

## Eastern Area Planning Committee

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### MINUTES OF THE EASTERN AREA PLANNING COMMITTEE MEETING HELD ON 27 MARCH 2025 AT WESSEX ROOM - THE CORN EXCHANGE, MARKET PLACE, DEVIZES, SN10 1HS.

#### **Present:**

Cllr Philip Whitehead (Chairman), Cllr Paul Oatway QPM (Vice-Chairman), Cllr Adrian Foster, Cllr Kelvin Nash, Cllr Sam Pearce-Kearney, Cllr Iain Wallis and Cllr Dominic Muns (Substitute)

#### **Also Present:**

Cllr Stuart Wheeler, Cllr Caroline Thomas and Cllr Chris Williams

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#### 9. **Apologies**

Apologies for absence were received from Cllr Stuart Wheeler and Cllr Tony Pickernell.

Cllr Stuart Wheeler attended the meeting as the Local Member for Pewsey Vale East and therefore Cllr Dominic Muns attended the meeting in his place as a Committee Member.

#### 10. **Minutes of the Previous Meeting**

The minutes of the meeting held on 27February 2025 were presented for consideration, and it was;

#### **Resolved:**

**To approve and sign as a true and correct record of the minutes of the meeting held on 27 February 2025.**

#### 11. **Declarations of Interest**

There were no declarations of disclosable interest or dispensations granted by the Standards Committee.

#### 12. **Chairman's Announcements**

There was no Chairman's Announcements.

#### 13. **Public Participation**

No questions had been received from councillors or members of the public.

The Chairman welcomed all present. He then explained the rules of public participation and the procedure to be followed at the meeting.

14. **Planning Appeals and Updates**

**Resolved:**

**The Committee noted the Planning Appeals Update Report for 27 March 2025.**

**15.1 PL/2023/02738 - Former Gas Storage Site, Kelham Gardens, Marlborough, Wilts**

**Public Participation**

Susan Bailey spoke in objection to the application.

Matthew McShane spoke in support of the application.

Cllr Mervyn Hall spoke on behalf of Marlborough Town Council.

Planning Officer, David Millinship presented a report which outlined the redevelopment of site for residential use, including vehicular and pedestrian access and parking, amenity space, landscaping and associated works.

Details were provided of the site and issues raised by the proposals, including the principle of development; affordable housing and viability; transport, highways and parking; and contaminated land. Further issues included design, including heritage and landscape impacts; flood risk and drainage' residential amenity (future occupiers and neighbours); ecology and biodiversity.

Members of the Committee had the opportunity to ask technical questions regarding the application. Details were sought on the cladding that would be used in the proposal, to which it was clarified that this would not be insulation cladding and would not be combustible but rather a thin sheet of metal cladding to coat the outside of the buildings. A further point was also made regarding the flood zone in which the proposal was located in, to which it was noted that there had been debate as to whether the site was located within Flood Zone 1 and that the Environment Agency had stated that the applicants could do their own flood modelling using a suitably qualified flood risk surveyor, after which, the modelling confirmed that the site was within Flood Zone 2 and that a drainage strategy could also be used to manage this.

A point was raised about affordable housing, to which it was noted that the recently adopted Neighbourhood Plan had a requirement for sites to deliver 40% affordable housing for up to 10 dwellings however it had been agreed that this site would not be viable to deliver 40% affordable housing, due to contamination issues which could add significantly to the building costs. It was also hoped that affordable housing would be delivered by other sites in the area not allocated within the Neighbourhood Plan. The history of the site was also discussed and that it had been in its current condition since before 2008.

Members also raised a point regarding the high density of the proposals within a low-density area, to which clarity was provided that initially the applicants had been guided by the Neighbourhood Plan to include 10 properties, however this was revised and reduced to 9 properties due to parking issues. It was also suggested that though the site was high density, it was very well contained and in a sustainable location close to the town centre as well as recreation facilities.. The design of the properties was also discussed with it suggested that the designs were out of keeping for the area, to which officers noted that though this was a modern design they would need to be careful not to be subjective in judgement following design guidance.

Further clarity was sought regarding affordable housing provision within other developments; it was confirmed that the York Place site had historically been retirement apartments, however the approved scheme would deliver affordable housing with 40% being socially rented and then the following 60% being first homes and shared ownership. This would therefore fall within the NPPF definition of affordable housing. The parking provision of the site was also outlined, with it noted that there were no highways objections.

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

The Local Unitary Member, Cllr Caroline Thomas then spoke regarding the application. Cllr Thomas raised the following points, which included but were not limited to how feedback had been provided regarding a lack of affordable housing on the site, parking issues, a lack of privacy, an overbearing design that did not fit within the street scene and potential flood risks. Points raised specifically were the parking issues that would be created by the development, how there was already illegal on street parking taking place due to a lack of enforcement and how the proposal would further add to this as well as creating conflict between residents. Reference was also made to other developments in the area and how these were also experiencing parking issues.

The potential issue of flood risk was also raised by Cllr Thomas, with it suggested that local residents had knowledge of what happens in the area and how the site was frequently under water however the officers had deemed it not necessary to apply the sequential test. It was also stated that to deal with the flooding, conditions should be pre-commencement rather than pre-occupation, when it would be too late to check. Reference was also made to the sewage water pumping station which may cause odour, light and noise pollution to residents.

Cllr Thomas requested that the Committee reject the application in its current form however she was not opposed to development taking place.

The Planning Officer was then provided an opportunity to respond to points that had been raised by public speakers and the Local Unitary Member. This included that the applicant had demonstrated that flooding would only take place in Flood Zone 1 and that the areas in Flood Zone 2 were amenity areas and would not need sequential testing. Regarding drainage, it was also clarified

that full technical details of the system being installed would need to be provided significantly in advance of site occupation. The officer also noted that regarding parking, the proposal did meet standards because the properties were only one or two bedroom and would therefore only need to provide one space each. It was also acknowledged that on street parking was not possible however it was not believed there would be a highways reason to warrant refusal of planning permission

The officer outlined that regarding the pumping station, no current residents in the area had raised complaints about odour or noise and that there was no record of such, and that Thames Water had confirmed that any potential impact would not be constant with the station only being intermittently used.

The Solicitor, Sarah Hickey, confirmed that if access for the development was required over third-party land this was a matter of private law and would be a matter of negotiation for the parties involved and not a matter for Committee Members to consider; the grant of planning permission would not authorise what may otherwise be trespass. This therefore prompted a question about how the Thames Water site seemed landlocked on the plan, to which officers clarified that it would likely be that Thames Water would park nearby and then walk to the site, however final details would be agreed through condition.

At the start of the debate a motion to **ACCEPT** the officer's recommendation was moved by Cllr Philip Whitehead and seconded by Cllr Paul Oatway QPM.

During the debate, issues were raised such as how there was an affordability issue with brownfield sites in comparison to greenfield sites which did not have possible contamination issues. The issue of parking was discussed, with it questioned whether the proposed site would have sufficient parking for its own residents and that there was a balance between reducing the number of properties in order to increase the number of parking spaces. Concern was also raised about how this currently derelict site might not be used again if planning permission was not granted.

It was expressed that there was sympathy with the Local Member and local residents as it seemed as though the developer had been speculative in overriding the needs of the community and Neighbourhood Plan however it was perceived that there was little choice but to grant planning permission as it would likely be over-turned at appeal. Further reference was also made to the parking issue, with it stated that even a one-bedroom property would likely require two vehicles. The potential for parking to cause conflict in the area was also cited. The proximity to the pumping site was also referenced and how the site might be better with one less unit to therefore reduce to the distance to the pumping site as well as the overall site density.

At the conclusion of the debate, it was,

**Resolved:**

That planning permission be GRANTED subject to the following conditions:

#### 1 Time Limit

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.

#### 1 Approved Plans

The development hereby permitted shall be carried out in accordance with the

following approved plans and documents:

- 220510 L 01 01 – Location Plan;
- 220510 L02 01 Rev.F – Proposed Site Layout;
- 220510 L02 05 Rev.D – Parking Layout;
- 220510 HT B 02 01A – Elevation A;
- 220510 HT B 02 02A – Elevation B;
- 220510 HT B 02 03A – Elevation C;
- 220510 HT B 02 04A – Elevation D;
- 220510 HT B 02 05A – Elevation E;
- 220510 HT B 02 06A – Elevation F;
- 220510 HT A 02 01 B – Elevations Plot 9;
- 220510 HT A 01 01 D – Roof and Floor Plan (Plot 9);
- 220510 HT B 01 01A – Proposed Ground Floor Plan;
- 220510 HT B 01 02A – Proposed First Floor Plan;
- 220510 HT B 01 03A – Proposed Second Floor Plan;
- 220510 HT B 01 04A – Proposed Roof Plan;
- 220510 L 02 06 B – Bin Strategy;
- 220510 L 02 04 D – House Type Layout;
- 220510 L 04 01 D.1 – Softworks;
- 220510 L 03 01 E.1 – General Arrangements and Hard Works;
- 22023-210-A – Proposed Drainage Strategy.

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

#### 2 Contamination (Phased)

No development approved by this planning permission (other than that required to be carried out as part of a scheme of remediation approved by the local planning authority under this condition) shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to and approved in writing by the local planning authority.

**This strategy will include the following components:**

- 1. A preliminary risk assessment which has identified:**
  - a. all previous uses;**
  - b. potential contaminants associated with those uses;**
  - c. a conceptual model of the site indicating sources, pathways and receptors;**
  - d. potentially unacceptable risks arising from contamination at the site.**
  
- 2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.**
  
- 3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken to ensure the site is left in a condition suitable for the intended use must. This should detail the works required to remove any unacceptable risks to human health, buildings and other property and the natural and historical environment.**
  
- 5. The approved remediation scheme must be carried out in accordance with its requirements. The local planning authority must be given at least two weeks written notification of commencement of the remediation scheme works.**
  
- 6. Following completion of the remediation scheme (that approved under Step 3 of this condition) site works, a verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete shall be submitted. This shall identify any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.**

**If unexpected contamination is found at any time when carrying out the approved development that was not previously identified it should be reported in writing immediately to the local planning authority. An investigation and risk assessment should be undertaken in accordance with the requirements of step 1 above and where remediation is necessary, a remediation scheme should be prepared in accordance with the requirements of step 3 and submitted to and approved in writing by the Local Planning Authority.**

**The submitted details must confirm the investigations, and any site works have been conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11" and other authoritative guidance.**

**Any changes to these components require the written consent of the local planning authority.**

**REASON:** To ensure that the development site is made safe for its intended use and does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with the aims of Core Policy 56 of the Wiltshire Core Strategy paragraph 196 of the National Planning Policy Framework.

### **3 Biodiversity Mitigation and Enhancement Plan**

Prior to the commencement of the development, including vegetation removal and demolition, a Biodiversity Mitigation and Enhancement Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan should include but not be limited to the location and specification of bird and bat boxes to be installed. The approved details shall be implemented before occupation of the final works.

The installation of these features detailed within the plan will be supervised by a professional ecologist. These features will continue to be available for wildlife for the lifetime of the development.

**REASON:** To mitigate for impacts to biodiversity arising from the development and to ensure compliance with the aims of Core Policies 50 and 57 of the MARL10 of the Marlborough Area Neighbourhood Plan and the planning policy advice of the National Planning Policy Framework.

### **4 Construction Traffic and Environmental Management Plan**

Prior to the commencement of works, including demolition, ground works/excavation, site clearance, vegetation clearance and boundary treatment works, a Construction Traffic and Environmental Management Plan (CTEMP) shall be submitted to the local planning authority for approval in writing. As a minimum, the CTEMP shall provide details of the avoidance, mitigation and protective measures to be implemented before and during the construction phase, including but not necessarily limited to, the following:

- a) Identification of ecological protection areas/buffer zones and tree root protection areas and details of physical means of protection, e.g. exclusion fencing;
- b) Working method statements for the protection of the nearby River Kennet and protected/priority species, such as nesting birds and reptiles;
- c) Mitigation strategies already agreed with the local planning authority prior to determination, such as for great crested newts, dormice or bats; this should comprise the pre-construction/construction related elements of strategies only;
- d) Work schedules for activities with specific timing requirements in order to avoid/reduce potential harm to ecological receptors; including details of when a licensed ecologist and/or ecological clerk of works (ECoW) shall be present on site;
- e) Key personnel, responsibilities and contact details (including Site Manager and ecologist/ECoW);

- f) Timeframe for provision of compliance report to the local planning authority; to be completed by the ecologist/ECoW and to include photographic evidence. Development shall be carried out in strict accordance with the approved CEMP;**
- g) full details of off-street areas for the parking of construction traffic/contractors, storage of materials, delivery arrangements and site working hours;**
- h) details of the management of surface water and temporary lighting during the construction phase (if not included within step b).**

**REASON: To ensure adequate protection and mitigation for ecological receptors and neighbouring site occupiers 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 to ensure compliance with the aims of Core Policies 50 and 57 of the MARL10 of the Marlborough Area Neighbourhood Plan and the planning policy advice of the National Planning Policy Framework.**

## **5 Landscape and Ecology Management Plan**

**Prior to the start of construction, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP will include long term objectives and targets, management responsibilities and maintenance schedules for each ecological feature within the development, together with a mechanism for monitoring success of the management prescriptions, incorporating review and necessary adaptive management in order to attain targets.**

**The LEMP shall also include details of the legal and funding mechanism(s) by which long-term implementation of the plan will be secured. The LEMP shall be implemented in full and for the lifetime of the development in accordance with the approved details.**

**REASON: To ensure the long-term management of landscape and ecological features retained and created by the development, for the benefit of visual amenity and biodiversity for the lifetime of the scheme to ensure compliance with the aims of Core Policies 50 and 57 of the MARL10 of the Marlborough Area Neighbourhood Plan and the planning policy advice of the National Planning Policy Framework.**

## **6 External Materials**

**Construction of the buildings hereby approved shall not proceed above finished floor (slab) level until details of all external materials have been submitted to and approved in writing by the local planning authority.**

**As a minimum, the details shall include the manufacturer/material name, details of the colour and/or external finish and a photographic sample of**

the material. Thereafter, the development shall be completed and maintained in accordance with the approved details.

**REASON:** To ensure the development is completed to a high-quality design and is sympathetic to the surrounding street scene in accordance with the aims of Core Policies 57 and 58 of the Wiltshire Core Strategy, MARL10 of the Marlborough Area Neighbourhood Plan and the planning policy advice of the National Planning Policy Framework.

## **7 Soft landscaping scheme implementation**

All soft landscaping shall be carried out in the first planting and seeding season following the first occupation of the building or the completion of the development (whichever is the sooner) in full in accordance with the details of approved plan no. 220510 L 04 01 D.1 (Softworks).

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.

**REASON:** To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features in accordance with the aims of Core Policies 50, 51 and 57 of the Wiltshire Core Strategy, policy MARL10 of the Marlborough Area Neighbourhood Plan and the relevant planning policy advice of the National Planning Policy Framework.

## **8 Car parking and access**

The dwellings hereby approved shall not be occupied or brought into use until the site access, car parking and turning areas have been constructed/laid out in full in accordance with the details of approved plan nos. 220510 L02 05 Rev.D – Parking Layout and 220510 L02 01 Rev.F – Proposed Site Layout.

Thereafter, the car parking and turning areas shall be maintained in accordance with the approved details and kept available for their intended use.

**REASON:** To ensure that sufficient car parking spaces, manoeuvring areas and a safe access are provided in the interests of preserving highway safety in the locality of the site in accordance with the aims of Core Policies 61, 62 and 64 of the Wiltshire Core Strategy, policy MARL1 of the Marlborough Area Neighbourhood Plan and then relevant planning policy advice of the National Planning Policy Framework.

## **9 Drainage Implementation**

The dwellings hereby approved shall not be occupied or brought into use until the drainage systems for the disposal of foul and surface water have been constructed/laid out in full in accordance with the details of approved plan no. 22023- 210-A (Proposed Drainage Strategy) and the Flood Risk Assessment and Drainage Strategy (Author: Trace Design. Dated: January 2025. Ref: 22023 Rev.A).

Thereafter, the development shall be maintained in accordance with the approved details.

**REASON:** To ensure that foul and surface water associated with the development is managed to prevent risk of flooding on site or to adjacent land and to protect nearby receptors from pollution in accordance with the aims of Core Policies 57 and 67 of the Wiltshire Core Strategy, policy MARL1 of the Marlborough Area Neighbourhood Plan and the relevant planning policy advice of the National Planning Policy Framework.

#### **INFORMATIVE NOTES**

##### **Biodiversity Net Gain**

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition)” that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Wiltshire Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply.

Based on the information available this permission is considered to be exempt as the planning application was made before 12 February 2024.

The effect of section 73D of the Town and Country Planning Act 1990

If planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 (application to develop land without compliance with conditions previously attached) and a Biodiversity Gain Plan was approved in relation to the previous planning permission (“the earlier Biodiversity Gain Plan”) there are circumstances

when the earlier Biodiversity Gain Plan is regarded as approved for the purpose of discharging the biodiversity gain condition subject to which the section 73 planning permission is granted.

Those circumstances are that the conditions subject to which the section 73 permission is granted:

- i) do not affect the post-development value of the onsite habitat as specified in the earlier Biodiversity Gain Plan, and
- ii) in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat the conditions do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier Biodiversity Gain Plan.

### **Thames Water Pumping Station**

The proposed development is located within 20 metres of a Thames Water Sewage Pumping Station, and this is contrary to best practice set out in Codes for Adoption. Future occupiers of the development should be made aware that they could periodically experience adverse amenity impacts from the pumping station in the form of odour; light; vibration and/or noise.

### **15.2 PL/2024/10610 - Lower House Farm, Everleigh, SN8 3EU**

#### Public Participation

Richard Cosker spoke in support of the application.

Kevin McQuaid spoke in support of the application.

Senior Planning Officer, Julie Mitchell presented a report which outlined the retrospective application for the conversion and rebuild of barns to form a detached dwellinghouse and creation of a domestic curtilage (resubmission of PL/2024/03416).

Details were provided of the site and issues raised by the proposals, including the background; principle of development visual, landscape and heritage impacts; residential amenity; highway safety and ecology.

The Senior Planning Officer noted that there had been an update in regard to the application and that a statement had been received from the applicant prior to the meeting regarding nutrient neutrality. Therefore, following discussions with an ecology officer ahead of the meeting, with delegation, officers would be able to consider planning and legal conditions in relation to this issue should the application be approved by Committee.

Members of the Committee had the opportunity to ask technical questions regarding the application.

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

The Local Unitary Member, Cllr Chris Williams then spoke regarding the application. Cllr Williams raised the following points, which included but were not limited to that having spoken to both the planning officer and applicant he understood both viewpoints. Cllr Williams noted that he accepted that the application was slightly bigger than the previously agreed footprint however the buildings retained the same shape and perspectives. Reference was also drawn to how the previous buildings had not been in a fit state and were damaged before restoration work could commence. It was noted that the applicant should have made a new application on the collapse of the old building, however from a practical sense the building was more or less the same as the previous one and brought benefits.

The Senior Planning Officer was then provided an opportunity to respond to points that had been raised by public speakers and the Local Unitary Member. This included that on the previous application there had been no objection from highways as the conversion of the building over-ruled an objection for sustainability. It was however outlined that this application would not be a resubmission of the previous scheme and would technically be a new dwelling, therefore there would be a sustainability objection as a conversion had not taken place.

The officer also outlined that discussions had only taken place following enforcement investigation and that the building now stood substantially complete and that at the time, advice had been given in regard to internal adjustments to the property which had partially collapsed and the existing envelope and footprint rather than a new building. It was also outlined that the increased size of the property could be quantified as 136sqm and just under a 20% increase. Reference was also drawn to how following Cabinet Changes, mitigation credits needed to be purchased by developers in order to fund mitigation, however such credits are not provided to unplanned developments. Further acknowledgement was also given to the nutrient neutrality and how the applicant had given commitment to upgrading the existing package treatment plant as well as providing a new package treatment plant and that if accepted a bespoke assessment from Natural England and legal agreement would be required therefore removing this particular reason for refusal.

At the start of the debate a motion to **ACCEPT** the officer's recommendation was moved by Cllr Philip Whitehead and seconded by Cllr Paul Oatway QPM.

During the debate, issues were raised such as how older buildings provided difficulty in rebuilding with an example provided of how an old farm building had been dismantled, the materials cleaned and then reassembled in the exact format as the planning permission had outlined. A discussion took place regarding permitted development rights, with it noted that permitted development rights were only granted once a build had been completed and was fully lawful and that generally with barn conversions such rights were removed.

A point was raised about the materials used for the building, with it stated that permission was granted for the conversion of the previous building using the original materials, however this had not been done and now the Committee was considering permission for a different application with the building in question slightly bigger. It was also stated that the Council had processes in place for planning which in this case had either not been followed or ignored and that the decision made by the Committee should be based on that. Furthermore, it was suggested that there had been a clear disrespect to the local authority as well as a loss of heritage and building materials which could have been reused.

At the conclusion of the debate, it was,

**Resolved:**

**That the application be REFUSED planning permission for the following reason:**

**The development, as built, has amounted to the substantial demolition of existing buildings and the construction of a wholly new dwelling and garage on the site without reference to the original character, appearance and features of the non-designated heritage assets and without reusing the original fabric of the buildings which were previously permitted to be repaired and sympathetically converted. The site is located in the open countryside outside of any defined settlement boundary and in an unsustainable location where new residential development would not be permitted without exceptional justification and where no public transport or pedestrian facilities are available or accessible to future occupiers. As such, the development, if permitted, would result in a new dwelling in the countryside which would be wholly reliant upon the private car to access services and facilities for any residents and visitors to the dwelling, failing to comply with the exceptional circumstances contained in Core Policy 48 which allows for the re-use of existing buildings without substantial rebuilding and contrary to the settlement and delivery strategy for new housing and sustainability objectives embodied in Wiltshire Core Strategy Core Policies 1, 2, 4, 60 and 61 and the aims of sustainability embodied in the National Planning Policy Framework 2024 (with particular regards to Section 5, paragraphs 82 to 84 and Section 9, paragraphs 109, 110, 115 and 117) which collectively aim to provide housing in a sustainable manner and reduce the need to travel particularly by private car and encourage the use of sustainable transport alternatives.**

**15.3 PL/2025/01793 & PL/2025/02029 - 26 Kingston Road, Shalbourne, Marlborough**

**Public Participation**

Christopher Fisher spoke in support of the application.

Bob Edwards spoke in support of the application.

Cllr Mike Lockhart spoke on behalf of Shalbourne Parish Council.

Conservation/Planning Officer, Joe Leesam presented a report which outlined the demolition of existing lean-to to west elevation and erection of replacement 1.5-storey extension, erection of 1.5 storey extension to north elevation and associated listed building consent.

Details were provided of the site and issues raised by the proposals, including principle of development; Design, Visual Impact, and Impact upon Designated Heritage Assets; Residential amenity; Highways and Parking; Impact upon the North Wessex Downs National Landscape.

Members of the Committee had the opportunity to ask technical questions regarding the application. Details were sought regarding whether it was a planning consideration for the roof of the proposed extension to cut into the existing thatched roof, to which it was clarified that this related to protecting heritage and would have more relevance to the listed building application due to the potential impact on the historic building fabric. A point was raised that the plans suggested that the rear extension was taller than the front extension however it was clarified that this would be marginal and would not materially impact the decision to be made by the Committee.

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

The Local Unitary Member, Cllr Stuart Wheeler then spoke regarding the application. Cllr Wheeler raised the following points, which included but were not limited to that there was surprise that this application had been called to Committee as it had been submitted on 27 February 2025, with the consultation deadline set as 27 March 2025, which was also the date of the meeting in which the application was being heard. It was outlined that Shalbourne Parish Council had only been able to submit comments on 23 March 2025. A suggestion was made that there had been no dialogue between the Council, the Local Unitary Member and the applicant and that the points raised by Forum Heritage Services in a submitted report should have been addressed by the planning officer. Cllr Wheeler also stated that this application, if refused, would show a lack of consistency, citing two other similar applications in Wilton and St. Katharine's that had been granted planning permission and included a glass structure.

Cllr Wheeler also made additional points which included that the submitted application had been amended to take into account the views of the planning and conservation officers and that the reports should be a reminder of the merits of the case rather than only the views of the conservation officer. It was outlined that the entire development would be contained and would not adversely affect the street view with the historic elements of the building being retained and restored. It was also stated that the views of the Parish Council reflected the view of the whole village with no objections to the scheme

The Conservation/Planning Officer was then provided an opportunity to respond to points that had been raised by public speakers and the Local Unitary Member. This included that the front element of the application would be highly

visible, and it would be this element in particular that would shield the rear element from view. It was also suggested that the property was currently viable for use in its current form, without the need for two extra bedrooms and a bathroom to make it desirable. It was outlined that there had been multiple pre-app submissions whereby officers had advised that there may be the potential for a single storey extension to the building with it explained that it was believed that a two-storey addition would not be appropriate. It was further advised that proposals would be visible within the conservation area and that the conservation officer who had provided comments was very familiar with the area.

It was also suggested that some of the comments were perceived to be personal towards the officers whereas it was a case of having a difference of opinion with no-one being right or wrong. Furthermore, it was stressed that the officers were qualified professionals, and that this application had not been rushed through but had been brought to Committee to give Members an opportunity to discuss it and to avoid delays in its determination.

The Chairman sought legal advice as to whether the consultation period for an application could be live whilst an application was being discussed by the Planning Committee. The Solicitor, Sarah Hickey noted that officers had clearly written the report in advance of the meeting of Committee, and it might be possible that some consultation responses could be received on the day of the meeting without knowledge of officers or members. The fundamental principles of consultation require justice and fairness to be done but also be seen to be done; that requires waiting for the consultation period to end before the matter is determined by the Committee to ensure all views of the interested parties are taken into account. To do otherwise could undermine the process and damage the reputation of the Council. It was confirmed it was the decision of the chair but from a legal perspective it would be appropriate for this application to be brought to a subsequent meeting with an updated report.

A motion to **DEFER** making a decision on the application was moved by Cllr Philip Whitehead and seconded by Cllr Adrian Foster.

After which, it was;

**Resolved:**

**The Committee agreed to defer making a decision on the application.**

16. **Urgent items**

There were no urgent items.

(Duration of meeting: 3.00 pm - 5.32 pm)

The Officer who has produced these minutes is Senior Democratic Services Officer - Ben Fielding of Democratic Services, e-mail [Benjamin.fielding@wiltshire.gov.uk](mailto:Benjamin.fielding@wiltshire.gov.uk)

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