

Southern Area Planning Committee

MINUTES OF THE SOUTHERN AREA PLANNING COMMITTEE MEETING HELD ON 19 AUGUST 2021 AT THE GUILDHALL, MARKET PLACE, SALISBURY, WILTSHIRE, SP1 1JH.

Present:

Cllr Richard Britton (Chairman), Cllr Sven Hocking (Vice-Chairman), Cllr Brian Dalton, Cllr Nick Errington, Cllr George Jeans, Cllr Charles McGrath, Cllr Ian McLennan, Cllr Nabil Najjar and Cllr Andrew Oliver

Also Present:

11 **Apologies**

Apologies were received from:

Cllr Rich Rogers

12 **Minutes of the Previous Meeting**

The minutes of the meeting held on 24 June 2021 were presented.

Resolved:

To approve as a correct record and sign the minutes.

13 **Declarations of Interest**

There were none.

14 **Chairman's Announcements**

The Chairman explained the meeting procedure to the members of the public.

15 **Public Participation**

The committee noted the rules on public participation.

16 **Planning Appeals and Updates**

The committee received details of the appeal decisions as detailed in the agenda.

Resolved:

That the Appeals Report be noted.

17 **Planning Applications**

18 **PL.2021.05288 - 2 Dykes Cottages, Winterbourne Dauntsey, SP4 6ER**

Public Participation

Peter Head spoke in objection to the application

David Jones spoke in objection to the application

Dorothy Morgan spoke in objection to the application

James Jordan spoke in support of the application

Haydn Bennett (Agent) spoke in support of the application

Hayden Bennett read the applicants statement of their behalf

Charles Penn (Chairman), spoke on behalf of Winterbourne PC

Attention was drawn to additional information which had been published in Supplement 2 to the agenda, which detailed additional comments. A Members site visit had also taken place earlier that day.

The Planning Team Leader, Adam Madge, presented the application for a new single storey house and garage in part of the existing garden.

The main issues which had been considered to be material in the determination of this application were listed as Principle of development, Character of area including heritage assets and tree protection, Residential amenity, Highway issues, and Ecology.

The local area, access and the location of several listed buildings around the site were indicated on the presentation slides.

Proposed alterations to an existing access track and the position of a heat source pump, the vehicular turning point and roof mounted solar panels were highlighted.

Slide 9 showed the height of the new property in relation to the existing property; the Wilderness.

The application was recommended for approval with conditions as set out in the report.

Members of the Committee had no technical questions for the Officer.

Members of the public as detailed above, then had the opportunity to speak on the application.

Some of the main points raised in objection were, that the location was not suitable for the proposed development, due to the location being in a historically sensitive conservation area.

That the development was back-land development and equated to overdevelopment which would cause harm to the local area and that there was mass opposition on a local level with over 70 objections being raised.

That the proposed air source heat pump would be noisy in light of the close proximity to the neighbouring property and that a noise survey had not yet been undertaken.

The Winterbourne Neighbourhood Plan 2019 – 26 had not identified the proposed site for one suitable for development.

Some of the main points raised in support included that the proposals met the criteria for a passive house in the local area which met the needs of local people in an environmentally friendly way.

The Applicants had lived in the village for 32 years and were looking to downsize into a low impact single storey house, constructed from traditional materials.

Neighbours would be safeguarded by the inclusion of a condition relating to the heat pump.

Reference to CP46 was made in relation to meeting needs of Wiltshire's vulnerable and older people.

Homes for dev should be well insulated and take heat from the sun – the proposals do all of this. Design meets classic passive

The Winterbourne PC representative spoke in objection to the application, noting that although some aspects of concern had been amended on the plans, some still remained. There were concerns around the impact upon neighbouring properties the height and proximity to the north boundary and overshadowing.

The proposal was not felt to be sympathetic to its neighbourhood which was a settlement with listed properties dating back as far as 14C.

Local Member Cllr Andrew Oliver spoke to the application, noting that he had called the application in due to its scale, visual impact on the surrounding area, which was also a conservation area and its impact on the surrounding historic buildings.

He noted the importance of all parties being able to have their say and noted that he could see the matter from both sides.

The Applicant was a longstanding resident of the parish wishing to downsize within the parish. The main objector was also a longstanding resident who has already downsized within the parish.

The parish council had carried out a significant amount of work in creating a Neighbourhood Plan which had been adopted in the 2021 elections in May.

Cllr Oliver then moved the motion of Refusal against Officer recommendation, on the grounds of protecting the historic surroundings, and that other sites had been identified as more suitable for development by the Neighbourhood Plan.

This was seconded by Cllr McGrath

The Committee was invited to discuss the application, the main points included the environmental benefits of such a dwelling against the negative impacts on the location due to it being a conservation area.

It was noted that the site had not been identified for development in the Winterbourne Neighbourhood Plan. The development was also thought to be backland development. The Officer clarified what was meant by backland and in-fill development.

Concerns relating to the heat pump and associate noise were raised along with the style of the metal garage in a conservation area. The Officer clarified that if approved the noise of the heat pump could be conditioned to not rise above a set decibel level.

The comments of the Consultees, in particular, the Conservation Officer relating to there being no impact to the listed buildings nearby and no objection from Highways were also raised.

The need for small dwellings was noted, along with the proposals for a passive house which was considered desirable.

The Committee then voted on the motion of refusal against Officer recommendation for the reasons stated above.

It was:

Resolved

That application PL.2021.05288 be Refused for the reasons below:

The proposed development, by reason of the site location and design, would constitute backland development which would not represent sympathetic infill development and would not be in keeping with the setting of historic and listed buildings in the Winterbournes Conservation Area. As a result, the proposal would have a detrimental impact on the character of the area and is therefore considered to be contrary to the housing objectives of The Winterbournes Neighbourhood Plan 2019-2026 (Made May 2021) and the provisions of the Wiltshire Core Strategy (2015) policies CP57 (Ensuring High Quality Design and Place Shaping) and CP58 (Ensuring the Conservation of the Historic Environment); the

National Planning Policy Framework (July 2021); and the National Design Guide 2021.”

19 **PL.2021.03114 - Barn on land adjacent to Greenfields, Kilmington, BA12 6RB**

Public Participation

Matt Williams (Agent) spoke in support of the application

Quentin Day (Applicant) spoke in support of the application

Mrs Hames (Vice Chairman), spoke on behalf of Kilmington PC

The Planning Team Leader, Adam Madge, presented the application for the conversion of part of a redundant barn to form a 1-bedroom dwelling, with access off Butts Lane, which was single tracked and not well trafficked.

The main issues which had been considered to be material in the determination of this application were listed as principle of development, policy and planning history; design, scale and impact to the amenity of the area including the AONB; Parking/Highways, impact; ecological impact/river Avon Catchment Area.

Proposed elevations and floor plans were explained with additional photos depicting the current barn on the site, which had been there for many years.

The applicant worked on the site and lived in a Sheppard's hut currently on the site. If the application was approved, the applicant would move in to the one bed property.

The site was in the AONB, the Officer noted concerns around allowing a dwelling in the area, and the associated phosphate issue, and absence of a bat survey.

The application was recommended for refusal.

Members of the Committee had the opportunity to ask technical questions of the Officer, where it was clarified that if approved the applicant had stated they would remove the shepherd hut, and that the committee could request enforcement of removal of the hut.

Members of the public as detailed above, then had the opportunity to speak on the application.

Some of the points raised included that a bat survey had been provided as part of a previous application and that there had been no reference to the survey on the refusal previously.

The development would lead to an enhancement on the setting CP48 compliance and national policy. If the applicants were able to live on site this would enable them to create a sustainable enterprise.

Kilmington Parish Council supported the application.

The agricultural business would serve the local community as the applicant's customers were all within a 5-mile radius to the site.

There were no objections from Highways to the access proposals.

Two other similar developments in the same road had been approved recently with no mention of phosphate issues or detrimental effect to the AONB.

The applicant had grown up in the village and had local support.

Local Member Cllr George Jeans spoke in support of the application, noting recent case law relating to another case where a court had quashed a council decision to refuse an application due to the development being in the AONB, adding that a planning committee could overturn an officer recommendation with good reason.

The Officer noted that Members were free to make a decision against Officer recommendation, providing they had taken into account council policies on the AONB and could make a qualified decision. As to why it was acceptable to approve a development in the AONB.

Cllr Jeans did not believe Planning Permission was required for re-use, including a change of use, noting that page 47 states the site was an existing barn.

The Agent noted that the conversion was a windfall site.

The Officer clarified that there were concerns on the impact of phosphates into river Avon catchment area, for a development site that did not meet planning policy.

With regards to the bat survey, the previously provided survey had been acceptable. If approved a new bat survey could be conditioned.

The previous application on the site was refused for two reasons. The proposals were now for a one bed dwelling instead of two.

It was difficult to keep youth in an area that was expensive. The application would give the building a planning purpose. There was a clear aim to retain and protect a rural building in the countryside. This would positively contribute to the landscape compared with what was there now.

Councillor Jeans moved the motion of approval with conditions. Against Officer recommendation. This was seconded by Councillor Hocking.

The Committee was invited to discuss the application, the main points included the size of the dwelling, and the effect it would have on the surroundings in comparison with what was currently in place on the site.

The link to the river Avon was suggested as tenuous, as it was noted that there would be little impact.

Support for the development in terms of the opportunity it would create for a young person to remain and grow a business in the village was noted.

An amendment to the motion, to include the removal of the current hut if approved, was moved and agreed by Cllr Jeans and Cllr Hocking.

The negative impact on the AONB from a new dwelling in an unsustainable location was noted along with a suggestion that the development may create light pollution.

The Committee then voted on the motion of Approval, against Officer recommendation for the reasons stated above, with conditions for the removal of the Sheppard's hut and lighting that met the Dark Skies criteria.

It was:

Resolved

That application PL.2021.03114 be Approved, against Officer recommendation, 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:

Existing plans Dated March 2021 drawing no 2056/01 and received on the 22nd March 2021

Proposed Plans Dated March 2021 drawing no 2056/02 and received on the 22nd March 2021

Existing site layout Dated March 2021 drawing no 2056/03 and received on the 22nd March 2021

Proposed site layout dated March 2021 drawing no 2056/04 and received on the 22nd March 2021.

Existing site survey showing visibility splays drawing no 20192-1 Rev A

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

3. Within 3 months of first occupation of the dwelling hereby permitted the shepherd's hut shall be removed from the site.

REASON: In order to preserve, maintain and enhance the special appearance and character of the AONB.

4. Prior to first use of the building hereby granted permission a plan shall be submitted to and approved in writing by the local planning authority showing any areas outside the red line of the application site denoted by the blue line as shown on approved drawing:

Existing Site Layout Plan that will be used for storage in connection with the applicant's business. No storage in connection with the applicant's business shall occur outside of the areas indicated on the plan approved.

REASON: In order to prevent erosion of the special qualities of the AONB.

5. Prior to commencement of the development hereby approved a bat survey and report shall be undertaken by a suitably qualified ecologist and submitted to and approved in writing by the local planning authority. Any recommendations and mitigation measures as are contained in that survey and report shall be undertaken prior to the commencement of development.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or reenacting or amending those Orders with or without modification), no development within Part 1, Classes A-H shall take place on the dwellinghouse hereby permitted or within its curtilage.

REASON: In the interests of the amenity of the area and the AONB and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions, extensions or enlargements

7. The visibility splays shown on plan 20192-1 rev A shall be retained in perpetuity on both its sides of the access. The splays shall be kept free of obstruction above a height of 1.5 Metres at all times.

REASON: In the interests of highway safety.

8. The development hereby permitted shall not be first occupied until the first five metres 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.

9. Any gates shall be set back 4.5 metres from the edge of the carriageway, such gates to open inwards only, in perpetuity.

REASON: In the interests of highway safety.

10. No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication “Guidance Notes for the Reduction of Obtrusive Light” (ILE, 2005)”, have been submitted to and approved in writing by the Local Planning Authority. The approved lighting shall be installed and shall be maintained in accordance with the approved details and no additional external lighting shall be installed.

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

20 **Urgent Items**

There were no urgent items

(Duration of meeting: 3.00 - 5.00 pm)

The Officer who has produced these minutes is Lisa Moore of Democratic Services, direct line (01722) 434560, e-mail lisa.moore@wiltshire.gov.uk

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