

Southern Area Planning Committee

MINUTES OF THE SOUTHERN AREA PLANNING COMMITTEE MEETING HELD ON 19 DECEMBER 2024 AT THE PUMP ROOM, THE OLD FIRE STATION, THE ENTERPRISE CENTRE, 2 SALT LANE, SALISBURY, SP1 1DU.

Present:

Cllr Sven Hocking (Vice-Chairman), Cllr Richard Budden, Cllr Sam Charleston, Cllr Brian Dalton, Cllr George Jeans, Cllr Nabil Najjar, Cllr Bridget Wayman and Cllr Ricky Rogers

69 **Apologies**

Apologies were received from:

- Councillor Andy Oliver (Chairman)
- Councillor Charles McGrath

The Committee noted that Councillor Sam Charleston was delayed and would be joining the meeting once he arrived.

70 **Minutes of the Previous Meeting**

The minutes of the meeting held on 14 November 2024 were presented.

Resolved:

To approve as a correct record and sign the minutes.

71 **Declarations of Interest**

In relation to item 10 – PL/2024/07428, Howards House Hotel, Councillor Nabil Najjar noted for openness that he had used the business in a private capacity, however as this did not amount to an interest as set out in the constitution, he took part in the debate and vote on that application.

In relation to item 11 – PL/2022/00839, Farmer Giles Farmstead, Councillor George Jeans noted for openness that the applicant was a former Wiltshire councillor whom he had previously served with on the South West Wiltshire Area Board. However, as this did not amount to an interest as set out in the constitution, he took part in the debate and vote on that application.

72 **Chairman's Announcements**

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

73 **Public Participation**

The committee noted the rules on public participation.

74 **Planning Appeals and Updates**

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

75 **Application Number: PL/2024/03227 - The Homestead, Sutton Hill, Sutton Mandeville, Salisbury, SP3 5ND**

Public Participation

Mr Dan Roycroft (Agent) spoke in support of the application

Ms Emily Lodge (Applicant) spoke in support of the application

Cllr Hugh Collins of Sutton Mandeville Parish Council spoke in objection to the application

The Senior Planning Officer, Becky Jones, introduced a report which recommended that the application for installation of a ground mounted solar array and associated works be approved, subject to conditions.

Key details in the report included the principle of development Scale, design and impact on the National Landscape, settings of heritage assets, rights of way, impact on neighbouring amenity, ecology, protected species and biodiversity net gain. During the presentation, the local RoW and the view from the proposed location of the solar panels to the surrounding dwellings were set out.

The Officer noted an amendment to paragraph 168 of the published report, in relation to the recently update NPPF, in terms of the significant weight that could be given to all forms of renewable energy.

Members of the committee then had the opportunity to ask technical questions of the officer. Details were sought on whether any consideration had been given during previous planning application requests associated with the swimming pool, for the need of additional buildings.

The need for the 90-panel solar array was questioned, where it was clarified that the proposed solar array was now required to address the heating requirements of the pool and the house.

The Board noted that in addition to the changes to the NPPF as updated by the Officer during the presentation, the National Landscapes document (AONB) also carried great weight and that all would need careful consideration.

The Officer further clarified that the Council's Conservation Officer had been to the site and walked the footpaths, and the Renewable Energy Officer, Rights of Way (ROW) Officer and the National Landscapes partnership had no objections to the proposed scheme.

The Conservation Officer had provided helpful comments and the impact on listed buildings had been deemed as neutral.

The Officer noted that there was a potential diversion of one of the footpaths (SMAN13), however, that would be a separate matter to planning.

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

The unitary division member, councillor Nabil Najjar then spoke on the application, noting that he called it to committee due to the high levels of concern from local parish council and neighbours, the visual impact upon the surrounding area and the design, bulk, height, general appearance.

Thanks were given to the Officer for conducting a thorough evaluation of the application and to the engagement of all in the process.

Cllr Najjar noted that he would not present a strong view either way, however as there had been a number of historic concerns regarding the site, he felt that it was important for both parties to have the opportunity to participate in the process.

Cllr Najjar noted the degree of community objection from residents and the parish council regarding the setting and size of the proposed array, which would be visible from the neighbours dwelling and a public RoW.

The delivery of valuable renewable energy in a rural setting was also noted.

Councillor Wayman moved the motion of refusal, against Officer recommendation, citing the reasons as being harmful to the National Landscape area (AONB) due to being highly visible in the surrounding area.

This was seconded by Councillor Richard Budden.

A debate followed where issues members noted the balance between the delivery of renewable energy over possible overdevelopment in the National Landscape area (AONB).

At the close of debate, the Committee voted on the motion of refusal for the reasons stated.

The motion failed.

Councillor Brian Dalton then moved a new motion of Approval in line with Officer recommendation.

This was seconded by Councillor Ricky Rogers.

Without further debate, the Committee voted on the motion of Approval.

It was;

Resolved

That planning permission for PL/2024/03227 be Approved, with 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 and documents:

Existing site plan ref 23/782/E003 Rev D Dated Nov 2023

Site Location Plan ref 23/782/E001 Rev B Dated Nov 2023

Proposed Site Plan (with additional screen planting and ASHPs removed) ref 23/782 P003 Rev F dated Nov 2023

Proposed Solar Panel Details ref 23/782/P101 Rev A Dated Nov 2023

Proposed Plant Store for Solar Array ref 23/782/P100 dated Nov 2023

Proposed Visibility Sections ref 10156/07/2023 dated July 2023

Planning Statement dated March 2024

Preliminary Ecological Assessment by Ecosupport dated 27th March 2024

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

3. The inverters and batteries for the solar panels hereby approved shall at all times be enclosed within the Plant Store building, which shall be maintained for this purpose for the lifetime of the development, in accordance with plan ref 23/782/P100 dated Nov 2023

Reason: To minimise noise disturbance in the interests of neighbouring amenities.

4. The solar panels hereby approved shall not be installed and no removal of any trees or shrubs shall take place until full details of a Wildlife Protection and Enhancement Scheme have been submitted to and approved in writing by the local planning authority. The details shall include:

i) Measures that will be taken to avoid harm to wildlife, including timing of works to avoid nesting birds and reptiles, and pre-commencement checks for protected species including badger.

ii) Quantification of biodiversity net gain provision including a plan showing the location(s) and type(s) of feature(s) to enhance the site for biodiversity (such as swift or bat boxes or designing lighting to encourage wildlife).

iii) Measures to control lighting during construction

iv) Measures to ensure no negative impacts on the quality of any water courses or bodies v) Measures to control dust during construction

The development shall be carried out in accordance with the agreed WPES

REASON: To avoid adverse impacts on biodiversity and to secure biodiversity enhancements.

5. The existing trees and hedges shown on the Existing Site Plan ref 23/782/E003 Rev D shall be retained and protected with an enclosure/fencing during any excavation works and installation of the solar panels. The hedgerow/ tree root protection areas (RPAs) shall be included and buffered accordingly.

The existing bund shall be maintained as part of the development, thereafter for the lifetime of the development and in accordance with the plans hereby approved.

The development, including the additional planting scheme for the site and bund, shall be carried out in strict accordance with the planting schedule (including readyhedge / instanthege or equivalent) on the following documents:

- Site Location Plan ref 23/782/E001 Rev B Dated Nov 2023

Any new trees shall be standards, in accordance with the schedule.

Reason: To avoid direct damage to hedgerow, shrubs and trees, through the compaction and disturbance of root protection zones which could cause deterioration of individual trees or shrubs. To protect potential habitat for bats. To ensure that the height of the screen planting on the bund is sufficient in height and density to adequately screen the development. For the protection, mitigation and enhancement of biodiversity and the character of the National Landscape.

6. 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 the building(s) 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 ten 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.

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

7. The solar panels hereby approved shall be installed in accordance with the proposed site section ref Proposed Visibility Sections ref

10156/07/2023 dated July 2023. The height of the panels above ground level shall not exceed 0.43 metres at an angle of 30 degrees.

Reason: In the interests of the landscape amenity of the National Landscape and the visual amenity of the settings of heritage assets.

8. No new artificial external light fixture or fitting will be installed within the application site or on the building until details of existing and proposed new lighting have been submitted to and approved by the Local Planning Authority in writing. The submitted details will demonstrate how the proposed lighting will impact on bat habitat compared to the existing situation. The plans will be in accordance with the appropriate Environmental Zone standard (E0 for the National Landscape) as set out by the Institution of Lighting Professionals (ILP) Guidance Notes on the Avoidance of Obtrusive Light (GN 01/2021) and Guidance note GN08/23 “Bats and artificial lighting at night”, issued by the Bat Conservation Trust and Institution of Lighting Professionals.

REASON: To avoid illumination of habitat used by bats and to protect the International Dark Skies Reserve in the National Landscape. To protect the character of the area in the interest of the settings of heritage assets.

9. Notwithstanding the approved plans and materials schedule, the plant store building hereby approved shall not commence above slab level until the exact 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. Materials shall be matt in finish and dark in colour. Development shall be carried out in accordance with the approved details and maintained in that condition thereafter.

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 development above slab level commences in order that the development is undertaken in an acceptable manner, in the interests of visual amenity and the character and appearance of the National Landscape.

10. Upon cessation of the use of the solar panel array, the site shall be decommissioned, the plant store shall be removed and the site shall be restored to its former agricultural use.

Reason: To ensure that the site is restored to its former agricultural use after the use ceases. In the interests of landscape amenity and biodiversity.

Informatives:

Rights of Way

The applicant has applied to divert public footpath SMAN13 between the field boundary and the proposed solar array. They should ensure that there is a minimum width of 3 metres available between the existing fence and the hedge around the solar array which must be maintained at all times.

Nesting Birds

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 August 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 August but some species are known to breed outside these limits.

Lighting

The habitat within the proposed development site and the surrounding area is suitable for roosting, foraging and commuting bats. An increase in artificial lux levels can deter bats which could result in roost abandonment and/or the severance of key foraging areas. This will likely result in a significant negative impact upon the health of bat populations across the region. Artificial light at night can have a substantial adverse effect on biodiversity. Any new lighting should be for the purposes for safe access and security and 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 GN08/23 "Bats and artificial lighting at night", issued by the Bat Conservation Trust and Institution of Lighting Professionals.

Reptiles

There is a residual risk that 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 in line with the recommendations made in (insert details of ecological report). If these species are found during the works, the applicant is advised to stop work and follow advice from an independent ecologist or the Council Landscape and Design Team (ecologyconsultations@wiltshire.gov.uk) Energy Efficiency The applicant is encouraged to consider measures in their home to reduce energy consumption through energy efficiency measures. This ensures the Energy Hierarchy is being supported.

Biodiversity

The applicant's attention is drawn to the advice and website links in the comments received from Natural England dated 4/11/24

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Application Number: PL/2024/03228 - The Homestead, Sutton Hill, Sutton Mandeville, Salisbury, SP3 5ND

Public Participation

Mr Dan Roycroft (Agent) spoke in support of the application
Ms Emily Lodge (Applicant) spoke in support of the application
Cllr Hugh Collins of Sutton Mandeville Parish Council spoke in objection to the application

The Senior Planning Officer, Becky Jones, introduced a report which recommended that the application for Erection of agricultural building, soft landscaping and associated works be approved, subject to conditions.

Key details in the report included the principle of development and need for the building, scale design and impact on the National Landscape, settings of heritage assets, rights of way, impact on neighbouring amenity, ecology, protected species and biodiversity net gain and Highway safety.

The Officer gave an update on the published report, noting an amendment to the measurements of the proposed building.

In addition, Late correspondence from the planning agent for the applicant was summarised.

Members of the committee then had the opportunity to ask technical questions of the officer. Details were sought on whether the proposed building was in open countryside, where it was clarified that as there had never been any change of use on the land, the use category defaulted to agricultural land.

The Officer also clarified that when there was a condition confirming land was agricultural, then a class Q would not later be permitted as would be in conflict with the set condition.

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

The unitary division member, councillor Nabil Najjar then spoke on the application, noting that he called it to committee due to the high levels of concern from local parish council and neighbours, the visual impact upon the surrounding area and the design, bulk, height, general appearance.

Cllr Najjar noted that when taken within the wider context of the site, the application for the proposed building required careful consideration, due to the farming and sustainable land management future ambition for the site.

Councillor Hocking moved the motion of approval, in line with Officer recommendation.

This was seconded by Councillor George Jeans.

The Committee discussed the application, noting the need for agricultural buildings if the land was to be used for farming purposes in the future. The difference between farming and equestrian was also discussed.

The Officer clarified that a condition had been included, if approved, which would require the applicant to provide details of proposed materials for approval.

The Committee noted comments in relation to a similar application elsewhere, where the Committee had refused a conversion of an agricultural building to industrial, which was later overturned at appeal. It was further noted that the application as presented must be considered on its merits and that future or similar applications could not be taken into account when determining an application.

The Committee sought further clarification on Class Q and change of use. The Officer explained that most change of use applications required other access. In the case of the planning site in question, the building did not have separate access and that the original scheme had been amended and removed.

At the close of debate, the Committee voted on the motion of approval with conditions as set out in the Officer report.

It was;

Resolved

That planning permission for PL/2024/03228 be Approved, with 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 and documents:

Site Location (red line) Plan ref 23/782/E001 Rev C Dated Nov 2023

Existing site plan ref 23/782/E003 Rev D Dated Nov 2023

Proposed Site Plan (no access onto Sutton Hill) ref 782 P003 Rev G dated Nov 2023

Proposed Agricultural Storage Building Elevations, Floor Plan and Roof Plan ref 782 P100 Rev A dated Nov 2023

Note from agent received 10/9/24 confirming no hardstanding and source for services.

Preliminary Ecological Assessment by Ecosupport dated 27th March 2024

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

3. No site clearance and no removal of any trees or shrubs shall take place until full details of a Wildlife Protection and Enhancement Scheme

have been submitted to and approved in writing by the local planning authority. The details shall include:

i) Measures that will be taken to avoid harm to wildlife, including timing of works to avoid nesting birds and reptiles, and pre-commencement checks for protected species including badger.

ii) Quantification of biodiversity net gain provision including a plan showing the location(s) and type(s) of feature(s) to enhance the site for biodiversity (such as swift or bat boxes or designing lighting to encourage wildlife).

iii) Measures to control lighting during construction

iv) Measures to ensure no negative impacts on the quality of any water courses or bodies

v) Measures to control dust during construction

The development shall be carried out in accordance with the agreed WPES

REASON: To avoid adverse impacts on biodiversity and to secure biodiversity enhancements.

4. Notwithstanding the approved plans and materials schedule, the agricultural storage building hereby approved shall not commence above slab level until the exact 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. Materials shall be matt in finish and dark in colour. Development shall be carried out in accordance with the approved details and maintained in that condition thereafter.

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 development above slab level commences in order that the development is undertaken in an acceptable manner, in the interests of visual amenity and the character and appearance of the National Landscape.

5. The existing trees and hedges shown on the Existing Site Plan ref 23/782/E003 Rev D shall be retained and protected with an enclosure/fencing during any excavation works and during the erection of the agricultural storage building. The hedgerow/ tree root protection areas (RPAs) shall be included and buffered accordingly.

The development, including the additional tree planting scheme for the north east corner of the site, shall be carried out in strict accordance with a tree planting schedule to be submitted to and approved in writing by the Local Planning Authority before development commences on the agricultural storage building the above slab level and in accordance with the following documents:

- Preliminary Ecological Appraisal. March 2024. EcoSupport;
- Proposed Site Plan 23/782/P003 Rev G. November 2023.

Any new trees shall be planted as standards, and of a multi stem variety to be agreed.

Reason: To avoid direct damage to hedgerow, shrubs and trees, through the compaction and disturbance of root protection zones which could cause deterioration of individual trees or shrubs. To protect potential

habitat for bats. To ensure that the new trees can adequately screen the development. For the protection, mitigation and enhancement of biodiversity and the character of the National Landscape.

6. All soft landscaping and tree planting comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) 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 ten 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.

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

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or any Order revoking or re-enacting or amending that Order with or without modification), the building hereby permitted shall only be used for agricultural purposes associated with the holding known as The Homestead and for no other uses.

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

8. No new artificial external light fixture or fitting will be installed within the application site or on the building until details of existing and proposed new lighting have been submitted to and approved by the Local Planning Authority in writing. The submitted details will demonstrate how the proposed lighting will impact on bat habitat compared to the existing situation. The plans will be in accordance with the appropriate Environmental Zone standard (E0 for the National Landscape) as set out by the Institution of Lighting Professionals (ILP) Guidance Notes on the Avoidance of Obtrusive Light (GN 01/2021) and Guidance note GN08/23 "Bats and artificial lighting at night", issued by the Bat Conservation Trust and Institution of Lighting Professionals.

REASON: To avoid illumination of habitat used by bats and to protect the International Dark Skies Reserve in the National Landscape. To protect the character of the area in the interest of the settings of heritage assets.

Informatives:

Rights of Way

Please be advised that nothing in this permission shall authorise the diversion, obstruction, or stopping up of any right of way that crosses the site.

Nesting Birds

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 August 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 August but some species are known to breed outside these limits.

Lighting

The habitat within the proposed development site and the surrounding area is suitable for roosting, foraging and commuting bats. An increase in artificial lux levels can deter bats which could result in roost abandonment and/or the severance of key foraging areas. This will likely result in a significant negative impact upon the health of bat populations across the region. Artificial light at night can have a substantial adverse effect on biodiversity. Any new lighting should be for the purposes for safe access and security and 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 GN08/23 "Bats and artificial lighting at night", issued by the Bat Conservation Trust and Institution of Lighting Professionals.

Reptiles

There is a residual risk that 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 in line with the recommendations made in (insert details of ecological report). If these species are found during the works, the applicant is advised to stop work and follow advice from an independent ecologist or the Council Landscape and Design Team (ecologyconsultations@wiltshire.gov.uk) Energy Efficiency

Biodiversity

The applicant's attention is drawn to the advice and website links in the comments received from Natural England dated 4/11/24

77 **Application Number: PL/2024/05013 - Strukta Trade Store at 13 Edison Road, Salisbury, SP2 7NU**

Public Participation

Mr Dan Roycroft (Agent) spoke in support of the application

Mr Ben Diffey (on behalf of Applicant) spoke in support of the application

The Planning Team Leader, Richard Hughes noted some adjustments to the report due to recent change to the NPPF, these related to paragraph numbers.

The Officer then went on to introduce a report which recommended that the application for Part change of use of B8 Strukta Trade Store to incorporate Sui Generis members only retail club Campus & Co, be refused.

Key details stated in the report included the principle of development and appropriateness of such a use in the location and retail impact on the city centre. Impact on the character and appearance of the area, impact on neighbour amenity/uses, Highway matters and flood risk.

The Officer set out the site layout and noted the Salisbury Central Area Framework (CAF) document (2020) which set out areas on a map for different types of use for the city.

If approved the applicant had suggested a condition relating to the class of use being designated as Retail Warehouse Club, however the Officer noted concerns raised by the Enforcement Officer in applying such a condition.

Members of the committee then had the opportunity to ask technical questions of the officer. Details were sought on the mix of other units on the Churchfield site as a whole, with an explanation that the history of Churchfields was that it had a non-enforcement background, in that business premises there had evolved over time without any enforcement, prior to the implementation of the CAF in 2020. The existing use for the application unit was noted as B8 use.

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

The unitary division member, councillor Sam Charleston then spoke in support of the application, noting that he had brought it to Committee for consideration, as he felt that the main objection was that the proposal was incompatible with the upcoming Local Plan, however, he noted that this was not yet in effect. In addition, the refusal made reference to the CAF, which he believed did not explicitly rule it out.

Cllr Charleston also noted that if the application had been submitted prior to the Local Plan's adoption, it would have been accepted. On the issue of enforcement, he noted that other councils across the country had been able to enforce similar class buildings, so he did not see why this was an issue for Wiltshire and therefore, did not see in planning terms why the application could not be approved.

Councillor Charleston moved the motion of approval, against Officer recommendation based on the change of character of the site with a varied mix of uses and no real reason to refuse.

This was seconded by Councillor Richard Budden.

A debate followed where the Committee discussed the variety of quasi retail warehouse type uses plus other unauthorised uses other than industrial uses which were currently in operation across the Churchfield's site.

It was noted that to refuse the application due to its class of use would be inconsistent when there was so much similar activity on Churchfields already and that there were no good grounds to refuse just because the applicants suggested condition was considered not enforceable.

The Committee considered the opening hours as applied for and discussed whether a restriction should be applied.

The Committee discussed possible conditions with the Officer advising on standard conditions and other possible inclusions.

The Committee agreed to delegate Approval to the relevant Officer, subject to the receipt of a suitably amended site layout drawing which clearly showed the areas to be used for B8 and retail, and also the parking areas clearly delineated to show those for the retail and the B8. A condition was also imposed restricting the use.

At the close of debate, the Committee voted on the motion of Approval with conditions, against Officer recommendation.

It was;

Resolved

That Approval of planning permission for PL/2024/05013 be delegated to the Corporate Director Place following receipt of a suitably amended site layout drawing setting out the areas to be used for B8 and retail, and also the parking areas clearly delineated to show those for the retail and the B8, and subject to the following conditions:

Conditions: (3)

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:

Topographic Survey LDS/6247.1 TP1 dated 01/05/2024 Location Plan dated 03/06/2024

1530/01 (Proposed Ground Floor and Site Plan (With Uses Colour Coded)) received 20/12/2024

Planning Statement received 03/06/2024

Retail Sequential Test and Impact Assessment received 30/08/2024

Information Contained in E-mail From Agent dated 01/10/2024

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

3 The use hereby approved shall be restricted to a retail warehouse club (sui generis) use only in accordance with the Town and Country Planning Use Classes Order 2020 and shall be limited to the area and extent shown on the approved layout plan 1530/01 received 20/12/2024. The remainder of the premises within the red line of the application site shall remain in the current industrial usage.

REASON: For the avoidance of doubt and to clearly define the approved uses on the site.

Informatives: (1)

1 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.

78 **Application Number: PL/2024/07428 (FULL) & PL/2024/07589 (LBC) - Howards House Hotel, Teffont Evias, Salisbury, SP3 5RJ**

Public Participation

Mr Ben Keating (on behalf of applicant/landowner) spoke in support of the application

Mr Dan Brod (Development Partner) spoke in support of the application

Ms Clare Bolton (Agent) spoke in support of the application

Cllr David Wood Teffont Parish Council spoke in objection to the application.

The Planning Team Leader, Richard Hughes, introduced a joint report which covered the Full and the Listed Building Consent applications for the site.

The Officer recommendation was refusal for both applications.

Key details stated in the report included the principle of development, character and design including impacts on heritage assets, Highway safety/parking, ecology and neighbour amenity.

The Officer drew attention to the strong concerns of the conservation officer and the local support as detailed in the report.

Members of the committee then had the opportunity to ask technical questions of the officer. Details were sought on the permeable surface for the planned walkway and bollards.

Members of the public then had the opportunity to present their views to the committee. There were no public speakers registered.

The unitary division member, councillor Bridget Wayman then spoke in support of the application, noting her agreement with the comments in support provided by the applicant and the parish council chairman.

Cllr Wayman noted that previous applications had been refused after she had missed calling them in, under the belief that they would be automatically approved.

Cllr Wayman expressed her support for the proposals which would see a grade II listed building rescued from deterioration, in the efforts to make the premises a viable business.

Councillor Wayman moved the motion of approval, against Officer recommendation, on the grounds that the positive public and other benefits of bringing the hotel and listed building back into use outweighed the very limited harm that would be caused by the proposals.

This was seconded by Councillor Nabil Najjar.

A debate followed where the Committee discussed the support shown by the residents and the parish council and the balance between the impact on the listed buildings against the significant public benefits in rejuvenating a deteriorating building for future use within the community.

The Committee agreed that the proposed works warrants clear community benefit as a place for people to meet in a community hub in an area that was rurally isolated. In addition, it would provide a form of business development to revitalise a building which was in deterioration.

The Committee discussed and sought advice from the Officer on conditions which should be applied should the application be approved.

After full consideration of the heritage issues and the Conservation Officers concerns, Members considered that the very limited harm caused was significantly outweighed by the positive public and other benefits of bringing the hotel and listed building back into use, including the heritage enhancements to the property which had fallen into disrepair externally.

At the close of debate,

It was:

Resolved

That planning permission for PL/2024/07428 (FULL) be granted subject to the following conditions:

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

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

Application form received 07/08/2024 Location plan Drg no TEF_20.0_TeffontHouse_Location_Rev1_JG_2023.09.26 received 07/08/2024

Site plan Drg no TEF_20.0_TeffontHouse_Site_Rev2_JG_2024.03.13 received 07/08/2024

External Lighting Report by Delta Green Environmental Design Revision: S2/P03 dated 12th March 2024 received 07/08/2024

Electrical schedules Revision: P03 Ref: 24005-DGE-XX-XX-SH-E-3200 dated 12th March 2024 received 07/08/2024

Timber joinery details received 07/08/2024

Block and site plan of orangery Drg no OV-RK-SP(b) received 07/08/2024

Car park block plan Drg no PA 01 B received 07/08/2024

Listed building internal plans and elevations Drg no 3875-81 received 07/08/2024

Roof lantern cross sections received 07/08/2024

Planning Design and Access and Flood Statement V3 received 08/08/2024

Proposed roof plans and elevations Drg no OV-RK-ELE-PR(d) received 14/08/2024

Lighting layout Drg no 24005-DGE-XX-XX-DR-E-6351-S2-P03 received 14/08/2024

Floor plans Drg no OV-RK-ELE-FP(d) received 14/08/2024

Isoline Plot Drg no 24005-DGE-XX-XX-DR-E-6350-S2-P03 received 14/08/2024

Statutory Biodiversity Metric. January 2024. Billie Clifford

Construction Environment Management Plan. February 2024. Phlorum

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

3 No part of the development hereby permitted shall be first brought into use until the parking spaces [14] have been completed in accordance with the details shown on the approved plans and made available for use. The parking area shall be maintained for those purposes for the lifetime of the development.

REASON: In the interests of highway safety.

4 Prior to the commencement of works, including demolition, ground works/excavation, site clearance, vegetation clearance and boundary treatment works, a Construction Environmental Management Plan (CEMP) shall be submitted to the local planning authority for approval 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:

- Identification of ecological protection areas/buffer zones and tree root protection areas and details of physical means of protection, e.g. exclusion fencing.
- Working method statements for protected/priority species, such as nesting birds and reptiles. 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.

5 No works shall commence on site until the following details have been submitted to and approved in writing by the Local Planning Authority

- a scheme of hard and soft landscaping (to include means of enclosure and a detailed planting specification showing all plant species, supply and planting sizes and planting densities and finished levels and contours)
- details and samples of all materials
- details of all lighting

All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first use of the development 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.

The development shall be carried out in accordance with the agreed details and shall remain for the lifetime of the development.

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 development commences in order that the development is undertaken in an acceptable manner, to ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features to protect the character of the National Landscape and minimise impacts on the heritage assets.

Informatives:

There is a low risk that bats may occur at the development site. Many species of bat 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 professional ecologist or to contact Natural England's Batline through the internet.

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 August, but some species are known to breed outside these limits.

The habitat within the proposed development site and the surrounding area is suitable for roosting, foraging and commuting bats. An increase in artificial lux levels can deter bats which could result in roost abandonment and/or the severance of key foraging areas. This will likely result in a significant negative impact upon the health of bat populations across the region. Artificial light at night can have a substantial adverse effect on biodiversity. Any new lighting should be for the purposes for safe access and security and 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 GN08/23 "Bats and artificial lighting at night", issued by the Bat Conservation Trust and Institution of Lighting Professionals.

With regards to the LBC application PL/2024/07589, Councillor Sven Hocking then moved the motion of Approval against Officer recommendation.

This was seconded by Councillor Bridget Wayman.

With no further debate, the Committee voted on the motion of Approval with conditions.

It was;

Resolved

That planning permission for PL/2024/07589 (LBC) be granted, subject to the following conditions:

1 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

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

Application form received 07/08/2024

Location plan Drg no

TEF_20.0_TeffontHouse_Location_Rev1_JG_2023.09.26

received 07/08/2024

Site plan Drg no TEF_20.0_TeffontHouse_Site_Rev2_JG_2024.03.13
received

07/08/2024

Electrical schedules Revision: P03 Ref: 24005-DGE-XX-XX-SH-E-3200
dated 12th March 2024 received 07/08/2024

Timber joinery details received 07/08/2024

Block and site plan of orangery Drg no OV-RK-SP(b) received 07/08/2024

Listed building internal plans and elevations Drg no 3875-81 received
07/08/2024

Roof lantern cross sections received 07/08/2024

Proposed roof plans and elevations Drg no OV-RK-ELE-PR(d) received
14/08/2024

Floor plans Drg no OV-RK-ELE-FP(d) received 14/08/2024

REASON: For the avoidance of doubt

3 No works shall commence on site until full details of the materials and architectural details for the approved works have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed 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 development commences in order that the development is undertaken in an acceptable manner.

79 **Application Number: PL/2022/00839 - Farmer Giles Farmstead Teffont**

Public Participation

Mr Richard McNamara spoke in Objection to the application

Ms Mary Corrie spoke in support of the application

Mr Angus Corrie-Dean spoke in support for the application

Mr Robin Faulkner spoke in support for the application

The Principle Planning Office, Adam Madge, introduced a report which recommended that the application for the variation of condition 2 (demolition of buildings) on PL/2021/11405 be approved subject to conditions.

The main issues stated in the report were whether the alteration of the previously granted permission to omit the demolition of one of the main barn structures that were previously proposed to be demolished was acceptable.

Attention was drawn to the late observations summarised by the Officer.

Members of the committee then had the opportunity to ask technical questions of the officer. Details were sought on which buildings it was proposed would remain, in addition to the main barn, as there appeared to be an old kitchen/restaurant building remaining from a previous business use, which members queried was not relevant to the equestrian use.

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

The unitary division member, councillor Bridget Wayman then spoke in objection to the application, noting reasons as the Scale of development, the visual impact on the surrounding area, the relationship to adjoining properties, the design, bulk, height and general appearance, and the environmental or highway impact.

Cllr Wayman summarised the history of former applications on the site, noting that the approval of the dwelling in open countryside in 2020 had been subject to conditions which required the complete removal of a series of buildings, including the main barn on the site, prior to the dwelling being commenced, with the land returned to paddock with a planting scheme.

Cllr Wayman stated that the conditions around removal of the main barn and buildings was one of the exceptional reasons the application had been granted in the National Landscape area (AONB). There had been further attempts to state the need for removal of the redundant farm buildings which were no longer required.

Cllr Wayman believed that the current application sought to retain the buildings which were previously described as redundant, in an attempt to deliberately and dishonestly manipulated the planning system to gain permission of the house.

Cllr Wayman asked that if the application was approved that all PD rights on domestic curtilage and on the camping, curtilage be removed across the entire site to protect, conserve and enhance the national landscape.

Cllr Wayman also stated that the kitchen annex which was now a laundry annex has no permission and should come down as had no connection to equestrian use.

Cllr Wayman moved the motion of support subject to the permitted development (PD) rights being removed across the whole of the land holding (blue line) and for the laundry room (former kitchen) to be demolished.

Officers noted that it would be dependent on what the site plan for the application included and advised that the matter could be delegated to Officer's to approve a new plan which showed the removal of the laundry block.

On further consideration of the removal of the laundry block, Cllr Wayman withdrew her previous motion with agreement of the original seconder, and moved a new motion of deferral, to allow time for the Applicant and Officer's to discuss and establish the removal of the laundry block as part of the retention of the main barn.

Cllr Sven Hocking seconded the motion for deferral.

The Committee further discussed the need for clarity on which buildings were previously agreed for removal, and which should be remaining, noting that a revised plan would be useful in understanding the situation more clearly.

During discussion, Cllr Wayman withdrew her motion for deferral, in agreement of the seconder, and moved the motion of refusal due to there being a discrepancy around which units on the site were to be retained in addition to the main barn and on the grounds that the main barn was not removed as part of the conditions for the approved dwelling in 2020.

The motion of refusal was seconded by Cllr Richard Budden.

The Committee discussed the case for retaining the barn which on the multipurpose agricultural land was considered valid by some.

The Committee voted on the motion of refusal for the reasons as stated above.

The motion failed.

Councillor Nabil Najjar then moved the motion of deferral, in order to seek clarity on the nature of the buildings around the main barn in terms of which were sought to be retained, and which would be removed.

Cllr Wayman seconded the motion.

Consideration around whether the former approval and associated conditions should form part of the Committee's consideration on the current application was discussed.

The Committee then voted on the motion of deferral.
The motion for deferral failed.

Cllr Richard Budden then moved the motion of Approval, in line with Officer recommendations, with the addition of removed PD rights for the whole of the blue area.

This was seconded by Cllr Wayman.

The Committee then voted on the motion of Approval, as set out in the Officer's report with the added condition taking away all PD rights for all development in the surrounding blue land.

It was;

Resolved

That planning permission for PL/2022/00839 be granted subject to the following conditions:

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

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 enlargements.

2 The use of the site as a farm visitor attraction shall remain closed and thereafter that part of the site occupied by the dwelling and its curtilage shall be used for residential purposes, that part of the site occupied by the exhibit building/stabling to be retained shall be used for storage of equipment required for the maintenance of the site and stabling of horses (including for livery purposes but not as a riding school), and the remainder of the site (including the horse exercise arena) shall be used as farmland and/or for the grazing/exercising of horses.

REASON: To accord with the terms of the application and to reflect the special circumstances under which the development has been found to be acceptable - in particular, the resulting enhancement of the AONB as a consequence of the cessation of the farm visitor attraction use.

3. All lighting provided on site shall 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 GN08/23 "Bats and

artificial lighting at night”, issued by the Bat Conservation Trust and Institution of Lighting Professionals and will demonstrate that bat habitat (trees, scrub and hedgerows) on the perimeter of the site will remain below 1 lux.

REASON: To enable the local planning authority to retain control of external lighting having regard to the site's location within a remote and dark part of the Area of Outstanding Natural Beauty.

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

- Drwg1326/12 dated 11/2021 Location map and site plan (existing and proposed)
- DrwgnOCH-006-cond-01.A1 House elevations.
- DrwgnOCH-006- Garage -01 Drwg1326/06A Site sections
- Drwg1326/07A Site topographical survey Design and access statement dated 2018
- Site planting plan no 1326/14B as received 4/12/2024 Page 102
- Landscape and visual analysis October 2019 by Indigo

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

5. The dwelling shown on the approved plans and the land within the red and blue lines of the application shall remain in the same planning unit.

REASON: In order to ensure that the development is carried out in accordance with the plans and to ensure that the site is retained as a single planning unit.

7. Notwithstanding the provisions of the Town and Country Planning (general Permitted Development) (England) Order 2015 (or any Order revoking, re-enacting or amending that Order with or without modification) no further fences, walls or buildings shall be erected on the land shown within the red line to this application.

REASON: In the interests of visual amenity

8. The land outside of that defined as domestic curtilage under condition 4 of planning application no PL/2021/11405 shall only be used for agricultural purposes.

REASON: To prevent alternative uses of the land.

9. Notwithstanding the provisions of the Town and Country Planning (general Permitted Development) (England) Order 2015 (or any order revoking, re-enacting or amending that Order with or without modification) the areas shown in blue and red on drawing 1326/14B as received 4th December 2024 shall not be used for the stationing of touring caravan and camping uses.

REASON: In the interests of maintaining the landscape qualities of the AONB

80 **Urgent Items**

There were no urgent items

(Duration of meeting: 3.00 - 6.30 pm)

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

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