Wiltshire Council

Northern Area Planning Committee

MINUTES OF THE NORTHERN AREA PLANNING COMMITTEE MEETING HELD ON 18 DECEMBER 2024 AT COUNCIL CHAMBER - COUNCIL OFFICES, MONKTON PARK, CHIPPENHAM, SN15 1ER.

Present:
Cllr Chuck Berry (Chairman), Cllr Ashley O'Neil, Cllr Nic Puntis, Cllr Elizabeth Threlfall, Cllr Martin Smith, Cllr Clare Cape, Cllr Steve Bucknell, Cllr Nick Holder, Cllr David Bowler

Also Present:
Cllr Nick Dye, Nic Thomas (Director of Planning)

84 **Apologies**

Apologies were received from:

Cllr Howard Greenman
Cllr Jacqui Lay

85 **Minutes of the Previous Meeting**

The minutes of the meeting held on 20 November 2024 were presented.

Resolved:

To approve as a true and correct record and sign the minutes.

86 **Declarations of Interest**

There were no declarations of interest.

87 **Chairman's Announcements**

There were no Chairman's announcements.

88 **Public Participation**

The Committee noted the rules on public participation.

89 **Planning Appeals and Updates**

The Chairman invited Adrian Walker, Development Management Team Leader, to update the Committee on the pending and determined appeals as per the appeals report included within the Agenda Pack.

Following which, it was:

Resolved:
The Committee noted the appeals report for the period between 8 November and 6 December 2024.

90 **PL/2022/05783: Land to West of Care Home (Former Divisional Police Headquarters), Wood Lane, Chippenham, SN15 3HS**

Given last minute updates and supported by both the applicant and the local member who had initiated the call-in, the Chair Cllr Chuck Berry suggested that the item be deferred to the next meeting.

Proposed by Cllr Clare Cape and seconded by Cllr Elizabeth Threlfall it was:

Resolved

To defer the application.

91 **20/11236/OUT: Land to the South West of The Street, Latton, Swindon, SN6 6EH**

Public Participation

- Mr Simon Chambers and Mr Ben Stevens spoke in support of the application
- Cllr Bob Mitchell, from Latton Parish Council, also spoke to the application

Planning Officers introduced the report which recommended that the Committee approve planning permission, subject to conditions, or refuse for the reasons set out in the original officer's report for an outline application (with all matters reserved) for a village recreation hall, all weather tennis court, parking, access and erection of six houses (Resubmission of 19/08877/OUT).

Members of the Committee then had the opportunity to ask technical questions to the officer. The following was clarified:

That there had been a loss of funding in the amount of approx. £100,000 due to changes in circumstances for the donor.

That Latton Parish Council does not have a Neighbourhood Plan.

That the Planning Officer's recommendation from 2022 suggested refusal, but that Councillors at the time had chosen to approve the application and Councillors therefore needed to weigh up both options.

The local member Cllr Nick Dye, spoke to the application.

During debate, a motion to approve was proposed by Cllr Gavin Grant and seconded by Cllr Nic Puntis.

Councillors expressed support for a provision that “everyone involved wished for”.

Resolved

To grant outline planning permission subject to the S106 (draft outline Appendix E) and the conditions found in Appendix F:

1. **The development hereby permitted shall be begun either before the expiration of three**
2. **years from the date of this permission, or before the expiration of two years from the**
3. **date of approval of the last of the reserved matters to be approved, whichever is the later.**

REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

4. **An application for the approval of all of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.**

REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

5. **No development shall commence on site until details of the following matters (in respect of which approval is expressly reserved) have been submitted to, and approved in writing by, the Local Planning Authority:**

- The scale of the development;
- The layout of the development;
- The external appearance of the development;
- The landscaping of the site;
- The means of access to the site.

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

REASON: The application was made for outline planning permission and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 5 (1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

6. **The dwellings hereby approved shall not exceed two storeys in height.**

REASON: In the interests of amenity having regard to the characteristics of the site and surrounding development.

7. **No development on the dwellings hereby approved shall commence until the access road, utility service, drainage infrastructure for the village recreation hall, tennis courts and car park has been completed.**

REASON: To enable the delivery of the community infrastructure.

8. **The dwellings herby approved shall not proceed beyond slab/finished floor level until the exact details of all external materials and finishes have been submitted to and approved in writing by the Local Planning Authority. As a minimum, the submitted details shall include the manufacturer/supplier and material name and a photographic sample of the material/finish. The development shall be completed and maintained in accordance with the approved details.**

REASON: To ensure the development does not cause harm to character of the area in accordance with the aims of Core Policies 51 and 57 of the Wiltshire Core Strategy (adopted January 2015) and the planning policy advice of the National Planning Policy Framework.

9. **The dwellings hereby approved shall not be occupied or brought into use until a scheme of site planting has been implemented in accordance with details that shall first be submitted to and approved in writing by the local planning authority. As a minimum, the details shall include the locations, sizes, species, planting specifications, maintenance details (to ensure the trees/shrubs establish). If, within a period of 10 years, the trees/shrubs are removed or become damaged or diseased**
10. **they shall be replaced in the next planting season with the same species. If a variation in species is required due to disease, agreement must be sought in writing from the Local Planning Authority before the replacement is planted.**

REASON: To secure vegetative screening within the development site and to ensure development provides net gains to the biodiversity value of the site in accordance with the aims of Core Policies 50, 51 and 57 of the Wiltshire Core Strategy (adopted January 2015) and the planning policy advice of the National Planning Policy Framework.

11. **The dwelling hereby approved shall not be occupied or brought into use until secure**
12. **cycle storage sheds for a minimum of two bicycles per dwelling have been**
13. **installed/constructed in full in accordance with details that shall first be submitted to**
14. **and approved in writing by the local planning authority. Thereafter, the cycle storage areas shall be kept available for their**

intended use, in association with the respective dwellings.

REASON: To promote the use of sustainable modes of transport in accordance with the aims of Core Policies 61 and 64 of the Wiltshire Core Strategy (adopted January 2015) and the planning policy advice of the National Planning Policy Framework.

15. **The dwellings hereby approved shall not be occupied or brought into use until boundary enclosures have been installed in accordance with details that shall first be submitted to and approved in writing by the local planning authority. As a minimum, the details shall include locations, heights and materials/external finishes of all existing boundary enclosures to be retained or replaced and all new boundary enclosures to**
16. **be constructed/installed. The development shall be completed and maintained in accordance with the approved details thereafter.**

REASON: To ensure the development does not cause harm to character of the street scene and to preserve privacy to neighbouring domestic properties in accordance with the aims of Core Policies 51 and 57 of the Wiltshire Core Strategy (adopted January 2015) and the planning policy advice of the National Planning Policy Framework.

17. **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re- enacting or amending that Order with or without modification), there shall be no additions/extensions or external alterations to any building forming part of the development hereby permitted.**

REASON: In the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions/extensions or external alterations.

18. **No construction or demolition work shall take place on Sundays or Public Holidays or outside the hours of 0800 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays.**

REASON: In the interests of preserving the residential amenities of nearby occupiers in accordance with the aims of Core Policy 57 of the Wiltshire Core Strategy and the planning policy advice of the National Planning Policy Framework

19. **No development shall commence within the area indicated by application 20/11236/OUT until:**

a) A written programme of archaeological investigation, which should include on-site work and off-site work such as the analysis,

publishing and archiving of the results, has been submitted to and approved by the Local Planning Authority; and

b) The approved programme of archaeological work has been carried out in accordance with the approved details.

REASON: To enable the recording of any matters of archaeological interest.

20. No removal of 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. These details shall include:

(i) A landscape scheme showing planting comprising species of value to wildlife and the creation of corridors for the movement of wildlife around the developed site as well as to and from existing green corridors off site.

(ii) Details of proposed measures that will be taken to avoid harm to wildlife, including timing of works to avoid nesting birds, and pre-commencement checks for protected species including reptiles and amphibians.

(iii) Details of the provision of bat roosting features and nesting opportunities for birds, including but not exclusive to swifts, including a plan showing the location(s) and type(s) of feature(s). All works within the scheme shall be carried out in accordance with the approved details and completed in accordance with specified timescales and prior to the occupation of the development.

REASON: To ensure adequate protection, mitigation and compensation for protected species and to provide a biodiversity enhancement, in accordance with paragraph 118 of the National Planning Policy Framework and Section 40 of the Natural Environment and Rural Communities Act 2006.

21. Prior to first use or occupation of the buildings a lighting design strategy should be submitted to and approved in writing by the local planning authority. It should show the locations and specifications of external lighting and demonstrate that artificial light spill onto features of importance to bats, including new habitat, has been avoided. All external lighting should then be installed in accordance with the strategy.

REASON: Many species active at night (bats, badgers, otters) are sensitive to light pollution. The introduction of artificial light might mean such species are disturbed and/or discouraged from using their breeding and resting places, established flyways or foraging areas. Such disturbance can constitute an offence under relevant wildlife legislation.

22. No development shall commence, except ground investigations and remediation, until a detailed foul and surface drainage design and maintenance schedule has been submitted to and approved in writing by the local planning authority (in consultation with Highways England). The detailed design shall include infiltration testing and soakaway design in accordance with Wiltshire Council's Surface Water Soakaway Guidance to verify that soakaways will be suitable for the development. If the infiltration test results demonstrate that soakaways are not appropriate, an alternative method of surface water drainage, shall be submitted to and approved in writing by the Local Planning Authority and installed prior to the occupation of the development.

REASON: To comply with Core Policy 67: Flood Risk within the Wiltshire Core Strategy adopted January 2015) and to ensure that the development can be adequately drained without increasing flood risk to others. to protect the integrity of the highways drainage asset and in the interest of the safe and efficient operation of the A419 trunk road.

23. Prior to the tennis court hereby permitted being brought into use, suitable netting or fencing shall be erected around the perimeter of the court and shall be maintained as such for the duration of use.

REASON: in the interest of the safe and efficient operation of the A419 trunk road.

24. No construction shall take place within 5m of the water main. Information detailing how the developer intends to divert the asset / align the development, so as to prevent the potential for damage to subsurface potable water infrastructure, must be submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any construction must be undertaken in accordance with the terms of the approved information. Unrestricted access must be available at all times for the maintenance and repair of the asset during and after the construction works.

REASON: The proposed works will be in close proximity to underground strategic water main, utility infrastructure. The works has the potential to impact on local underground water utility infrastructure.

25. No development shall commence until a noise strategy has been submitted to and approved by the Local Planning Authority in consultation with (in consultation with Highways England). The strategy shall include appropriate assessment of noise impacts from both the A419 and the proposed village hall and tennis courts and that any mitigation measures identified as necessary are provided by the developer and located wholly within the

development site.

REASON: To protect the amenity of residents from noise.

92 **PL/2023/07797: Land Off Park Road, Malmesbury, Wilts**

Public Participation

- Mr Tom Cole spoke in support of the application
- Cllr Campbell Richie, from Malmesbury Town Council, also spoke to the application

Planning Officers introduced the report which recommended that the Committee approve planning permission, subject to conditions, for a Reserved Matters Application pursuant of Outline Permission 19/05898/OUT (Outline application for up to 50 residential units, internal road, parking, open space and associated works, with all matters reserved other than access) relating to Appearance, Landscaping, Layout and Scale.

Members of the Committee then had the opportunity to ask technical questions to the officer. The following was clarified:

That permission had already been granted for the site; it was the reserved matters that were being put to the committee.

The open space provision was highlighted for Councillors.

The local member, Cllr Gavin Grant, also spoke to the application.

Councillors were extremely reluctant to propose approval and felt "boxed" by only considering "reserved matters".

Councillors felt required to "rubber stamp" the application, even if only the reserved matters.

Councillors discussed deferring the application further.

Councillors were extremely dissatisfied with the application as a whole and its suitability, especially given the significant risk of flooding.

During debate, a motion to approve was proposed by Cllr Chuck Berry and seconded by Cllr Elizabeth Threlfall,

After a vote, this motion failed.

A motion to defer was proposed by Cllr Gavin Grant and seconded by Cllr Martin Smith, following which it was:

Resolved

To defer the application until further legal advice regarding the S106 agreement could be sought.

93 **PL/2023/06212: Land North of Queen Street, Braydon, Malmesbury, SN16 9RL**

Public Participation

- Mr Simon Chambers spoke in support of the application

Planning Officers introduced the report which recommended that the Committee approve planning permission, subject to conditions, for the formation of field track (part retrospective).

Members of the Committee then had the opportunity to ask technical questions to the officer. The following was clarified:

It was clarified that the report was meant, on page 199 of the agenda in section 10, to state the proposal as "acceptable" and not "unacceptable".

The local member, Cllr Elizabeth Threlfall, also spoke to the application.

Councillors appreciated the concerns raised by affected parties, whilst also considering that the Committee should not focus too far into the future.

During debate, a motion to refuse was proposed by Cllr Elizabeth Threlfall and seconded by Cllr Ashley O'Neil.

Following a vote, the motion failed.

A motion to approve was then proposed by Cllr Chuck Berry and seconded by Cllr Steve Bucknell, following which it was:

Resolved

To approve the application planning permission subject to the following conditions:

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

LPC 5661 EX 01 - Site Location Plan. Received on 24 July 2023.
LPC 5661 EX 02. Site Plan. Received on 24 July 2023.

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

2. **The development will be carried out in strict accordance with the guidance and recommendation of the following documents:**

• Ecological Mitigation and Enhancement Strategy. June 2024. LPC

REASON: For the avoidance of doubt and for the protection, mitigation and enhancement of biodiversity.

3. **All soft landscaping comprised in the approved planting plan 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 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.**

REASON: To ensure a satisfactory landscaped setting for the development and for the protection, mitigation and enhancement of biodiversity.

4. **The field track hereby permitted shall not be used for any other purposes other than agriculture.**

REASON: In the interests of highway safety.

INFORMATIVES (2)

The applicant should note that no works should be undertaken to disturb the surface of public footpath PURT133 without prior consultation with the Rights of way Countryside Access Officer (CAO). Where appropriate any safety/mitigation/reinstatement measures must be approved by the CAO. It is an offence under section 131A of the Highways Act 1980 to disturb the surface of a public right of way without lawful authority to do so. The Highway Authority have the power to take enforcement action as necessary. The applicant should note that it is a criminal offence to obstruct a public right of way under section 137 of the highways Act 1980 and therefore no materials, plant, temporary structures or excavations of any kind should be deposited / undertaken which obstruct or adversely affect the public right of way PURT133 whilst development takes place, without prior consultation with, and the further permission of, the highways authority at Wiltshire Council.

94 **Urgent Items**

There were no urgent items.

(Duration of meeting: 14:00 - 16:05pm)

The Officer who has produced these minutes is Max Hirst of Democratic Services, e-mail committee@wiltshire.gov.uk

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