

## Eastern Area Planning Committee

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### MINUTES OF THE EASTERN AREA PLANNING COMMITTEE MEETING HELD ON 19 SEPTEMBER 2024 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 Tony Pickernell, Cllr Iain Wallis, Cllr Stuart Wheeler and Cllr Sam Pearce-Kearney (Substitute)

#### **Also Present:**

Cllr Dominic Muns

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#### 69. **Apologies**

Apologies for absence were received from:

- Cllr Dr Brian Mathew MP – substituted by Cllr Sam Pearce-Kearney

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

The Chairman confirmed that the wording of the conditions for application PL/2024/01509: Townsend Farm Yard, had not been finalised, so the minutes of the previous meeting were not ready for approval.

On the proposal of the Chairman, seconded by Cllr Adrian Foster, it was:

#### **Resolved**

**To defer approval of the minutes of the meeting held on 22 August 2024.**

#### 71. **Declarations of Interest**

There were no declarations of interest.

#### 72. **Chairman's Announcements**

There were no announcements.

#### 73. **Public Participation**

The Committee noted the rules on public participation.

#### 74. **Planning Appeals and Updates**

The Chairman noted that, although no appeals had been decided between 9 August and 6 September 2024, some had been submitted.

On the proposal of the Chairman, seconded by Cllr Iain Wallis, it was:

### **Resolved**

**To note the planning appeals update for the period between 9 August and 6 September 2024.**

75. **PL/2023/10388: Land South of The Spring, Market Lavington, Devizes**

#### Public Participation

- Mr Richard Day – spoke in objection to the application
- Mr Sean Bates (Feltham Properties) – spoke in support of the application
- Mr James Iles (Pro Vision) – spoke in support of the application
- Mr Slater Reynolds - spoke in support of the application
- Cllr Chloe Stevens (Market Lavington Parish Council) – spoke in objection to the application

The Senior Planning Officer, Jonathan James, introduced a report which recommended that the outline application for up to 14 dwellings (Use Class C3) and a food store (Use Class E(a)) be granted subject to conditions and the completion of a S106 agreement. The application would also include the creation of open space, drainage, parking and associated access, infrastructure, landscaping and the removal of bus shelter. Key details were stated to include the principle of development, as well as the landscape, heritage, environmental, ecological and highway impacts.

Attention was drawn to late representations stating that the application was contrary to the Neighbourhood Plan and raising concerns about the highway impacts. The Senior Planning Officer explained that the late correspondence had not raised any issues that were not included in the report. He also highlighted that a condition, stipulating that visibility displays were provided on the highway, had been omitted from the report and recommended that the Committee included this as an additional condition if they approved the application.

The Senior Planning Officer confirmed that the application was for outline planning permission, so the drawings provided were indicative. Other than the access arrangements, the final details, such as appearance of the proposed development, would be determined by a reserved matters application.

He explained that the proposed development would not have a negative long-term impact on the landscape. No objection had been raised by Wiltshire Council's ecologist and the indicative landscape plan proposed enhanced planting to the south of the site.

Whilst it was acknowledged that the inclusion of a retail store was a slight departure from the Market Lavington Neighbourhood Plan, the site had been allocated for the provision of up to 20 dwellings. An appropriate retail assessment had been carried out and the scheme was found to accord with the principle of sustainable development within the National Planning Policy Framework (NPPF) as it would provide services to the local community. The Senior Planning Officer explained that the economic benefits of the proposed development and provision of affordable housing meant that it met the requirements of the Development Plan.

Members of the Committee then had the opportunity to ask technical questions of the Senior Planning Officer. Details were sought about whether the existing bus stop would be replaced, and it was confirmed that a similar in situ bus stop would be erected approximately 25 metres from the existing stop.

It was confirmed that the provision of affordable housing matched the requirements identified by Wiltshire Council's Housing Officer.

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

The Unitary Division Member, Cllr Dominic Muns then gave an overview of local public feeling about the application.

The Senior Planning Officer then had the opportunity to respond to the points raised by the public and Unitary Division Member.

So that the Committee had something to debate, the Chairman, seconded by the Vice-Chairman, proposed that the application be approved for the reasons outlined in the report, subject to the completion of a S106 agreement.

A debate followed where issues such as sustainable transport, the S106 agreement and impact on local amenities in Market Lavington were discussed. In response to queries it was stated that the proposed access arrangements and crossing points would be conditioned.

Other issues raised included a suggestion by Market Lavington Parish Council that, if the application were to be approved, a condition was added to require the developer to cover the cost of a Local Highway and Footway Improvement Group (LHFIG) substantive bid application, up to the value of £50,000. The money was to be used for a signal-controlled pavement widening project. The Parish Council had concerns that the pavements used to access the proposed development would not be wide enough for wheelchairs or prams, arguing that the proposal was contrary to Core Policy 60 (Sustainable Transport).

Senior Planning Officer, Ruaridh O'Donoghue, advised the Committee that as Wiltshire Council's Highways Officer had not deemed the changes to the pavements proposed by the Parish Council necessary, there would not be sufficient justification to add such a condition. It would also be important to consider whether a contribution of up to £50,000 was proportionate to the scale

of the proposed development. The applicant would be able to agree to contributions as part of the S106 process if they deemed it to be appropriate.

The Senior Planning Officers noted that a S106 agreement would need to be agreed at the outline planning permission stage, so could not be agreed as part of a reserved matters application.

During the discussion, the Chairman proposed an amendment to his original motion to include an advisory comment that a contribution towards improving the pavements was considered by the applicant as part of the S106 agreement. He also proposed that the additional condition relating to highway safety suggested by Senior Planning Officer Jonathan James, was included. The proposals were accepted by the seconder of the original motion, the Vice-Chairman and so added to the substantive motion.

Senior Planning Officer, Jonathan James, read out the wording of the proposed condition relating to highways. It was taken by the ascent of the Committee that they were happy to delegate the wording of the advisory wording about LHFIG contributions to the two Senior Planning Officers.

At the conclusion of the discussion, it was:

### **Resolved**

**To GRANT outline planning permission subject to the conditions set out below and to the prior completion of a Section 106 legal agreement to cover the contributions identified in Section 10 of the report.**

**1. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the 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.**

**2. 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:**

- (a) The scale of the development;**
- (b) The layout of the development;**
- (c) The external appearance of the development;**
- (d) The landscaping of the site.**

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

**Informative:**

**Landscaping - a detailed planting plan setting out species, planting locations, densities, and specification (to National Plant Specification) and all tree pits shall be sized to provide enough soil volume for the tree species specified to allow it to reach its mature spread and height (as required in the Wiltshire Design Guide Supplementary Planning Document).**

**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 3(1) of the Town and Country Planning (General Development Procedure) Order 1995.**

**3. 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.**

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

- Site Location Plan, Dwg No. 50990-XX-P1-01 v2**
- 'Illustrative Layout Plan', Dwg No. 50990-XX-P1-02 v8**
- Parameter Plan, Dwg No. 50990-XX-P1-03 v3**
- Landscape Parameter Plan, Dwg No. 310\_GLA\_00\_00\_DR\_L\_1001 P1**

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

**5. The development shall be carried out in strict accordance with the following documents:**

- (a) Ecological Assessment (Pro Vision, October 2023 Report Reference: Ecology 8009 Version 05)**

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

**6. The development hereby permitted shall be carried out in accordance with the broad principles set out in Appendix G of the Ecological Assessment (Pro Vision, October 2023) titled 'Proposed Habitats and Enhancement Plan.' Drwg. No. 8009-xx-E0-05. V2. This document will form the basis for the site layout and will not be altered at Reserved Matters without detailed justification based on additional habitat and wildlife species surveys.**

**REASON: To protect the ecology on the site.**

**7. No development shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the**

access/driveways), 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 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.** No development shall commence on site, including clearance of vegetation, until a revised metric calculation (Biodiversity Metric 4.0) has been submitted to and approved in writing by the Local Planning Authority.

Prior to the first occupation of any part of the development hereby approved a report, which demonstrates that the development has been completed in accordance with the approved metric calculation, shall be submitted to and approved in writing by the Local Planning Authority. The report will demonstrate for habitat, hedgerow and watercourse that the development will achieve at least 1% biodiversity net gain.

**REASON:** To meet the requirements of CP 50, Policy 1 of the Market Lavington Neighbourhood Plan and the NPPF (2023) in delivering biodiversity net gain on the site.

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

(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 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 preconstruction/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.**

**REASON: The matter is required to be agreed with the Local Planning Authority before development commences to ensure adequate protection and mitigation for ecological receptors prior to and during construction, and that works are undertaken in line with current best practice and industry standards and are supervised by a suitably licensed and competent professional ecological consultant where applicable.**

**10. Prior to the commencement of development, 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 site, 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: The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken 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.**

**11. Any extraction and refrigeration plant shall be so sited, designed and maintained so that the sound level does not exceed 5dB below the existing background level as measured and assessed in accordance with BS4142:2014+A1:2019. Background levels are to be taken as a 15 minute LA90 at the boundary of the nearest residential noise-sensitive receptor.**

**Prior to first use, a post installation acoustic assessment shall be carried out to confirm compliance with the noise criteria and any additional steps required to achieve compliance shall be taken, as necessary. The details as approved shall be implemented prior to occupation of the development and thereafter be permanently retained.**

**REASON: In the interests of the amenity of the area.**

**12. Prior to the commencement of development, including site clearance, a plan (including details) for the selection, siting, positioning**

and installation of integral nesting/roosting features (ratio of 1 feature: 1 building) for birds and bats shall be submitted to, and approved in writing by, the local planning authority.

The plan shall show the green infrastructure that the development is to provide, illustrating how birds and bats using the features have access to the relevant habitat/food resource in nearby suitable habitat. The installation plan should be prepared in accordance with the requirements of BS 42021.

The integral nesting/roosting feature should identify, as a minimum:

- (a) the bird/bat species likely to benefit from the proposed integral feature;
- (b) the type of integral feature to be installed;
- (c) the specific buildings on the development into which features are to be installed, shown on appropriate scale drawings;
- (d) the location on each building where features are to be installed, shown on all appropriate building plans and elevations.

The integral feature plan should be implemented in accordance with the approved details and all features retained in that manner thereafter.

**REASON:** For the protection, mitigation and enhancement of biodiversity.

13. No external lighting shall be installed on-site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage in accordance with the appropriate Environmental Zone standards set out by the Institution of Lighting Professionals in their publication "The Reduction of Obtrusive Light" Guidance Note 01/21 (reference GN01/21), have been submitted to and approved in writing by the Local Planning Authority. The approved lighting shall be installed and shall be maintained in accordance with the approved details and no additional external lighting shall be installed.

**REASON:** In the interests of the amenities of the area and to minimise unnecessary light spillage above and outside the development site and in the interests of conserving biodiversity.

14. The hours of operation, including deliveries to and from the commercial premises, shall only take place between the hours of 07:00hrs to 23:00hrs Monday to Saturday and 08:00hrs to 21:00hrs on Sundays and Bank/Public Holidays

**REASON:** In the interests of the amenity of the area.

15. No construction 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 the amenity of the area.



**16. There shall be no burning undertaken on site at any time**

**REASON: In the interests of the amenity of the area.**

**17. 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, or in accordance with a programme to be agreed in writing with the Local Planning Authority.**

**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 and to ensure that the site is satisfactorily landscaped in order to support protected species and their habitats.**

**18. The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. If the development is determined to be liable for CIL, a Liability Notice will be issued notifying you of the amount of CIL payment due. If an Additional Information Form has not already been submitted, please submit it now so that we can determine the CIL liability. In addition, you may be able to claim exemption or relief, in which case, please submit the relevant form so that we can determine your eligibility. The CIL Commencement Notice and Assumption of Liability must be submitted to Wiltshire Council prior to commencement of development. Should development commence prior to the CIL Liability Notice being issued by the local planning authority, any CIL exemption or relief will not apply and full payment will be required in full and with immediate effect. Should you require further information or to download the CIL forms please refer to the Council's Website <https://www.wiltshire.gov.uk/dmcommunityinfrastructurelevy>.**

**19. This permission shall be read in conjunction with an Agreement made under Section 106 of the Town and Country Planning Act, 1990 and dated the [INSERT].**

20. 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.

21. The attention of the applicant is drawn to the contents of the correspondence provided by the Councils Land Drainage officer when generating the necessary level of detail to resolve the surface water SUDs strategy.

22. As part of the required details to be submitted on the reserved matters application appropriate detail shall be supplied in order to demonstrate how waste collections will function on the development, to meet the requirements of policies CP3 and WCS6. In effect this would require submitted plans to follow the guidance in the SPD. The council will only operate on private land where an indemnity is signed by the landowner. The council will also require an indemnity to operate on any roads prior to their adoption.

23. Prior to the commencement of development a plan shall be provided to and approved in writing by the local planning authority to demonstrate the visibility splays across the site frontage. No dwelling shall be occupied, until the visibility splays shown on the approved plans have been provided with no obstruction to visibility at or above a height of 900mm above the nearside carriageway level. The visibility splays shall be maintained free of obstruction at all times thereafter.

**Reason: In the interests of highway safety**

**Informative:**

The applicant is advised to discuss with the Parish Council a financial contribution towards upgrading the local pavements to the site to encourage sustainable and safe access to the proposed food store and the development site as a whole.

76. **Urgent items**

There were no urgent items.

(Duration of meeting: 3.00 - 4.01 pm)

The Officer who has produced these minutes is Matt Hitch of Democratic Services,  
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