Forge House, The Street, Alderton Chippenham, SN14 6NL**

Public Participation

- Mr Chris Powell – spoke in support of the application.

Senior Planning Officer, Olivia Tresise, introduced a report which recommended that the full planning application for the conversion of a rural dwelling to create a two bedroomed dwelling and the erection of a bat house, be approved, subject to conditions. Key details were stated to include the principle of development, impact on heritage assets and ecology findings. The Senior Planning Officer noted that the application was a resubmission of a similar application in 2021, but with the removal of the previously proposed byre extension and the addition

of a bat house. The changes to the 2021 application, outlined on page 48 of the agenda pack, had addressed concerns from Wiltshire Council's Conservation Officer.

The Committee then had the opportunity to ask technical questions to the Senior Planning Officer.

The member of the public had the chance to present their views to the Committee as listed above.

The Unitary Division Member, Cllr Martin Smith, then made a statement noting that he had called the original application in due to privacy concerns from the local parish council. He also noted that there had been changes since the original application.

So the Committee had something to debate, Cllr Smith, seconded by Cllr Chuck Berry, proposed that the application be approved subject to the conditions outlined in the report. At the conclusion of the debate, it was:

RESOLVED:

To GRANT full planning permission in accordance with officer recommendation including the following conditions:

1 Time Limit for Implementation

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 List of Approved Plans and Drawings

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

- Location Plan, Drawing No.01 Revision C, Project No. LDC.2284A,
- Site Plan and Landscaping, Drawing No. 1689/SP 1A Revision A,
- Bat House Floor Plan, Drawing No. 3, Project No: LDC.2284A, Date: July 2022 by Land, Development & Planning Consultants Ltd,
- Bat House North and East Elevation, Drawing No. 4, Project No: LDC.2284A, Date: July 2022 by Land, Development & Planning Consultants Ltd, and
- Bat House South and West Elevation, Drawing No. 5, Project No: LDC.2284A, Date: July 2022 by Land, Development & Planning Consultants Ltd,

- Proposed Site Plan, Drawing No. 6, Project No: LDC.2284A, Date: March 2021 by Land, Development & Planning Consultants Ltd, all received by the Council on 3 October 2022
- Revised Proposed Plan & Elevation, Drawing No. 9 Revision A Project No: LDC.2284A, received by the Council on 30 October 2023, by Land, Development & Planning Consultants Ltd
- The measures outlined in Section 5 of the ecology report: Bat Survey Report, Barn at Forge House, Ref: 2020-070, Version: 1, Date: 11 July 2022 by Smart Ecology Ltd.

REASON: For the avoidance of doubt, the protection, mitigation and enhancement of biodiversity, and in the interests of proper planning.

3 Provision of New Bat Roost

Bat roosts and bat access points shall be strictly incorporated into the development in accordance with:

- Drawing: Bat House Plan, Drawing No. 3, Project No: LDC.2284A, Date: July 2022 by Land, Development & Planning Consultants Ltd.
- Drawing: Bat House Elevation, Drawing No. 4, Project No: LDC.2284A, Date: July 2022 by Land, Development & Planning Consultants Ltd.
- Drawing: Bat House Elevation, Drawing No. 5, Project No: LDC.2284A, Date: July 2022 by Land, Development & Planning Consultants Ltd.
- Drawing: Proposed Site Plan, Drawing No. 6, Project No: LDC.2284A, Date: March 2021 by Land, Development & Planning Consultants Ltd.

or as otherwise specified in a relevant European Protected Species Licence superseding this permission. The installation of these bat roosts and access features shall be supervised by a professional ecologist and this part of the condition will only be discharged when photographic evidence of installed features have been submitted to and approved in writing by the Local Planning Authority. These bat roosts and access points will continue to be available for bats for the lifetime of the development.

REASON: To mitigate for impacts to bats arising from the development.

4 Details of Surface Water Drainage Disposal Methods (Pre-Commencement Condition)

Notwithstanding the submitted details, no development shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the access/driveway), incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first

occupied until surface water drainage has been constructed in accordance with the approved scheme.

REASON: This is a pre-commencement condition to ensure that drainage disposal method has been made available prior to the construction of the approved dwelling, and to minimise the flood risk to the locality.

5 Details of Foul Sewage Disposal Methods (Pre-Commencement Condition)

Notwithstanding the submitted details, no development shall commence on site until details of the works for the disposal of sewerage, including the point of connection to the existing public sewer have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be first occupied until the approved sewerage details have been fully implemented in accordance with the approved details.

REASON: This is a pre-commencement condition to ensure that the proposal is provided with a satisfactory means of drainage and does not increase the risk of flooding or pose a risk to public health or the environment.

6 Further Design Details (Pre-Commencement Condition)

Notwithstanding the approved drawings, no works shall commence until details of the following have been submitted to and approved in writing by the Local Planning Authority:

- (i) Large scale details of all external joinery and shutters including metal-framed glazing (1:5 elevation, 1:2 section) including vertical and horizontal cross-sections through openings to show the positions of joinery within openings, depth of reveal, heads, sills and lintels;
- (ii) Large scale details of all internal joinery (1:5 elevation, 1:2 section);
- (iii) Full details of proposed rooflights, which shall be set in plane with the roof covering;
- (iv) Full details of external flues, background and mechanical ventilation, soil/vent pipes and their exits to the open air;
- (v) Full details of proposed meter and alarm boxes;
- (vi) Large scale details of proposed eaves and verges (1:5 section);
- (vii) Full details of proposed internal service routes;
- (viii) A full schedule and specification of repairs including:
- (ix) a structural engineer's report setting out the nature of, and suggested remedial work to, structural defects
- (x) proposed timber and damp proof treatment
- (xi) proposed method of cleaning/paint removal from historic fabric
- (xii) a full schedule of internal finishes to walls, ceilings and floors
- (xiii) Full details of external decoration to render, joinery and metalwork; and

(xiv) Full details and samples of external materials.

The works shall be carried out in accordance with the approved details.

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 works commence in order that the works are undertaken in an acceptable manner, in the interests of preserving the character and appearance of the listed building and its setting.

7 Material (Pre-commencement condition)

No development shall commence on site until details of the roof tiles, bricks, stone and timber cladding to be used on the development 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.

8 Sample Wall Panel (Pre-Commencement Condition)

No development shall commence on site until a sample wall panel, not less than 0.5 metre square, has been constructed on site, inspected and approved in writing by the Local Planning Authority. The panel shall then be left in position for comparison whilst the development is carried out. Development shall be carried out in accordance with the approved sample.

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

9 Sample Render Panel (Pre-Commencement Condition)

No development shall commence on site until a sample panel of the render to be used on the external walls not less than 0.5 metre square, has been made available on site, inspected and approved in writing by the Local Planning Authority. The panel shall then be left in position for comparison whilst the development is carried out. Development shall be carried out in accordance with the approved sample.

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

10 Arboricultural Impact Assessment (Pre-Commencement Condition)

No demolition, site clearance or development shall commence on site until an Arboricultural Method Statement (AMS) prepared by a qualified

arboricultural consultant providing comprehensive details of construction works in relation to trees has been submitted to, and approved in writing by, the Local Planning Authority. All works shall subsequently be carried out in strict accordance with the approved details. In particular, the method statement must provide the following:

- A specification for protective fencing to trees during both demolition and construction phases which complies with BS5837:2013 and a plan indicating the alignment of the protective fencing;
- A specification for scaffolding and ground protection within tree protection zones in accordance with British Standard 5837: 2013;
- A schedule of tree works conforming to British Standard 3998: 2010;
- Details of general arboricultural matters such as the area for storage of materials, concrete mixing and use of fires;
- Plans and particulars showing the siting of the service and piping infrastructure;
- A full specification for the construction of any arboriculturally sensitive structures and sections through them, including the installation of boundary treatment works, the method of construction of the access driveway including details of the no-dig specification and extent of the areas of the driveway to be constructed using a no-dig specification;
- Details of the works requiring arboricultural supervision to be carried out by the developer's arboricultural consultant, including details of the frequency of supervisory visits and procedure for notifying the Local Planning Authority of the findings of the supervisory visits; and
- Details of all other activities, which have implications for trees on or adjacent to the site.
- In order that trees to be retained on-site are not damaged during the construction works and to ensure that as far as possible the work is carried no demolition, site clearance or development should commence on site until a pre-commencement site meeting has been held, attended by the developer's arboricultural consultant, the designated site foreman and a representative from the Local Planning Authority, to discuss details of the proposed work and working procedures.
- Subsequently and until the completion of all site works, site visits should be carried out on a monthly basis by the developer's arboricultural consultant. A report detailing the results of site supervision and any necessary remedial works undertaken or required should then be submitted to the Local Planning Authority. Any approved remedial works shall subsequently be carried out under strict supervision by the arboricultural consultant following that approval.

REASON: In order that the Local Planning Authority may be satisfied that the trees to be retained on and adjacent to the site will not be damaged

during the construction works and to ensure that as far as possible the work is carried out in accordance with current best practice and section 197 of the Town & Country Planning Act 1990.

11 Details of Rainwater Goods

No works to add or replace rainwater goods shall commence on site until details of all new or replacement rainwater goods (which shall be of cast metal construction and finished in a colour to be agreed) and their means of fixing to the building 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 preserving the character and appearance of the listed building and its setting.

12 Landscaping Scheme

Notwithstanding the submitted Site Plan and Landscaping, Drawing No. 1689/SP 1A Revision A, within three months following the commencement of development 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
- number of trees, of a size and species and in allocation to be agreed in writing with the Local Planning Authority, shall be planted in accordance with BS3936 (Parts 1 and 4), BS4043 and BS4428-

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

13 Removal of Permitted Development Rights – Additions and Extensions

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.3) (England) Order 2020 (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.

14 Removal of Permitted Development Rights – no Windows, Dormers or Rooflights

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.3) (England) Order 2020 (or any Order revoking or re-enacting or amending that Order with or without modification), no window, dormer window, or rooflight, shall be inserted in any part of the roof slope of the development hereby permitted.

REASON: In the interests of residential amenity and privacy, preserving the character and appearance of the listed building and its setting.

15 Removal of Permitted Development Rights – No Garages/ Outbuildings

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.3) (England) Order 2020 (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; preserving the character and appearance of the listed building and its setting.

16 Lighting Scheme

No new external artificial lighting shall be installed at the site unless otherwise agreed in writing by the Local Planning Authority. For the avoidance of doubt, any new external artificial lighting as part of this development should only be for the purposes of security and safe access. Any new lighting should be in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication GN01:2021, ‘Guidance for the Reduction of Obtrusive Light’ (ILP, 2021), and Guidance note GN08-18 “Bats and artificial lighting in the UK”, issued by the Bat Conservation Trust and Institution of Lighting Professionals.

REASON: In the interests of conserving biodiversity and the amenity of the neighbouring properties.

17 Hours for Demolition and Construction

No construction or demolition work shall take place on Sundays or Public Holidays or outside the hours of 08:00 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays.

REASON: Ensuring high design and place shaping such that appropriate levels of amenity are achievable.

18 Use of Bat House

The proposed bat house hereby permitted shall only be used for bat roosting space and shall not be converted to habitable accommodation or used for no other purposes.

REASON: To mitigate for impacts to bats arising from the development.

73 **PL.2022.07970: Forge House, The Street, Alderton, Chippenham, SN14 6NL**

Public Participation

- Mr Chris Powell – spoke in support of the application.

Senior Planning Officer, Olivia Tresise, introduced a report which recommended that the listed building application for the conversion of a rural dwelling to create a two bedroomed dwelling and the erection of a bat house, be approved, subject to conditions. The main issue in the consideration of the application was stated to be the impact on a listed building. The Senior Planning Officer reiterated that the changes to the 2021 application had addressed the concerns from Wiltshire Council's Conservation Officer.

The Committee then had the opportunity to ask technical questions to the Senior Planning Officer.

The member of the public had the chance to present their views to the Committee as listed above but was satisfied that he had made his points under the previous item when the Committee had approved full planning permission.

The Unitary Division Member, Cllr Martin Smith, also had the opportunity to speak, but had no further comments to add to his speech under the previous item.

It was noted that it was possible for a member to withdraw their call-in of an application, but only prior to the publication of the agenda.

So the Committee had something to debate, Cllr Smith, seconded by Cllr Elizabeth Threlfall, proposed that the listed building application be approved subject to the conditions outlined in the report. It was then:

RESOLVED:

To GRANT the listed building application subject to the following conditions:

Condition 1 – Time Limits

The works for which Listed Building Consent is hereby granted shall be begun before the expiration of three years from the date of this consent.

REASON: To comply with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

Condition 2 - List of Approved Plans and Drawings

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

- Location Plan, Drawing No. 01 Revision C, Project No. LDC.2284A,**
- Site Plan and Landscaping, Drawing No. 1689/SP 1A Revision A,**
- Bat House Floor Plan, Drawing No. 3, Project No: LDC.2284A, Date: July 2022 by Land, Development & Planning Consultants Ltd,**
- Bat House North and East Elevation, Drawing No. 4, Project No: LDC.2284A, Date: July 2022 by Land, Development & Planning Consultants Ltd, and**
- Bat House South and West Elevation, Drawing No. 5, Project No: LDC.2284A, Date: July 2022 by Land, Development & Planning Consultants Ltd,**
- Proposed Site Plan, Drawing No. 6, Project No: LDC.2284A, Date: March 2021 by Land, Development & Planning Consultants Ltd, all received by the Council on 3 October 2022**
- Revised Proposed Plan & Elevation, Drawing No. 9 Revision A Project No: LDC. 2284A, received by the Council on 30 October 2023, by Land, Development & Planning Consultants Ltd**

REASON: For the avoidance of doubt, the protection, mitigation and enhancement of biodiversity, and in the interests of proper planning.

Condition 3 - Further Details Required (Pre-Commencement Condition)

Notwithstanding the approved drawings, no works shall commence until details of the following have been submitted to and approved in writing by the Local Planning Authority:

- (i) Large scale details of all external joinery and shutters including metal-framed glazing (1:5 elevation, 1:2 section) including vertical and horizontal cross-sections through openings to show the positions of joinery within openings, depth of reveal, heads, sills and lintels;**
- (ii) Large scale details of all internal joinery (1:5 elevation, 1:2 section);**
- (iii) Full details of proposed rooflights, which shall be set in plane with the roof covering;**

- (iv) Full details of external flues, background and mechanical ventilation, soil/vent pipes and their exits to the open air;
- (v) Full details of proposed meter and alarm boxes;
- (vi) Large scale details of proposed eaves and verges (1:5 section);
- (vii) Full details of proposed internal service routes;
- (viii) A full schedule and specification of repairs including:
- (ix) a structural engineer's report setting out the nature of, and suggested remedial work to, structural defects
- (x) proposed timber and damp proof treatment
- (xi) proposed method of cleaning/paint removal from historic fabric
- (xii) a full schedule of internal finishes to walls, ceilings and floors
- (xiii) Full details of external decoration to render, joinery and metalwork; and
- (xiv) Full details and samples of external materials.

The works shall be carried out in accordance with the approved details.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting listed building consent and the matter is required to be agreed with the Local Planning Authority before works commence in order that the works are undertaken in an acceptable manner, in the interests of preserving the character and appearance of the listed building and its setting.

Condition 4 - Details of Rainwater Goods

No works to add or replace rainwater goods shall commence on site until details of all new or replacement rainwater goods (which shall be of cast metal construction and finished in a colour to be agreed) and their means of fixing to the building 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 preserving the character and appearance of the listed building and its setting.

Condition 5 - Materials (Pre-Commencement Condition)

No development shall commence on site until details of the roof tiles, bricks, stone and timber cladding to be used on the development 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: The application contained insufficient information to enable this matter to be considered prior to granting listed building consent and the matter is required to be agreed with the Local Planning Authority before works commence in order that the works are undertaken in an acceptable

manner, in the interests of preserving the character and appearance of the listed building and its setting.

Condition 6 - Sample Wall Panel (Pre-Commencement Condition)

No development shall commence on site until a sample wall panel, not less than 0.5 metre square, has been constructed on site, inspected and approved in writing by the Local Planning Authority. The panel shall then be left in position for comparison whilst the development is carried out. Development shall be carried out in accordance with the approved sample.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting listed building consent and the matter is required to be agreed with the Local Planning Authority before works commence in order that the works are undertaken in an acceptable manner, in the interests of preserving the character and appearance of the listed building and its setting.

Condition 7- Sample Render Panel (Pre-Commencement Condition)

No development shall commence on site until a sample panel of the render to be used on the external walls not less than 0.5 metre square, has been made available on site, inspected and approved in writing by the Local Planning Authority. The panel shall then be left in position for comparison whilst the development is carried out. Development shall be carried out in accordance with the approved sample.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting listed building consent and the matter is required to be agreed with the Local Planning Authority before works commence in order that the works are undertaken in an acceptable manner, in the interests of preserving the character and appearance of the listed building and its setting.

74 **PL.2023.00424: Land at Washpool, Swindon, SN5 3PN**

Public Participation

- Mr Gary Llewellyn - spoke in support of the application.
- Cllr Sally Westwood – Lydiard Millicent Parish Council – spoke in opposition to the application.

Senior Planning Officer, Olivia Tresise, introduced a report which recommended that the application for the demolition of various outbuildings and the erection of a three bedroomed detached dwelling with associated works, be granted. Key details were stated to include the principle of development, highway safety, flood risk and residential amenity.

Attention was drawn to the location of the proposed development in open countryside, outside of the settlement boundary defined in the Wiltshire Core Strategy. However, the site had been previously developed, was not in a conservation area and was adjacent to a residential area. The Senior Planning Officer explained that, as Wiltshire Council was unable to demonstrate a five-year land supply, the proposed development was not found to be contrary to the requirements of the National Planning Policy Framework (NPPF). It was noted that the addition of a dwelling would contribute to improving the supply of housing, there was expected to be some economic benefit from construction and the proposal would make use of an existing access to a public highway.

Members of the Committee then had the opportunity to ask technical questions of the Senior Planning Officer.

Clarification was sought about the impact on the access arrangements for the garages to the north of the site if the proposed development was approved. It was confirmed that the garage doors faced the proposed development site, but that their access arrangements should not be impacted, as they did not currently have access rights over the proposed development site. The proposed development would use the access used by the existing industrial site.

When asked about whether Grampian conditions had been imposed, preventing the start of development until off-site works had been completed, to preserve access for the garages, the Development Management Team Leader stated that this would fall more towards a civil matter. He noted that there were likely to be fewer trips to the proposed residential dwelling than the existing industrial site.

A query was raised in relation to the 'golden thread' through the NPPF, an assumption that planning be granted unless there were reasons against and whether this had been broken. It was queried whether, as the site fell within Flood Zone 2 (medium risk) and Flood Zone 3a (high risk), a sequential test had been undertaken to demonstrate that there was no other suitable site for development.

In response, the Senior Planning Officer noted that she did not believe that there had been a sequential test but noted that the Applicant had submitted a flood risk assessment. The Solicitor providing legal advice highlighted that no technical objections had been raised in relation to flooding within the report.

The Committee Member who had raised the initial query then sought further assurance about the requirement for a sequential test, citing a case relating to Aylesbury Vale Crematorium, which had gone to judicial review. His understanding was that the requirement for a sequential test would not be determined by whether the land had been previously developed. The meeting was then adjourned between 2:49pm and 2:57pm to allow for further investigation.

Upon the resumption of the meeting, the Development Management Team Leader, Adrian Walker, confirmed that a sequential and exceptions test had

been submitted in support of the application, with potential alternative sites being discounted for specific reasons. When asked about whether the search area for alternative sites could just be in Washpool, or whether it needed to be Wiltshire wide, the Development Management Team Leader observed that it would never be Wiltshire wide but should be a reasonable distance. He reiterated that the report had been looked at by a flooding officer, who had agreed with the assessment.

The member of the public then had the opportunity to present their views to the Committee as listed above. He highlighted that all of the reasons for refusing an original application in 2018 had been addressed. He also noted that there were no Highway objections, access to garages was a civil matter and the Applicant would be happy to meet with garage owners.

The member of Lydiard Millicent Parish Council then had the opportunity to present their views to the Committee as listed above, explaining that they felt the proposed development did not comply with Lydiard Millicent's Neighbourhood Plan.

The Unitary Division Member, Cllr Steve Bucknell, then had the chance to present his views to the Committee, raising concerns about the access arrangements, highway safety and ecology. He argued that limited weight should be given to the sequential survey, believing that it had been prepared by a flooding expert rather than a professional planner. He felt that the scope of the sequential survey was too narrow and should have included a wider area of land beyond Washpool.

Following these comments, it was clarified for the Committee that the sequential survey was prepared by a chartered planner. Cllr Bucknell acknowledged this clarification and withdrew his comments about the survey not being prepared by a professional planner. He apologised for any offence caused by his characterisation of the survey. He wished for it to be minuted that the quality of the survey was not in doubt and the Committee was aware that the sequential report had been produced by a suitably qualified professional.

Cllr Bucknell then proposed, seconded by Cllr Gavin Grant, that the application be refused contrary to officer recommendation.

A debate followed where issues such as highway safety, the geographical area covered by the sequential survey, road safety, the settlement boundary, Lydiard Millicent Neighbourhood Plan, five-year land supply and flooding were discussed.

It was then:

Resolved:

To REFUSE to grant planning permission for the demolition of various outbuildings and the erection of a three bedroomed detached dwelling with associated works.

REASONS:

- 1 Core Policy 1 of the Wiltshire Core Strategy identifies the Settlement Strategy in Wiltshire and directs development at a strategic level to the most suitable, sustainable location, while Core Policy 2 seeks to deliver such Settlement Strategy in the most sustainable manner. The proposal is situated outside the settlement boundary of Lydiard Millicent and in the open countryside. Given that the proposal is to erect a market housing outside the settlement boundary of Lydiard Millicent, it would not meet the exception as set out in Core Policy 44 (Rural exceptions sites) of the adopted Core Strategy which allows for affordable housing as exceptions to Core Policies 1 and 2.**

Core Policy 48 supports proposals for residential development to meet the accommodation needs required to enable workers to live at or in the immediate vicinity of their place of works in the interests of agriculture or forestry or other employment essential to the countryside. By virtue of its nature, the proposal would not fall within any of these criteria.

Furthermore, Policy LM1 of the Lydiard Millicent Neighbourhood Plan (2018-2036) Made May 2021 also seeks to limit development in Lydiard Millicent to infill development within the built area of Lydiard Millicent to accord with Core Policies 1 and 2 of the Wiltshire Core Strategy would be supported, provided it has full regard to the following design principles. Infill is defined as the filling of a small gap within the village that is only large enough for not more than a few dwellings, generally only one dwelling. The application site is a triangular parcel of land outside the village of Lydiard Millicent. The site is bounded by a block of garages to the north and an unnamed watercourse to the south. Therefore, due to its location, surrounding natural features and the built form adjacent to the site, the proposal is not considered as an infill development to Lydiard Millicent.

The proposal therefore fails to comply with Policies CP1, CP2, CP44, CP48 and CP57 of the Wiltshire Core Strategy Adopted January 2015 and Paragraph 80 of the National Planning Policy Framework September 2023.

- 2 Core Policy 60 and 61 of the Wiltshire Core Strategy requires new development to be located and designed to reduce the need to travel particularly by private car, and to encourage the use of sustainable transport alternatives. The proposal, by virtue of its location adjacent to a narrow lane, the absence of lit footway connecting to the bus stop nearby, the proposed would very likely to encourage future residents and visitors to use private vehicles.**

Therefore, the proposal is contrary to Core Policies CP1, CP2, CP60 and CP61 of the Wiltshire Core Strategy Adopted January 2015, National Planning Policy Framework (September 2023).

- 3 Paragraph 159 of the National Planning Policy Framework September 2023 states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Paragraph 161-163 of the NPPF states that all plans should apply a sequential, risk-based approach to the location of development – taking into account all sources of flood risk and the current and future impacts of climate change. The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. If it is not possible for development to be located in areas with a lower risk of flooding (taking into account wider sustainable development objectives), the exception test may have to be applied.

The application site is in Flood Zone 2 & 3. Whilst the Sequential and Exception Test Assessment have been submitted with the proposal, it is considered that there is inadequate evidence to demonstrate that no sites with a lower risk of flooding are available in the area for the provision of a new dwelling. As such, the proposal would

be contrary to the above-mentioned paragraphs of the National Planning Policy Framework September 2023, and Core Policy CP67 (Flood Risk) of the Wiltshire Core Strategy (Adopted January 2015).

- 4 Core Policy 57 of the Wiltshire Core Strategy (Adopted January 2015) requires high standard of design in all development. Development is expected to create a strong sense of place through drawings on the local context and being complementary to the locality. Paragraph (vii) of Policy CP57 requires new development to demonstrate the proposal will make a positive contribution to the character of Wiltshire through having regard to the compatibility of adjoining buildings and uses, the impact on the amenities of existing occupants, and ensuring that appropriate levels of amenity are achievable within the development itself.

The proposed dwelling, by virtue of its location, proximity to the adjacent garages and the existing access, the absence of turning and manoeuvring space within the site, would adversely impact upon the users of the garages. The proposal is therefore contrary to Policies CP57 (vii), 60 and 61 of the Wiltshire Core Strategy

75 **PL.2023.00303: Moor Farm, Ashton Road, Minety, Malmesbury, Wilts,
SN16 9QP**

Public Participation

Ms Kerry Pflieger – RAW Planning – spoke in support of the application.

The Development Management Team Leader, Adrian Walker, introduced a report which recommended that the application for the retention of a barn for equestrian uses be granted subject to the conditions outlined in the report. Key details were stated to include the principle of development, impact on the character of the locality and on the living conditions of adjacent occupiers.

Attention was drawn to the history of the site. The Committee were informed that the subject barn was erected under Permitted Development in 2017, but that development was not undertaken in accordance with the approved drawings. However, despite the discrepancy with the drawings, as the building had been substantially completed for a period of at least four years, under Section 171B of the Town and Country Planning Act 1990, it was now immune from enforcement action for agricultural use. It was noted that there had been a recent change in use of the surrounding land and buildings to equestrian use, approved earlier in 2023, so the Applicant was seeking consent to retain and repurpose the barn for use as part of their business. The barn was an existing lawful building and the application before the Committee was for its conversion from agricultural to equestrian use.

Members of the Committee then had the opportunity to ask questions of the Development Management Team Leader.

Details were sought about why a change of use was being requested given that the building already had permission for agricultural use, enabling the storage of hay. The Development Management Team Leader clarified that the permission, if granted, would allow the storage of other equipment in association with the surrounding equestrian land. The building was currently in use mainly for storage, so it was a retrospective application, although the use of the barn could change slightly. It was currently possible to store hay in the barn for equestrian consumption.

In response to queries about which mechanisms would be in force to enforce a refusal of the application, the Development Management Team Leader acknowledged that it would be difficult to enforce.

Queries were asked about whether the granting of equestrian use for the barn would enable it to host a manège. The Development Management Team Leader confirmed that it would be possible to add a condition that the barn could only be used for storage. He also highlighted that the subject barn fell within the boundary of application PL/2022/03080, which was approved earlier

in 2023. As this approved application permitted a change of use for equestrian purposes for the land, then the subject barn arguably already benefitted from equestrian use by default.

The Development Management Team Leader stated that the barn was further from the nearest listed building than if it had been built in the location allowed under Permitted Development.

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

The Unitary Division Member, Cllr Chuck Berry, then spoke about the application, stating that his preference would be for it to remain as storage. He raised concerns about the planning history of the site and potential commercial use of the site for a livery.

In response to the points raised by the public and the Unitary Division Member, the Head of Development Management confirmed that previous applications specified that the stables on site could be used for solely for the keeping of competition livery horses trained at Moor Farm and the horses personally owned by the residents. It would not be permitted to use the site as a full livery.

So that the Committee had something to debate, Cllr Berry, seconded by Cllr Elizabeth Threlfall, proposed that the application be granted subject to the conditions outlined in the report, in addition to a further condition that the subject barn only be used for storage.

A debate followed where issues such as the history of the site, lighting and the facility being used for horse schooling were discussed. The Development Management Team Leader confirmed that assurance had already been provided about the external lighting. It was then:

Resolved:

To GRANT permission for the retention of the barn for equestrian purposes. 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 plan, block plan, elevations and floorplan ref. 2408/4.**

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

3. The use of the building shall be for storage only.

REASON: To define the terms of this permission and in the interests of local amenity.

INFORMATIVE TO APPLICANT:

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 landowner's 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.

INFORMATIVE TO APPLICANT:

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.

76 **Urgent Items**

There were no urgent items.

(Duration of meeting: 2.00 - 4.15 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

Press enquiries to Communications, direct line 01225 713114 or email
communications@wiltshire.gov.uk