

AGENDA SUPPLEMENT (1)

Meeting: Northern Area Planning Committee
Place: Council Chamber - Council Offices, Monkton Park,
Chippenham, SN15 1ER
Date: Wednesday 14 June 2017
Time: 3.00 pm

**The Agenda for the above meeting was published on Tuesday 6 June 2017
Additional documents are now available and are attached to this Agenda
Supplement.**

Please direct any enquiries on this Agenda to Edmund Blick, of Democratic Services,
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This Agenda and all the documents referred to within it are available on the Council's
website at www.wiltshire.gov.uk

2 **Minutes of the Previous Meeting (Pages 3 - 16)**

7 **Planning Applications (Pages 17 - 18)**

DATE OF PUBLICATION: Wednesday 14 June 2017

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NORTHERN AREA PLANNING COMMITTEE

MINUTES OF THE NORTHERN AREA PLANNING COMMITTEE MEETING HELD ON 23 MAY 2017 AT COUNCIL CHAMBER - COUNCIL OFFICES, MONKTON PARK, CHIPPENHAM, SN15 1ER.

Present:

Cllr Christine Crisp, Cllr Howard Greenman, Cllr Mollie Groom, Cllr Chris Hurst, Cllr Peter Hutton (Vice-Chairman, in the Chair), Cllr Toby Sturgis, Cllr Jacqui Lay (Substitute), Cllr Ben Anderson, Cllr Gavin Grant, Cllr Ruth Hopkinson (Substitute) and Cllr Ashley O'Neill

Also Present:

Cllr Bob Jones MBE, Cllr Brian Mathew and Cllr Baroness Scott of Bybrook OBE

A minute's silence was observed to mark the loss of life caused by a terrorist attack in Manchester on the evening of 22 May 2017.

34 Apologies

Apologies for absence were received from Cllr Tony Trotman who was substituted by Cllr Jacqui Lay, Cllr Peter Hutton was to act as Chairman for the meeting.

Cllr Brian Mathew was substituted by Cllr Ruth Hopkinson.

35 Minutes of the Previous Meeting

Resolved:

To approve as a true and correct record and sign the minutes of the meeting held on 8 March 2017.

36 Declarations of Interest

Cllr Brian Mathew later made a declaration under item 7a, as detailed below. Cllr Ashley O'Neill later declared an interest under item 7e, as detailed below.

37 Chairman's Announcements

The Chairman welcomed newly elected members to the Committee and gave his thanks to councillors who had previously served on the Committee.

38 **Public Participation**

The Committee noted the rules on public participation.

39 **Planning Appeals and Updates**

Resolved:

To note the appeals update.

40 **Planning Applications**

41 **16/069353/FUL London Road Streetworks London Road Corsham**

Tim Walton and Owen Hurst spoke in objection to the application.

Cllr Sheila Parker, Box Parish Council, spoke in objection to the application.

The Senior Planning Officer introduced the application which was for a proposed 4G equipment installation for Box Tunnel. It was recommended that planning permission be granted subject to the conditions outlined in the report an additional condition recommended in the Late Observations. It was explained that the application had been deferred from a previous meeting to allow investigation of four issues: the line of sight through Box Tunnel and the location of the telecommunications mast, alternative locations considered, the ability to use cabling to achieve the same coverage as a mast, and the need for enhanced emergency services coverage in the tunnel above Network Rail communications technology.

The Senior Planning Officer explained that the applicant was satisfied the proposed location would allow extended coverage, and a map to illustrate this was shown. It was highlighted that Appendix 2 to the report demonstrated alternative mast locations that had been considered and it was emphasised that nearby land was owned by Network Rail which was not obliged to give up its land for the siting of a mast. Members understood that the applicant had advised that cabling would not be suitable in the Box Tunnel as an alternative to a mast; there would also be negative impacts upon the heritage asset of such cabling. It was also confirmed that that Network Rail's communication technology was not available to the emergency services which would benefit from improved coverage as a result of the proposal. Officers recommended the application be approved due to the benefits of extended coverage in this 'not spot' outweighing the negative implications of the proposal.

The Committee was invited to ask technical questions, in response to which it was confirmed that information about the viability of cabling had been submitted by the applicant in writing. It was also explained that Network Rail were not obliged to assist in providing alternative options for emergency service coverage. The officer confirmed that other locations for the mast had been explored, as detailed in the report, and the proposed location would allow for improved coverage in the tunnel.

Members of the public then spoke as detailed above.

The local member, Cllr Brian Mathew, stated that following legal advice he was not attending this meeting as a Committee member to avoid any perception of bias or predetermination since he has previously campaigned against this application. Cllr Mathew spoke only as the local member and cited the many objections raised by local residents to the application. The councillor spoke in favour of using cabling in the tunnel or other locations for the mast to ensure suitable 4G coverage.

In the debate that followed, Cllr Hutton, seconded by Cllr Sturgis, moved the officer recommendation that planning permission be granted subject to conditions. Members of the Committee expressed disappointment with the response from the applicant that cabling was not a suitable option to negate the need for a mast and made reference to this technology being available to provide 4G in the Chanel Tunnel. Councillors were sympathetic of the views of local residents, however it was highlighted that civil matter raised in the public forum were not planning considerations. It was discussed that a benefit of the application would be improved network coverage for the emergency services.

Resolved:

To GRANT planning permission, subject to the following conditions:

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

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

- 2. Notwithstanding the details submitted, prior to the commencement of the development/works, details of the colour and finish of the mast and associated equipment shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details and maintained thereafter.**

REASON: In the interests of the character and appearance of the area and the adjacent Listed Building.

- 3. The mast and all equipment shall be removed from the site within 3 months of it ceasing to be required for telecommunications purposes.**

REASON: In the interests of visual amenity and the adjacent Listed Building

4. The development hereby permitted shall be carried out in accordance with the following approved plans: 75436/1451357-04; 01; 02; 03;05; 06; 07; 08; 09 received 8th December 216.

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

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending those Orders with or without modification), no development within Schedule 2, Part 16, Class A shall take place on the Telecommunications Mast and associated Apparatus hereby permitted.

REASON: In the interests of the amenity of the area, the setting of designated nearby heritage assets and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions, extensions or enlargements.

INFORMATIVE TO APPLICANT:

Please note that Council offices do not have the facility to receive material samples. Please deliver material samples to site and inform the Planning Officer where they are to be found.

INFORMATIVE TO APPLICANT:

Any alterations to the approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the Local Planning Authority before commencement of work.

INFORMATIVE TO APPLICANT:

The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence. If you intend carrying out works in the vicinity of the site boundary, you are also advised that it may be expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996.

42 **17/01623/FUL Dahl Al Misfir, Park Lane, Ford**

Kenneth Carter and Beau Roberts spoke in objection to the application.

Keren Worsnop spoke in support of the application.

The Senior Planning Officer introduced the application which was for the erection of a building for equipment and tractor storage. It was recommended

that planning permission be granted, subject to the conditions outlined in the report. The location of the site was shown, alongside the proposed elevations of the storage unit. The officer considered that the proposal was not prominent in location, scale or in use of materials and would not have a significant negative impact.

There were no technical questions.

Members of the public then spoke as detailed above.

The local member, Baroness Scott of Bybrook OBE, spoke against the application on the grounds that it was not in the style of a typical agricultural building. The councillor also considered the building to be in a sensitive location and questioned whether the piece of land was being used for agriculture.

In response to points raised in the public forum, the Senior Planning Officer confirmed that a previous decision by a Planning Inspector that had been referred to in respect of this site, only applied to the residential curtilage and not the agricultural area of the site.

In the debate that followed, the Committee agreed that the application was not suitable for the site, and it was felt that there was not evidence of agricultural use on the site which had been levelled, and that the style of the proposal was out of character for its proposed use and siting. Members agreed that the issues of the glazing, doors, roofing, and log stores would need to be addressed to make the application suitable.

Cllr Sturgis, moved that authority be delegated to the Head of Development Management to grant planning permission subject to the receipt of a design to address the aforementioned issues, and conditions to restrict later amendments to the development, a requirement that it only be used for agricultural storage and that no external lighting be permitted. It was also requested that it be investigated as to whether the site had undergone alterations without consent. The motion was seconded by Cllr Greenman. In response to questions from the Committee, the Senior Planning Officer advised that under such a delegation the revised plans would be consulted on and would come back to this committee if they did not accord with the recommended changes.

Resolved:

To DELEGATE authority to the Head of Development Management Services to grant planning permission subject to design alterations as follows:-

- **Remove fenestration and glazing to door opening;**
- **Alter door design to single panel without exposed oak frame;**
- **Remove both log stores lean too structures;**
- **Alter roof design to standard agricultural building roof material e.g. onduline or eternit profiled sheets;**

And subject to conditions to be determined by officers, including an amendment to condition 3 to restrict the use of the building to agricultural usage, and additional conditions to restrict external lighting and to prevent later modification to the development. The wording of these conditions was delegated to officers and subsequently agreed as:

The building hereby permitted shall solely for the purposes of agricultural storage and in association with the land identified in this application red line boundary plan dated 19 April 2017

REASON: The building is sited in a position where the Local Planning Authority, having regard to the reasonable standards of residential amenity, access, and planning policies pertaining to the area, would not permit a wholly separate dwelling.

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 spillage in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication "Guidance Notes for the Reduction of Obtrusive Light" (ILE, 2005)", 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.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending those Orders with or without modification), no development within Part 6, Class B (a) shall take place on the building 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.

And to require officers to undertake consultation with interested parties including objectors in respect of revised design plans;

And to request that an enforcement investigation be undertaken in respect of works undertaken at the site including land levelling; installation of an access track and erection of a fruit growing cage.

43 **17/00446/FUL-54 Chestnut Springs, Lydiard Millicent SN5 3NB**

Tony Jones, Tom Pepperell and Vernon Montgomery spoke in objection to the application.

Edward Tucker spoke in favour of the application.

The Senior Planning Officer introduced the application which was for alterations to a property including: raising of roof height to accommodate a new first floor, single storey rear extension and front roof extension and conversion of a garage into utility and kitchen extension. It was recommended that planning permission be granted, subject to the conditions outlined in the report. Photos of the streetscene and proposed elevation of the application were shown. Members were advised that the area was of mixed character with both single and two storey properties, officers considered there would not be significant loss in residential amenity or to the character of the area as a result of the development.

There were no technical question.

Members of the public then addressed the Committee as detailed above.

The local member, Cllr Mollie Groom, spoke in objection to the application on the grounds of loss of neighbouring amenity.

In response to comments from the public forum, the Senior Planning Officer confirmed that planning permissions did not set a precedent and there was no record of a similar application on this site.

In the debate that followed, members discussed the merits of a site visit and it was commended that the bungalow in question was close to neighbouring properties. The Committee considered the benefits of retaining the dwelling as a bungalow. Cllr Sturgis, seconded by Cllr Hutton, moved the officer recommendation that planning permission be granted, subject to the conditions outlined in the report. Members debated the impact of the proposal on neighbouring properties and the location of other two-storey dwellings nearby.

Resolved:

To GRANT planning permission subject to the following conditions:

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No.16/CHEST.1/P-02 Rev B received 16.01.17

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

3. INFORMATIVE TO APPLICANT:

Any alterations to the approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the Local Planning Authority before commencement of work.

4. INFORMATIVE TO APPLICANT:

The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence. If you intend carrying out works in the vicinity of the site boundary, you are also advised that it may be expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996.

5. INFORMATIVE TO APPLICANT:

The applicant should note that the grant of planning permission does not include any separate permission which may be needed to erect a structure in the vicinity of a public sewer. Such permission should be sought direct from Thames Water Utilities Ltd / Wessex Water Services Ltd. Buildings are not normally allowed within 3.0 metres of a Public Sewer although this may vary depending on the size, depth, strategic importance, available access and the ground conditions appertaining to the sewer in question.

44 **17/00118/FUL+ 17/00420/LBC- 8 The Forty, Cricklade SN6 6HR**

Andrew Pywell and Mr and Mrs Lally spoke in support of the application.

Cllr John Coole, Cricklade Town Council, spoke in support of the application.

The Senior Planning Officer introduced the application which was for the removal of an existing timber single storey porch to the rear of the property and the construction of a new single storey extension. It was recommended that planning permission and listed building consent be refused for the reason set out in the report in respect of the impact upon the listed building and its setting.

In response to technical questions by the Committee, it was confirmed that a previous application for this property had come to Committee and that officers also considered the current proposal to cause significant harm to the listed building. It was noted that the Committee was able to explore the benefit of making the property suitable for modern.

Members of the public then spoke as detailed above.

The local member Cllr Bob Jones spoke in support of the application on the grounds that the benefit of the proposals would outweigh the harm, it was also considered that the third floor of the property was not usable space.

In the debate that followed, councillors considered that the proposal would not negatively impact upon the streetscene, which was the reason why the property had originally been listed, and that the proposals would enhance the property. Cllr Hutton, seconded by Cllr Grant moved that authority be delegated to the Head of Development Management to grant planning permission and listed building consent, subject to standard conditions and informatives. The Committee felt the proposal would secure optimum viable use for the property and any identifiable harm would be outweighed by the use. Councillors expressed disappointment that the conservation officer had not undertaken a site visit.

Resolved:

To DELEGATE authority to the Head of Development Management Services to approve Full Planning Permission and grant Listed Building Consent subject to appropriate and necessary conditions;

REASON:

The identified harm to the heritage asset is outweighed by the benefit arising from securing the optimum viable use of the building as a residential property and family home which has been considered and weigh in the balance in accordance with paras 132 & 134 of the NPPF and found to accord with the requirements of Wiltshire Core Strategy (Jan 2015) Core Policy 58.

45 **16/08756/FUL Springfield Farm Kington Lane Stanton St Quintin**

Andrew Miles spoke in support of the application.

The Senior Planning Officer introduced the application which was for the change of use of a building and land to Class B8 use, and construction of new vehicular access. It was recommended that planning permission be granted, subject to the conditions outlined in the report. The officer drew attention to the Late Observations and showed the location of the site, photographs of existing buildings, proximity to residential properties and the proposed new access. It was noted that the routing of vehicles accessing the site would be conditioned.

In response to technical questions the data in respect of anticipated vehicular movements was explained. The officer advised that Highways Engineers was satisfied that the roads could sustain the vehicle use and photographs were shown. It was highlighted that a 'Certificate of Lawfulness' was currently in

place on the site which meant there was currently no limit on vehicular use. The officer confirmed that the Yard Management Plan and Traffic Management Plan would be included as part of any permission and would be enforceable.

Members of the public then spoke as detailed above.

The local member, Cllr Howard Greenman, spoke in objection to the application due to the increased vehicular use of the site in comparison to the current occupants, and concern over the enforceability of the conditions.

In the debate that followed, Cllr Peter Hutton, seconded by Cllr Sturgis, moved the officer recommendation that planning permission be granted, subject to the conditions outlined in the report.

Cllr O'Neill declared an interest in the item due to a personal interest arising from a family member previously being employed by the applicant. The councillor did not participate in the debate or the vote.

Members commended that the proposed traffic route would be self-enforcing as it was the route to the M4 motorway, and that the access to the site was in the corner of the village, away from school parking. Other comments expressed some concern as to the impact of traffic to and from the site.

Resolved:

To GRANT planning permission subject to the following conditions:

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

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

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

TMP/101/030/001 REV P0 Received 07 March 2017

**Traffic Management and Yard Operations Plan for Springfield Farm
Received 07**

March 2017

CDF/PL/006 REV P0 Received 07 March 2017

CDF/PL/007 REV P0 Received 07 March 2017

**DOUBLE SIDED REFLECTIVE SOUND SCREEN FITTED TO TIMBER
POSTS Received 27/02/2017**

**ABSORBENT SOUND SCREEN FITTED INTO STEEL POSTS Received
27/02/2017**

NOISE ASSESSMENT & MITIGATION DESIGN STUDY Received 27/02/2017

FIG 3 Received 27/02/2017

LPC 4023.16.01 Received 08 September 2017

Site Location Plan Received 08 September 2017

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

3. No materials, goods, plants, machinery, equipment, finished or unfinished products/parts of any description, skips, crates, containers, waste or any other item, other than the vehicles used for the use on site shall be placed, stacked, deposited or stored above a height of 3 metres above the existing ground level outside any building on the site.

REASON: In the interests of the appearance of the site and the amenities of adjoining residential properties.

4. No part of the development shall be brought into use, until the Noise Mitigation Scheme has been carried out in accordance with the details specified in the submitted Noise Assessment & Mitigation Design Study dated 17 February 2017 and installed in the locations shown on plan Figure 3 submitted as part of the planning application. The approved attenuation works shall be maintained in accordance with the approved details at all times thereafter.

REASON: To ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

5. Any gates shall be set back from the edge of the carriageway to allow vehicles to exit the carriageway while the gate is in operation.

REASON: In the interests of highway safety.

6. No part of the development shall be occupied until the parking spaces together with the access thereto, have been provided in accordance with the approved plans.

REASON: In the interests of highway safety and the amenity of future occupants.

7. The development hereby approved shall be carried out in accordance with the details contained within the submitted Traffic Management and Yard Operations Plan dated 16/01/2017.

Reason: In the interest of highway safety and to protect the residential amenities of local residents

8. Traffic for all deliveries and vehicles above 3.5 tonnes shall only visit & leave the site by the route shown on plan number TMP/101/030/001 REV P0.

Reason: In the interest of highway safety and to protect the residential amenities of local residents

- 9. 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.

- 10. 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 Institute of Lighting Engineers in their publication "Guidance Notes for the Reduction of Obtrusive Light" (ILE, 2005)", 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.

- 11. No development shall commence on site until a scheme of soft landscaping has been submitted to and approved in writing by the Local Planning Authority.**

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission.

- 12. 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.**

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

13.No sound-amplifying equipment, loudspeaker, or public address system shall be installed/operated or music played within the premises hereby approved or its curtilage.

REASON: To ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

14.INFORMATIVE TO APPLICANT:

The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence.

If you intend carrying out works in the vicinity of the site boundary, you are also advised that it may be expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996.

15.INFORMATIVE TO APPLICANT:

The consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a license may be required from Wiltshire's Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway.

16.INFORMATIVE TO APPLICANT:

Please note that Council offices do not have the facility to receive material samples. Please deliver material samples to site and inform the Planning Officer where they are to be found.

17.INFORMATIVE TO APPLICANT:

Any alterations to the approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the Local Planning Authority before commencement of work.

46 **Urgent Items**

There were no urgent items.

(Duration of meeting: 3.00 - 6.00 pm)

The Officer who has produced these minutes is Libby Beale of Democratic Services, direct line 01225 718214, e-mail elizabeth.beale@wiltshire.gov.uk

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NORTHERN AREA PLANNING COMMITTEE ADDITIONAL INFORMATION

14th June 2017

This is information that has been received since the committee report was written. This could include additional comments or representation, new information relating to the site, changes to plans etc.

7b 16/03721/REM - Land North of Bath Road, Corsham, Wiltshire and 7c 16/04544/REM - Land North Of, Bath Road, Corsham, Wiltshire

Late Representation

The Council has received a letter dated 8 June 2017 from Richard Buxton Environmental & Public Law, acting on behalf of the Pickwick Association, together with an accompanying technical report by GWP Consultants. The letter summarises as follows:

- a) *The Reserved Matters Applications do not fully accord with the principles of the EPP¹ and the specific details of condition 4 of the outline consent. As a consequence of this failure. [sic]*
- b) *The REM AA² accompanying the REM applications is legally flawed since the REM AA relies on strict adherence to the EPP to mitigate adverse effects on the SAC bats both in terms of set back and dark corridors.*
- c) *With the legal consequence that the Council, as Competent Authority, under the Habitat Regulations, cannot be satisfied that the requirements of European Law have been met.*
- d) *The Council's Ecologist has serious concerns at the population level of non-SAC bats so the Council cannot be certain NE would grant a derogation licence, and it is of no consequence that Redrow are on record saying that they will not apply for one because NE has powers to stop works and require the developer to apply for a derogation licence.*
- e) *The GWP report gives rises [sic] to significant uncertainty as to long term site stability leading inter alia to compensation claims for damage to buildings and services and the potential to compromise the safety of the residents and other occupiers of properties on the site should such event take place. The extent of this uncertainty is such that the Reserved Matters Rev D layout plans cannot be approved without further on-site intrusive investigation and a competent "land stability risk assessment" relating to the risk of surface subsidence being carried out.*
- f) *Finally we have two observations in relation to the site stability issue. Firstly, residential housing development on top of an active mine is contrary to Policy MSP4 in the Wiltshire and Swindon Structure Plan which provides that significant workable mineral deposits should be safeguarded against other forms of development. Inexplicably the inspector missed this overarching important issue during the appeal for reasons we have not yet bottomed out but probably due to misleading/inaccurate information provided to the inspector. Secondly the development not only breaches Council policy but is fundamentally contrary to common sense. The Council is urged*

¹ Environmental Parameters Plan, as per outline permission 13/05188/OUT

² Appropriate Assessment under the Habitats Regulations

to carefully consider Ms Allington's report before granting any further consents for this development.

The applicant's agent has responded by formal letter as follows:

We write on behalf of our client Redrow Homes to formally request that the two aforementioned reserved matters applications due to be considered by the Area North Committee today, be withdrawn from the agenda with consideration by Members and deferred for one committee cycle (subject to officer reporting timescales).

As you are aware, the Council received a letter from Richard Buxton Environment & Public Law and an accompanying report by GWP on 8 June 2017 (sent to us 12 June) regarding the applications and raising concern on a number of matters. We therefore request deferral to allow the applicant time to consider fully and provide officers and members with a detailed response.

Redrow Homes is currently seeking legal advice on the matters raised but our initial view is that a small number of minor revisions to the plans would be beneficial. Furthermore, in light of Richard Buxton's letter, there are potential risks should the local planning authority proceed to determine the reserved matters application on the basis of the drafted Officer reports without first seeing a formal response to the issues raised.

It is also noted that the GWP letter and report (7 June) raises concern regarding Condition 22 of the outline planning permission (foundation / vibration testing). Whilst this issue is not for consideration as part of the Reserved Matters, additional information to discharge Condition 22 has been recently submitted by Gladman to the local planning authority. As such, a deferral will mean that when the applications are next reported, this information will have been considered so that members can be provided with an update and officers can respond to any queries on such matters.

Rather than proceed with the committee today, where members will no doubt have queries on the points raised within the letters from Richard Buxton and GWP, we consider that it is worthwhile allowing the applicant adequate time to robustly respond to these points ahead of the formal determination of the applications and save member and officer time in the meantime. Unfortunately given the strategic timing of the letter's issue this is unavoidable although disappointing, given the time available to make any formal representations to the applications.

We therefore request that both applications be withdrawn from the committee agenda and deferred for one committee cycle depending on the Council's reporting timeframe. We appreciate that this extension would result in the application being out of time. With your agreement, we would therefore propose to extend the timescale for determination to 11 August 2017.

I would be grateful if you could bring this update to the attention of members in advance of today's committee meeting.

Officer Response

Officers make no comment at this time in respect of the above but recommend that Members consider the case for deferral in the circumstances.