

Northern Area Planning Committee

MINUTES OF THE NORTHERN AREA PLANNING COMMITTEE MEETING HELD ON 12 AUGUST 2026 AT COUNCIL CHAMBER - COUNCIL OFFICES, MONKTON PARK, CHIPPENHAM, SN15 1ER.

Present:

Cllr Martin Denz JP (Chairman), Cllr Chuck Berry (Vice-Chairman), Cllr Jon Atkey, Cllr Matt Bragg, Cllr Gavin Grant, Cllr Howard Greenman, Cllr Jacqui Lay, Cllr Ashley O'Neill, Cllr Elizabeth Threlfall, Cllr Ross Henning (Substitute) and Cllr Chris Vaughan (Substitute)

Also Present:

Cllr Adrian Foster and Cllr Sam Pearce-Kearney

48 **Apologies**

Apologies for absence were received from:

- Cllr Nick Dye who was substituted by Cllr Ross Henning
- Cllr Augusta Urquhart-Nicholls who was substituted by Cllr Chris Vaughan

49 **Minutes of the Previous Meeting**

The minutes of the meeting held on 8 July 2026 were presented.

Resolved:

To approve and sign as a true and correct record the minutes of the meeting held on 8 July 2026.

50 **Declarations of Interest**

Cllr Jon Atkey declared an interest in agenda item no. 8c – Land East of Biddestone Lane, Yatton Keynell, as he was representing the residents' views objecting to the application. Cllr Atkey declared he would participate in the debate but not vote on the planning application.

51 **Chairman's Announcements**

The Chairman provided information about the procedure to follow in the event of a fire alarm being activated during the meeting.

52 **Public Participation**

The Committee noted the rules on public participation.

53 **Planning Appeals and Updates**

The Planning Manager, Victoria Davis presented the Planning Appeals Update report, which had been received or determined since the last meeting of the Committee.

The Planning Manager highlighted details of the appeals received up to 31 July 2026, along with those applications decided up to 31 July 2026. It was noted that all these applications were delegated to officers rather than Committee decisions.

The Committee noted the contents of the appeals update.

54 **Highways Act 1980 Section 118 The Wiltshire Council Parish of Purton Path 104 (Part) Extinguishment and Definitive Map and Statement Modification Order 2025 Highways Act 1980 Section 26 The Wiltshire Council Parish of Purton Bridleway 104 (Part) Creation and Definitive Map and Statement Modification Order 2025**

Public Participation

- Neil Miles representing the Parish Council spoke in objection to the application.
- Dr Richard Pagett representing the Parish Council spoke in objection to the application.
- Neil Saunders representing the Parish Council spoke in objection to the application
- Richard Moseley in support of the application
- Caroline Hill in support of the application
- Michael Wood in support of the application
- Peter Gallagher – representing the Ramblers Association spoke in support of the application

The Committee considered the report of the Head of Local Highways, as presented by the Definitive Map Officer which provided detail about representations in support and objections to The Wiltshire Council Parish of Purton Path 104 (part) Extinguishment and Definitive Map and Statement Modification Order 2025 and The Wiltshire Council Parish of Purton Bridleway 104 (part) Creation and Definitive Map and Statement Modification Order 2025.

The Officer explained that the proposal relates to a section of public right of way Purton 104, known as Mud Lane, that runs through Restrop Farm. The application was made by the owners of Restrop Farm on the grounds that it is in the interests of the landowners, to improve the privacy, security and safety of the private residence and operational farm.

Since the section of PURT104 to be diverted includes both a bridleway and a restricted byway, it is not possible to achieve the proposal using Highways Act

1980 s.119 diversion legislation. Officers have therefore used two concurrent legal mechanisms under the Highways Act. Section 118 Extinguishment Order, to extinguish Bridleway PURT104, a distance of approximately 140 metres, and restricted Byway PURT104, a distance of approximately 50 metres, and a Section 26 Creation Order, to create Bridleway PURT104, a distance of approximately 270 metres.

The initial consultation on this proposal generated representations in support and objection. The made order statutory consultation generated 13 representations in support and 11 objections. As objections remain outstanding, the Orders cannot be confirmed by the Council and must be referred to the Secretary of State if the Council wishes them to proceed.

A previous diversion proposal for PURT104 was considered by the Planning Inspectorate in 2012. Although the Inspector did accept a number of findings in favour of the 2012 diversion, including a clear benefit to the landowner, that the new route was not substantially less convenient to the public, and that it offered practical advantages in terms of accessibility and maintenance. The Inspector ultimately refused to confirm the order, on the grounds of the historic nature of the current route. The Committee noted that there is nothing in rights of way legislation that states a landowner cannot make another application to alter a public right of way. The 2025 orders, differ in extent and circumstances since the Inspector's decision in 2012 and must be determined on their own merits against the legal tests and government guidance.

Since the 2012 decision the orders have been revised, and the extinguishment and creation routes are significantly shorter than the previously proposed 2012 diversion order. Following this decision, Defra government guidance was released in 2023 setting out a presumption that an Order making authority should be predisposed to make an Order and a confirming authority will similarly be predisposed to confirm it, should the Orders satisfy the relevant legal tests where public rights of way pass through private dwellings, their curtilages and gardens.

Since the 2012 decision the character of the section of PURT104 that is proposed to be extinguished has been irrevocably altered and these details were contained in the report.

The current route passes directly across the farm driveway and through a private residential garden, containing children's play equipment and areas used for family life. It is also situated close to windows of the home, the conservatory and office buildings. The landowners have submitted evidence of privacy concerns and a history of security incidents including police case reference numbers. Supporters of the proposal have similarly indicated that they often feel uncomfortable passing directly through what is clearly someone's private living space. The Defra guidance advises authorities to give due weight to issues of privacy, security and safety, whilst balancing these against the public benefit provided by retaining the existing route.

It was noted that the public rights of way network is historic in nature, however the network has evolved over time through legal mechanisms to divert, extinguish and create paths, where requirements on land have changed. It is clear landscape at Restrop Farm has changed. The extinguishment and creation of PURT104 will have no direct impact on the features of the landscape at this location but is in consequence of the changes already made over time.

The proposed route already exists on the ground as a clear definable track, following a broadly similar trajectory, it requires no additional structures, and presents no significant accessibility concerns. Evidence received during consultation indicates that many users already choose this alignment in preference to the current path. The purpose of rights of way legislation is to preserve safe public access, the proposed route provides connectivity to the wider rights of way network and the surrounding countryside, and provides a rural location for walkers, cyclists and horse riders, away from the residential environment, avoiding intrusion on the home.

Should the orders be forwarded to the Planning Inspectorate, on behalf of the Secretary of State for determination. The process will offer the opportunity for further public participation to the debate on the confirmation of these orders. Whether that be written representations, a public hearing or a public inquiry.

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

The Local Unitary Member, Cllr Jacqui Lay then spoke regarding the application. Cllr Lay commented on similar situation that her parents experienced with a footpath running along one side of their garden. She also spoke about the historical aspect of the Mud Lane route and a number of other sunken routes in the village. Cllr Lay also asked about the existence of any covenants or easements on the land.

Members of the Committee had the opportunity to ask technical questions regarding the application, and the following matters were raised – reasons why the permissive path could be kept in place for those wishing to keep away from the house, if the proposed route and public footpath intend to be linked in any way, confirmation that the certificate of lawfulness relates to the current status of the land and not a previous status, concern about blind bends on the new route and potential problems for horse riders and the number of gardens with a Right of Way across them in Wiltshire.

The Definitive Map Officer then respond to a number of points raised including – the proposed route is a permissive path provided by the landowner, there is no legal obligation for the landowner to provide this path until/if the orders are confirmed , there is no direct connection between the proposed bridleway and the public footpath to the north as they run parallel to each other, confirmation that a Certificate of Lawful Existing Use was granted in 2026 which now legally recognises that the land has been used as a residential garden for over 10 years, there are 6,000km of Rights of Way across Wiltshire and although there

is not an official number that run through gardens this is not uncommon , works were undertaken on the route in 2012/2013 and there is no information about covenants or easements on the land.

At the start of the debate a motion to confirm the order and **ACCEPT** the officer's recommendation was moved by Cllr Ashley O'Neill and seconded by Cllr Gavin Grant.

Resolved:

That The Wiltshire Council Parish of Purton Path 104 (part) Extinguishment and Definitive Map and Statement Modification Order 2025, and concurrently The Wiltshire Council Parish of Purton Bridleway 104 (part) Creation and Definitive Map and Statement Modification Order 2025, be forwarded to the Secretary of State for the Environment, Food and Rural Affairs, with the recommendation that they be confirmed as made.

55 **PL.2026.00135 - Land off Spitfire Road, Calne, SN11 8TE**

Public Participation

- Andy Cattermole – spoke in support of the application
- Cllr Taylor – spoke as a member of Calne Town Council.

The Planning Consultant, Scott Bailey from Local Planners Ltd introduced a report which recommended that reserved matters permission be granted subject to conditions, for the demolition of existing structures and construction of 90 homes, with areas of open space, a play area, sustainable drainage infrastructure, internal roads, paths and parking areas, landscaping and associated works, plant and infrastructure. In addition, approvals to details be granted under conditions 7 (Boundary with Abberd Farm), 8 (Surface Water), 9 (Surface Water), 14 (Construction Ecological Management Plan), and 18 (Noise Assessment) pursuant to outline planning permission ref:- PL/2022/07893.

The Planning Consultant provided an outline of the report and explained that the submitted details provided sufficient information to demonstrate that the proposal would comply with the relevant design expectations as well as the parameters established by the outline planning permission. The application addresses each of the reserved matters and would result in a development that responded positively to the site and integrated satisfactorily with the adjoining settlement. The house types were described as being well-designed and appropriate to their context.

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

The unitary division member, Cllr Ashley O'Neill explained that he had approached the application with an open mind and had not campaigned either for or against it. the submitted reserved matters, by reason of the layout, scale,

appearance, street arrangement, parking arrangement and relationship to public open space and the settlement edge, would fail to deliver a high quality, locally responsive and well-integrated form of development. He felt that the proposal would not create a strong sense of place or an appropriate transition to the rural edge of Calne, contrary to the design objectives of the development plan and the NPPF. Cllr O'Neill felt that a deferral to allow officers to negotiate with the applicant and for the applicant to submit a materially revised reserved-matters scheme addressing a number of matters may produce a better outcome for all parties.

Members of the committee then had the opportunity to ask technical questions of officers, and the following matters were raised – affordable home contribution to Compton Bassett Parish Council, the type of housing backing onto the acoustic fencing, the future management of the fencing, a formal crossing on Spitfire Road offered by the developer but rejected by Highways, the number of informal crossing points, community facilities, the size of the play area, parking spaces for cars, concern about highway issues that are considered by LHFIF's at a later date and if the application is deferred would the condition for a crossing be lost.

The Planning Consultant explained that the management company will manage the fencing going forward, a stretch of land with hostile planting is between the fence and housing, all new roads would be adopted by the Council who would then maintain them going forward along with any crossing points, it was expected that there would likely be low footfall along Spitfire Road, the number of crossing along Spitfire Road is 3, the new local community centre has received planning permission although the intentions of the developer are unclear, the public open space play area had already been approved, the 2 unresolved parking spaces adjacent to the community centre may impact the placement of the centre as it may need to be turned around to accommodate the parking spaces, and conditions and construction materials will be considered and agreed at a later stage in the process.

So that the committee had something to debate, Cllr Ashley O'Neill, seconded by Cllr Gavin Grant, proposed that the planning application be deferred for two committee cycles, and that officers seek any necessary extension of time, to allow officers to negotiate with the applicant and for the applicant to submit a materially revised reserved-matters scheme addressing a number of matters.

Resolved:

That determination of application PL/2026/00135 be DEFERRED for two committee cycles, and that officers seek any necessary extension of time, to allow officers to negotiate with the applicant and for the applicant to submit a materially revised reserved-matters scheme addressing the following matters:

- 1. The overall layout, quantum and distribution of density, including a reduction or redistribution of development where necessary to**

achieve a less cramped layout and a lower-density, landscape-led transition at the eastern and southern rural edges.

- 2. The provision of meaningful, usable and multifunctional public open space within the residential neighbourhood, including a coherent hierarchy of green and public spaces, improved integration of the LEAP and attenuation pond.**
- 3. The street hierarchy and parking strategy, including reducing the dominance of frontage and tandem parking, private drives, hardstanding and parked vehicles within street scenes, and creating more pedestrian-focused, enclosed and distinctive streets.**
- 4. The relationship with the settlement edge, including revised edge sections, building orientation, boundary treatments, landscape buffers and planting so that the development creates an attractive and gradual transition to the countryside and avoids long, defensive runs of rear fencing.**

Local distinctiveness and architectural character, including revised building groupings, building lines, corner treatments, vista termination, roofscape, house types, materials and boundary details to create genuinely identifiable character areas and a stronger sense of place.

56 PL.2026.01804 - Land North of 281 Quemerford, Calne

Public Participation

- Tom Sadler – spoke in support of the application
- Lucy Miller – statement read out by Tom Sadler in support of the application
- Samuel Miller - spoke in support of the application
- Cllr Percy – spoke as the representative of Calne Town Council in general support of the application.

The Planning Officer, Hilary Quixley introduced a report which recommended that full planning permission be granted subject to conditions, for the erection of two semi-detached self-build bungalows. It was acknowledged that the site lay outside of the Calne settlement boundary, although the southern edge of the site is immediately adjacent to that line and the proposal is located within an established pattern of residential development and would not extend further into the open countryside than recently approved developments on adjacent land. The scheme therefore conflicts with the settlement strategy of the Wiltshire Core Strategy in principle, but the conflict is limited by the site's edge-of-settlement location and relationship to existing development.

The Planning Officer commented on the Council's five-year housing land supply being a key material consideration and therefore engaged the NPPF 'tilted balance' requiring significant weight to be given to the delivery of additional housing.

The Planning Officer confirmed that the report covered the following main issues - principle of development, scale, design and landscape impact, energy and sustainability, residential amenity, access, parking and sustainable transport, ecology and biodiversity, flood risk and drainage.

The Committee noted that proposed dwellings would be of an appropriate scale, design and appearance for their setting. The development would reflect the character of nearby recently approved housing, utilise sympathetic materials, and would not result in significant, unacceptable visual harm. Conditions are proposed to control future extensions and alterations to ensure the development remains appropriate to its location and a draft legal agreement has been received which would secure the properties as Self-Build units. The proposal would not give rise to significantly unacceptable impacts on neighbouring residential amenity.

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

The unitary division member, Cllr Sam Pearce-Kearney commented on the many positive aspects of the development, the modest size of the bungalows, the use of renewable energy measures, visual impact, relationship to adjoining properties, environment/highway impact of the application, effects on landscape and transition to the countryside, ecological impact, environment enhancements and the impact of cumulative development within the Quemerford area.

Members of the committee then had the opportunity to ask technical questions of officers, and the following matters were raised – the effect of installing roof lights on the temperature of the upper floor and impact of insulation and impact of tree roots on the development.

The officer explained that the building regulations would consider the most suitable installation of roof light and insulation issues.

So that the committee had something to debate, Cllr Gavin Grant, seconded by Cllr Ross Henning, proposed that the planning application be Granted with conditions and delegation to the Head of Development Management for the completion of the S106 Legal Agreement, as detailed in the report.

Members welcomed the application and that local residents wished to remain in the village they were raised in and build their future homes.

Resolved:

That planning permission be GRANTED subject to conditions, and subject to delegation to the Head of Development Management for the completion of a Section 106 legal agreement securing self-build provision.

CONDITIONS

1. TIME LIMITS

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. APPROVED PLANS

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

Application Form. Received on 17 March 2026

Planning Statement. Received on 17 March 2026

Planning Statement Appendices. Received on 24 March 2026

2520.03.01 Rev A. Location and Site Plan. Received on 11 May 2026

2520.03.02 Rev A. Proposed Site Plan. Received on 11 May 2026

2520.02.01 Proposed Ground Floor. Received on 11 May 2026

2520.02.02 Proposed Loft Floor. Received on 11 May 2026

2520.02.03 Proposed Sections. Received on 11 May 2026

2520.02.04 Proposed Elevations. South and West. Received on 11 May 2026

2520.02.05 Proposed Elevations. North and East. Received on 11 May 2026

Ecological Appraisal 'Section 6 Mitigation and Enhancement'. Received on 17 March 2026

Preliminary Landscape and Visual Technical Note. Received on 17 March 2026

Technical Note. Highways Statement. Received on 17 March 2026

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

3. MATERIALS

The materials to be used in the construction of the external surfaces of the development hereby permitted shall be as stated on the documentation and plans hereby approved.

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

4. LANDSCAPING

No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include :

- location and current canopy spread of all existing trees and hedgerows on the land;
- full details of any to be retained, together with measures for their protection in the course of development;
- a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
- means of enclosure;
- all hard and soft surfacing materials;

REASON: 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

5. LANDSCAPING TO BE CARRIED OUT & MAINTAINED

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 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 the protection of existing important landscape features

6. ARBORICULTURAL METHOD STATEMENT

No development shall commence on site until an Arboricultural Method Statement (AMS) prepared by an arboricultural consultant providing comprehensive details of construction works in relation to trees has been submitted to, and approved in writing by, the Local Planning Authority. All works shall subsequently be carried out in strict accordance with the approved details. In particular, the method statement must provide the following:

- A specification for protective fencing to trees during construction phases which complies with BS5837:2013 and a plan indicating the alignment of the protective fencing;
- A schedule of tree works conforming to British Standard 3998: 2010;

- Details of all other activities, which have implications for trees on or adjacent to the site.

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, in order that the Local Planning Authority may be satisfied that the trees to be retained on and adjacent to the site will not be damaged during the construction works and to ensure that as far as possible the work is carried out in accordance with current best practice and section 197 of the Town & Country Planning Act 1990.

7. SURFACE WATER DRAINAGE

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

REASON: 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 that the development can be adequately drained.

8. CYCLE PARKING

No dwelling shall be occupied until details of secure covered cycle parking for that respective dwelling has been submitted to and approved in writing by the Local Planning Authority. The submitted details shall accord with dimensions, access, location, design and security principles laid out in Appendix 4 of Wiltshire's LTP3 Cycling Strategy. These facilities shall be installed in accordance with approved details and thereafter be retained for use in perpetuity.

REASON: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than the private car.

9. PD REMOVAL ADDITIONS AND EXTENSIONS

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 to, or extensions or enlargements of 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 enlargements.

10.PD REMOVAL DORMERS, ROOFLIGHTS

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

REASON: To safeguard the character and appearance of the building and area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions or extensions or external alterations to the roof.

Informatives

1. The applicant should note that under the terms of the Wildlife and Countryside Act (1981) and the Habitats Regulations (2010) it is an offence to disturb or harm any protected species, or to damage or disturb their habitat or resting place. Please note that this consent does not override the statutory protection afforded to any such species. In the event that your proposals could potentially affect a protected species you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works. Please see Natural England's website for further information on protected species.
2. 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 Calne 21 whilst development takes place, without prior consultation with, and the further permission of, the highways authority at Wiltshire council.

57 **PL.2025.03672 - Land East of Biddestone Lane, Yatton Keynell**

Public Participation

- Fiona Plowman – spoke in objection to the application
- Ashley Grant – spoke in support of the application
- Cllr Parker – spoke as the Chairman of Yatton Keynell Parish Council in objection to the application.

The Planning Officer, James Taylor introduced a report which recommended that full planning permission be granted subject to conditions and a delegation to the Head of Development Management to complete a S106 based on the Heads of Terms and securing a copy of the applicant's countersigned IACPC. The application being for residential development to provide 55 dwellings, public open space, access, drainage, landscaping, associated infrastructure and ancillary works.

The Planning Officer commented on the Council's five-year housing land supply being a key material consideration, and therefore engaging the NPPF 'tilted balance', requiring significant weight to be given to the delivery of additional housing. The report highlighted a number of harms and benefits arising from the proposed application. It was noted that the harms did not provide a strong reason to refuse the proposed development, and that the proposal would be a sustainable form of development which would accord with the NPPF and would deliver residential development helping to address a shortage of housing land supply. The Planning Officer set out the constraints and site-specific policies, outlined the proposals with relevant images, and summarised matters raised in representations including the reasons why the application had been called-in for consideration. Furthermore, they set out the principle of development including images of the site location relative to the Settlement Boundary of Yatton Keynell and relationship to the existing village recreation ground and works proposed off-site to secure pedestrian links and rights of way enhancements to connect to The Street. Reference was made to the village facilities of a GP surgery, primary school, post office and general store, pub and church, as well as the limited bus provision. Images of the site and village context were provided along with an explanation of the planning balance and the weight to be attributed to the various benefits and adverse impacts of the scheme including comments on biodiversity net gain, drainage issues, S106 contribution towards the upgrade of pedestrian facilities, impacts on the landscape and heritage, loss of agricultural land, reliance on private vehicles and residential amenity.

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

The unitary division member, Cllr Jon Atkey commented on the unallocated site outside of the settlement boundary, he felt that it was a damaging precedent, there was a highway impact, including width of Biddestone Lane and a 'pinch point', impact on the landscape and agricultural land and whether sufficient weight had been given to the harm, and concern about the heritage aspects of the development and the weight the Committee should give to those.

Members of the committee then had the opportunity to ask technical questions of officers, and the following matters were raised – the impact of tilted balance on the Planning Officers recommendation, the impact of the Councils Draft Local Plan Review and how it would have impacted decisions if it had not been withdrawn, details of the 'pinch point' on Biddestone Lane north of the application site and consideration of traffic calming measures, Parish Council Neighbourhood Plan, the distance between the development site and the manor house, contributions to footpaths and other pedestrian improvements and green

travel plan, Community Infrastructure Levy contributions and priorities for the village, the implementation condition, cycle route, Wiltshire Connect, information and advice provided by the highways officer, future vehicle movements along Biddestone Lane, details of the field between the village hall and the development site, planning balance, history of Drovers Green, connections with main services and impact on the green belt.

The planning officer, with support from the highways officer Hannah Jones as relevant responded to the technical questions. It was explained that the Council's Draft Local Plan may have made a difference in the officers recommendation although this would be speculative, confirmed that there is no Neighbourhood Plan for the area, the distance between the site and the manor house is 300m, the report details various contributions from the developer including highway improvements and CIL contributions, inadequate highway land for a mixed use footpath and cycle path on Biddestone Lane, advice from highways officers is based on their professional judgement taking all matters into account, laybys along Biddestone Lane address narrowing along the Lane and provide mitigation for the development, additional vehicle movements are forecast to be less than 1 additional movement every 2 minutes in morning and afternoon peaks in the vicinity of the 'pinch point' as vehicles would move in a more southerly route, the 'pinch point' acts as a natural traffic calming measure, the green field between the village hall and the development site is the village playing field, mains services exist along Biddestone Lane and connections would be made during the development with details about road closures considered by the Highways Street Works Team, surface water drainage would be dealt with on site and the site is not within the green belt, only greenland development.

So that the committee had something to debate, Cllr Martin Denz (Chairman), seconded by Cllr Chuck Berry, proposed that the planning application be Granted with conditions, as detailed in the report.

Members acknowledged the positive aspects and quality of the developments housing designs, but had concerns about access to the development site, the location, sustainability of the development, safety aspects on the development site layout, the ability of the Jubilee Field Surgery, Yatton Keynell to cope with the additional number of patients from the development, the location is not a centre for employment and the location would not have been supported by a development plan.

The motion to grant the application was lost on a vote of 3 in favour and 6 against. A further motion to refuse the application was proposed by Cllr Gavin Grant, seconded by Cllr Ashley O'Neill.

Resolved:

That Planning Permission be refused on the following grounds:

The proposed development would conflict with the Wiltshire settlement and delivery strategies. The application site is in a location remote from

services and employment opportunities. The location does not provide a genuine choice of sustainable transport modes. It is therefore highly likely that future occupiers would be reliant on private motor vehicles for most, if not all, daily needs. The proposed development would therefore be contrary to Core Policies 1, 2 and 60 of the Wiltshire Core Strategy.

58 **PL.2023.10331 - Land south of The Forty and North of Chelworth Road, Cricklade, Wiltshire**

Public Participation

- Keith Williams – spoke in objection to the application
- Bernie Marsh - spoke in objection to the application
- Kerry Pfeger – spoke in support of the application
- Cllr Clarke – spoke as the representative from Cricklade Town Council in objection to the application.

The Planning Manager, Victoria Davis introduced a report which recommended that planning permission be granted subject to conditions and a delegation to the Head of Development Management to complete a S106 legal agreement. The Outline planning application (with all matters except access reserved) is for up to 49 dwellings and associated works and provision of a cemetery together with access and associated works.

The Planning Manager explained that the site lies outside the settlement boundary, but that is considered it to be a sustainable location due to its proximity to the existing settlement, services and public transport links. The site constraints were described which included being agricultural land, nearby public rights of way and proximity to the North Meadow Special Area of Conservation (SAC). The key issues identified related to flooding, drainage, foul water capacity, highways and the principle of development outside the settlement boundary. It was advised that the Lead Local Flood Authority had no objection to the outline proposal subject to conditions which secured a detailed surface water flooding and drainage strategy in accordance with the Council's Betterment Policy. It was highlighted that correspondence from Thames Water had confirmed that there was not sufficient capacity in the local network for foul water and that off-site sewer upgrades would be required before occupation of the development. It was explained that objections from the Town Council, Cllr Dye and local residents focused on flooding, highway safety, infrastructure capacity, loss of countryside and the impact of further growth in Cricklade. Around 105 representations raising these concerns had been received. It was concluded that there were no outstanding technical objections and that the scheme would provide benefits including market and affordable housing, public open space and cemetery land. Taking account of the Council's housing land supply shortfall, and the NPPF tilted balance at paragraph 11, it was concluded that adverse impacts did not significantly and demonstrably outweigh benefits and the recommendation was to grant outline planning permission, subject to a Section 106 agreement and planning conditions.

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

The unitary division member, Cllr Nick Dye was unable to attend the meeting and asked Cllr Ross Henning to read a statement on his behalf. The statement highlighted issues relating to drainage and traffic.

Members of the committee then had the opportunity to ask technical questions of officers, and the following matters were raised: ground conditions in light of the buried former canal route, an explanation of condition 11 – foul drainage onsite, off site network improvements, and surface water flood risk on the cemetery site, the Cricklade Neighbourhood Plan, issues connecting foul sewage infrastructure at a development in Ashton Keynes and potential for similar issues with this site, explanation of condition 17 – off site foul network capacity, surface water attenuated on site, dog exercise area not necessary.

The Planning Manager, in response to the technical questions explained that the existence of the former canal route along the site boundary was known and that matters relating to structural design would be considered at a separate building regulations stage, it was clarified that condition 11 prevents any development on site until on site foul water drainage scheme details are submitted and approved, to include the point of connection to the existing sewer, that condition 17 restricts occupation of any dwelling on site until the Council receives confirmation that the necessary off site capacity exists to serve the development or that a phasing plan for necessary reinforcement works has been agreed with Thames Water. It was explained that the flood risk for the two site areas are different and that surface water flood risk was lower at the cemetery site. With reference to the Cricklade Neighbourhood Plan it was confirmed that the NPPF paragraph 14 protection did not apply as it was over 5 years old and did not identify sites for housing and only included general housing policies. It was explained that the detailed flood mitigation measures and surface water drainage scheme would be secured by condition, The designed scheme would include an attenuation tank and would be designed to reduce the surface water run off from the site by 30% in accordance with the Council's Betterment Policy. It was explained that the dog exercise area was essential part of the development and is included as a result of negotiation with the Council's ecology team and Natural England. The facility provides part of the required mitigation package to address recreational impacts associated with the North Meadows SAC

So that the committee had something to debate, Cllr Martin Denz, seconded by Cllr Chuck Berry, proposed that the planning application be Granted with conditions and a delegation, as detailed in the report.

Members highlighted concerns about flooding and sewage issues, sustainability of the development being outside of the settlement boundary. It was noted that the development may well not commence for a long time, if refused the developer could appeal and an Inspector may approve the application at appeal by which time the Council could have a local plan in place.

The motion to grant the application was lost on a vote of 3 in favour and 5 against. A further motion to refuse the application was proposed by Cllr Gavin Grant, seconded by Cllr Ross Henning.

Resolved:

That planning permission be REFUSED for the following reasons, and subject to the agreement of the Chair and Vice-Chair of the Committee:

Reason 1 - Conflict with spatial strategy

The proposed development is located outside the defined settlement boundary where development should be strictly controlled. The proposal is therefore contrary to the spatial strategy set out in Core Policies 1 and 2 of the Wiltshire Core Strategy.

Reason 2 - Foul Water

The proposed development would result in the discharge of foul sewage to a sewerage network that has been demonstrated to lack adequate capacity to accommodate the additional flows arising from the development. The proposal would create an unacceptable risk of sewer surcharge and pollution. The proposal is therefore contrary to paragraphs 187 & 198 of the National Planning Policy Framework.

Reason 3 - Surface Water

The proposed development is located within an area that is subject to existing surface water flood risk. The proposed development has failed to demonstrate that surface water arising from the site can be managed without increasing flood risk off site. The proposal is therefore contrary to paragraphs 170 & 181 of the National Planning Policy Framework.

59 PL.2025.02257 - Land to the North of Whychurch Farm and West of Crudwell Road, Malmesbury

The Planning Manager, Victoria Davis introduced a report which recommended that outline planning permission be granted subject to conditions and a delegation to the Head of Development Management to complete a S106 legal agreement. The Outline planning application (with all matters reserved except access) is for residential development, including the construction of up to 149 dwellings, new vehicular access with footways and cycleways, public open space, landscape and associated infrastructure. The committee was referred to the published addendum to the report which amended the recommendation.

The Planning Manager explained that Historic England had not been consulted on this application, and there is an identified impact on the setting of the Grade I listed Abbey Church of St Mary and St Aldhelm which is described as limited in the report. The Committee noted that where there is any impact to the setting of a Grade I listed building Historic England should be notified of the application and omission of the notification is a procedural issue that could affect the robustness of the decision making process.

Details of the need for a consultation had been published in agenda Supplement 2 along with a revised recommendation to defer the application for the Committee to consider.

In order to debate the matter Cllr Gavin Grant moved a motion to defer the application. This was seconded by Cllr Martin Denz (Chairman).

Resolved:

That the current application be deferred until the September 2026 meeting of the Committee, in order to allow for Historic England to be consulted on the application. To ensure that a robust and legally compliant decision can be made by the council.

60 **Urgent Items**

There were no urgent items.

(Duration of meeting: 3.00 - 9.20 pm)

The Officer who has produced these minutes is Stuart Figini - Senior Democratic Services Officer, e-mail committee@wiltshire.gov.uk

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