

## NORTHERN AREA PLANNING COMMITTEE

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### MINUTES OF THE NORTHERN AREA PLANNING COMMITTEE MEETING HELD ON 5 OCTOBER 2016 AT COUNCIL CHAMBER - COUNCIL OFFICES, MONKTON PARK, CHIPPENHAM.

#### **Present:**

Cllr Tony Trotman (Chairman), Cllr Peter Hutton (Vice Chairman), Cllr Christine Crisp, Cllr Mollie Groom, Cllr Toby Sturgis, Cllr Glenis Ansell, Cllr Chuck Berry, Cllr Howard Greenman, Cllr Jacqui Lay (Substitute) and Cllr Chris Hurst

#### **Also Present:**

Cllr Baroness Scott of Bybrook OBE

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#### 124 **Apologies**

Apologies were received from Cllr Howard Marshall who was substituted by Cllr Jacqui Lay.

#### 125 **Minutes of the Previous Meeting**

The minutes of the previous meeting were presented and the Chairman advised that Cllr Hill had subsequently sent his apologies for that meeting.

#### **Resolved:**

**To approve as a true and correct record and sign the minutes of the meeting held on 14 September 2016.**

**To note the apology for absence from Cllr Alan Hill.**

#### 126 **Declarations of Interest**

There were no declarations of interest.

127 **Chairman's Announcements**

There were no Chairman's announcements.

128 **Public Participation**

The Committee noted the rules on public participation.

129 **Planning Appeals and Updates**

The Committee noted the contents of the appeals update.

130 **Planning Applications**

The Committee considered planning applications as detailed below.

131 **16/02433/FUL & 16/02612/LBC - The Old Stables, Grittleton House, Grittleton, Wiltshire, SN14 6AJ**

David Pearce spoke in support of the applications.

Cllr Lesley Palmer, Grittleton Parish Council, spoke in support of the applications.

The planning officer introduced the applications which were for full planning permission and listed building consent to allow the conversion of stables to form dormitories for Grittleton House School. The application had been deferred from a previous meeting to allow members to undertake a site visit; the site visit had taken place on 20 September 2016 and was attended by six members of the Committee. The officer recommended that both applications be refused for the reasons outlined in the report, the officer had significant concerns in respect of the impact of permission on the character and setting of listed buildings. Photographs of the site were shown, along with the proposed elevations and plans for the conversion.

In response to technical questions, it was confirmed that in the event of permission being granted a condition could be in place to seek details of insulation. Officers considered that a full business case and heritage impact

assessment to demonstrate and justify the need for conversion had not been submitted and advised the Committee that such a business case was material in balancing the benefits of the application with the risk of harm.

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

The local member, Baroness Scott, spoke in support of the application, preferring that the site be used for business enterprise by the school rather than for residential use.

In the debate that followed, members acknowledged the absence of a full business plan, however considered that the proposals would support the school to be economically viable and make a significant contribution to the local economy. The Committee considered that it would be impractical for dormitories to be within the school house and that the proposal would be the best option to maintain the stables by ensuring they had a use. The Committee agreed that, on balance, the benefits of the conversion outweighed the harm caused, due to the advantage it would bring to the business, educational benefit and social benefit of bringing the stables back into use. The Committee felt that other means to create dormitories would be more damaging than the current proposal.

Members were conscious that planning permission and listed building consent should be strictly conditioned to protect the listed buildings. Cllr Sturgis, seconded by Cllr Greenman, moved a recommendation for planning permission, and listed building consent and delegated to officers to impose conditions, requesting that conditions included WL1 and WC1. The reasons given for moving approval of permissions were that the Committee considered that the public benefits arising from the proposed development and works were significant and sufficiently so to outweigh the less than substantial harm to the listed building, adjacent listed buildings and conservation area that had been identified. The public benefits included the significant contribution to the local economy of the enhanced business operations at the site and the development proposed; alongside the enhanced educational opportunities that would arise from these business operations and activities. On the basis of the site inspection undertaken on 20/9/2016 and the information and statements provided to date by the applicant the committee considered that there were no other reasonably feasible options for securing the proposed development at this site or locality without the identified harm arising.

**Resolved:**

**To grant planning permission and listed building consent and to delegate to officers to determine a comprehensive and appropriate list of conditions for both applications including:**

**WC1 (on planning permission)**

**“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:-**

- finished levels and contours;
- means of enclosure;
- all hard and soft surfacing materials; and
- minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc)

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

**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 a satisfactory landscaped setting for the development and the protection of existing important landscape features.”**

**And WL1 (on LBC):**

**“Notwithstanding the approved drawings, no works shall commence until details of the following have been submitted to and approved in writing by the Local Planning Authority:**

- (i) Large scale details of all external joinery including metal-framed glazing (1:5 elevation, 1:2 section) including vertical and horizontal cross-sections through openings to show the positions of joinery within openings, depth of reveal, heads, sills and lintels;
  - (ii) Large scale details of all internal joinery (1:5 elevation, 1:2 section);
  - (iii) Full details of proposed rooflights, which shall be set in plane with the roof covering;
  - (iv) Full details of external flues, background and mechanical ventilation, soil/vent pipes and their exits to the open air;
  - (v) Full details of proposed meter and alarm boxes;
  - (vi) Large scale details of proposed eaves and verges (1:5 section);
  - (vii) Full details of proposed internal service routes;
  - (viii) A full schedule and specification of repairs including:
  - (ix) a structural engineer's report setting out the nature of, and suggested remedial work to, structural defects
  - (x) proposed timber and damp proof treatment
  - (xi) proposed method of cleaning/paint removal from historic fabric
  - (xii) a full schedule of internal finishes to walls, ceilings and floors
  - (xiii) Full details of external decoration to render, joinery and metalwork;
- and**

**(xiv) Full details and samples of external materials.**

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

**REASON: The application contained insufficient information to enable this matter to be considered prior to granting listed building consent and the matters are required to be agreed with the Local Planning Authority before works commence in order that the scheme is undertaken in an acceptable manner, in the interests of preserving the character and appearance of the listed building and its setting.”**

132 **16/06233/FUL Land at Orchard Cottage, Upper Minety, Malmesbury, SN16 9PY**

Andrew Pywell spoke in support of the application.

Cllr Charles Cooke, Minety Parish Council, spoke in objection to the application.

The planning officer introduced the application which was for the erection of a new 4 bed detached dwelling. The officer's report recommended that planning permission be granted, subject to the conditions and informatives in the report, as amended by the late observations. Attention was drawn to the late observations which recommended the removal of condition 3 and amendment to condition 12. Photographs of the existing cottage and proposed elevations of the new dwelling were shown. The planning officer described that the proposal was considered to be infill development.

In response to technical questions, it was confirmed that the site was outside a previous settlement boundary however this boundary had not been retained as part of the Core Strategy and therefore was not a planning consideration. The planning officer stated that this application was considered to be within the built form of the village. Members were advised that a limited scope construction method statement could be conditioned to address members concerns about parking and traffic during construction.

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

The local member, Cllr Chuck Berry, spoke against the application on the grounds that it was unsuitable for the location and unsustainable. The councillor also considered the previous settlement boundary to be relevant to the application.

In the debate that followed, members discussed whether the application could be considered as an infill development and whether housing was needed in the area. Cllr Hutton, seconded by Cllr Greenman proposed the officer recommendation, as amended by the late observations, and with the addition of a condition requiring a construction method statement to address parking and traffic concerns.

**Resolved:**

**To grant planning permission subject to the following conditions and informatives:**

- 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. No part of the development hereby permitted shall be first brought into use until the access, turning area and parking spaces have been completed in accordance with the details shown on the approved plans. The areas shall be maintained for those purposes at all times thereafter.**

**REASON:** In the interests of highway safety.

- 3. No development shall commence on site until the exact details and samples of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out 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 in an acceptable manner, in the interests of visual amenity and the character and appearance of the area.

- 4. No development shall commence on site until a scheme for the discharge of foul water from the site has been submitted to and approved in writing by the Local Planning Authority.**

**REASON:** To ensure that the development can be adequately drained.

- 5. The development shall not be first occupied until foul water drainage has been constructed in accordance with the approved scheme.**

**REASON:** To ensure that the development can be adequately drained.

6. 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 together with permeability test results to BRE365 not to make adjacent surface water flood risk any greater and prevention of the identified surface water flood risk in road entering the site, has been submitted to and approved in writing by the Local Planning Authority.

**REASON:** To ensure that the development can be adequately drained.

7. The development shall not be first occupied until surface water drainage has been constructed in accordance with the approved scheme.

**REASON:** To ensure that the development can be adequately drained.

8. 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 1, Classes A-E shall take place on the dwellinghouses hereby permitted or within their curtilage.

**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.

9. The dwellings hereby approved shall achieve a level of energy performance at or equivalent to Level 4 of the Code for Sustainable Homes. No dwelling shall be occupied until evidence has been issued and submitted to, and approved in writing by, the local planning authority certifying that this level or equivalent has been achieved.

**REASON:** To ensure that the objectives of sustainable development equal or equivalent to those set out in Policy CP41 of the Wiltshire Core Strategy are achieved.

10. The development shall be carried out as specified in the approved Arboricultural Impact Assessment prepared by S J Stephens Associates dated 24th June 2016 and shall be supervised by an arboricultural consultant.

**REASON:** To prevent trees on site from being damaged during construction works.

**11. The development hereby permitted shall be carried out in accordance with the following approved plans and documentation:**  
**6060/01 Rev A Proposed Elevations**  
**Site and Location Plan**  
**Design and Access Statement**  
**Arboricultural Impact Assessment**  
**Received on 27/06/2016**

**6060/02 Visibility Splay Lines**  
**Received on 28/09/2016**

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

**12. WM4 CONSTRUCTION METHOD STATEMENT**

**No development shall commence on site (including any works of demolition), until a Construction Method Statement, which shall include the following:**

- a) the parking of vehicles of site operatives and visitors;**
- b) loading and unloading of plant and materials;**
- c) storage of plant and materials used in constructing the development;**

**has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be complied with in full throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement.**

**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 minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase.**

**13. 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.**



- 14. 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.
- 15. 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.
- 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:** 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 [www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy](http://www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy).

Tony Philips spoke in support of the application

Ian Rae spoke in objection to the application

Cllr Margaret Bawden, Hullavington Parish Council, spoke in objection to the application.

The planning officer introduced the application which was for the creation of a new vehicular access onto a classified road at 40 The Street, Hullavington, to allow access to the site of residential property with paddocks which benefitted from an extant permission for the erection of stables. The offer recommended that planning permission be granted subject to the conditions and informatives in the report and drew attention to the late observations. Photos of the site and plans for access arrangements were shown. It was explained that highways officers had originally raised concerns with the proposed access however had withdrawn their objections since additional information including adequate visibility splays had been submitted.

In response to technical questions it was noted that the planning permission did not include the removal of an existing boundary wall to the north of the site. The planning officer advised that the highways officer was satisfied that the wall height had been reduced to a level that would not obscure views for drivers using the entrance and main road. It was explained that suggested planning conditions would limit the height of the wall to a safe height.

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

The local member, Baroness Scott, spoke in objection to the application, considering the existing access to be safer and questioning why a new access was required. The local member considered the access would be a highways safety risk to the busy road.

In the debate that followed, members noted the judgement of the highways officer however considered that on balance the highways impact of the proposal was dangerous and therefore 'severe'. Members of the Committee commented that they were familiar with the site and were concerned that the proposed access would be at the narrowest part of The Street, meaning that vehicles with trailers or horseboxes would have to use the other side of the road to turn slowly into the entrance. The Committee also agreed that a second access road into the site was unnecessary and considered the location of the existing access to be much safer. Councillors were mindful that it would be common for horseboxes to enter and exit the stables and they would only be able to do so slowly and so may cause a hazard blocking the road for on-coming traffic. Members also commented that the visibility splays demonstrated an improvement to visibility when exiting the site, however would not improve

visibility for vehicles approaching the site, on the highway, from around the nearby corner.

The Committee was reminded that that the planning officer had deemed the proposal to be acceptable and would have considered access by horseboxes, however felt the highways safety risks to be so severe that the application should be refused. The Chairman noted that the local member, and committee member who lived in the village knew the site well and considered the proposals to pose a severe risk to highways safety.

The meeting was adjourned for 2 minutes. On listening to the debate, officers suggested to the Committee that it had concluded that it wished to refuse permission for the following reason:

The proposed development would, by reason of an intensification of vehicles entering and exiting the site and inadequate visibility splays, result in highways hazard with the potential for severe harm to highway safety arising from conflicting vehicular movements and the volume and nature of vehicular movements at the proposed access. Therefore, the proposed development is considered contrary to Core Policy 61 of the Wiltshire Core Strategy and Paragraph 32 of the National Planning Policy Framework.

Cllr Sturgis requested that the refusal reason be amended to reflect the inadequate interrelationship between the existing and proposed accesses also.

Cllr Sturgis, seconded by Cllr Greenman moved that the application be refused for the reason set out below.

**Resolved:**

**To REFUSE planning permission for the following reason:**

**The proposed development would, by reason of an intensification of vehicles entering and exiting the site, inadequate visibility splays and the proximity of the existing and proposed accesses, result in highways hazard with the potential for severe harm to highway safety arising from conflicting vehicular movements and the volume and nature of vehicular movements at the proposed access. Therefore, the proposed development is considered contrary to Core Policy 61 of the Wiltshire Core Strategy and Paragraph 32 of the National Planning Policy Framework.**

**And:**

**To note advice from officers that given the identified reason for refusal, the contents of the committee report and response of highways officers, Council Officers would not be in a position to represent the Council in the**

**event of an appeal. Therefore, members note that it would be necessary for officers to seek to appoint a suitably qualified consultant.**

134 **16/04961/OUT Land at Arms Farm, High St, Chippenham, Sutton Benger, SN15 4RE**

Ian Pople spoke in support of the application.

Eileen Warren and David Ratcliffe spoke in objection to the application

Cllr Norman Davis, Sutton Benger Parish Council, spoke in objection to the application.

The planning officer introduced the application which was for the construction of up to 14 dwellings; the application sought only outline planning permission, with all matters reserved. The officer recommended that planning permission be granted, subject to the signing of a section 106 agreement and conditions and informatives outlined in the report. Attention was drawn to the late observations. It was noted that residents had requested the application be deferred; however officer advised sufficient detail had been submitted to proceed to determination. The Committee was reminded the application had been reduced from previous proposals for 28 dwellings on the site. An indicative layout of the site in respect of access arrangement and location of dwellings was presented, however members were reminded they were not asked to consider such matters at this stage, these issues would be addressed at reserved matters stage in the event of outline planning permission being granted.

Photographs of the site were shown and details of nearby extant planning permission were given. The officer acknowledged that there would be some harm to the setting of the listed building at Arms Farm as a result of the development, however considered this would be outweighed by the benefits of the scheme.

In response to technical questions the officer advised that the parish council had not been asked to form a judgement on the access arrangements on site, this was not part of the application for outline permission. It was noted that the Conservation Officer's response to the proposal had been published and the parish council was entitled to form a separate view on the impact of the development on the listed building, independent of the comments of the conservation officer. It was confirmed that the listed farm building would still have an outlook into an open field as a result of the development and that if access was taken from the B4069, as shown on the indicative layout, there would be some harm to the setting of the listed building. It was suggested that cart/bump stones be installed at frequent intervals along the rear of the byres in order to protect the structure if the track was created. On balance, the planning

officer considered the harm that would result from a new track, and the alterations associated with it, would be less than the harm that would occur if the access route were to be through the middle of the farmyard. It was explained that the harm would be outweighed by the public benefits of the scheme.

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

In response to statements from the public, the planning officer verified that proposed planning conditions would cover archaeological matters. It was acknowledged that there may be a need to remove a small part of the listed building as a result of the development, however the conservation officer had identified that this was a modern addition and deemed that on balance, this was not significant and therefore acceptable.

The local member, Cllr Greenman, spoke on the application and noted it was a more modest proposal than previous applications which had appeared before the Committee.

In the debate that followed, members were disappointed that a full planning application had not been submitted and it was commented that, at a reserved matters stage, they would prefer to see alternative access arrangements to those proposed on the indicative layout, preferably through the adjoining estate. Councillors sympathised with the concerns of the village however were not opposed to the principle of development on the site given material considerations as set out in the report.

Cllr Hutton, seconded by Cllr Trotman, moved the officer recommendation.

**Resolved:**

**That authority is delegated to the Head of Development Management to GRANT planning permission, subject to conditions listed below and completion of a S106 legal agreement within six months of the date of the resolution of this Committee.**

**In the event of failure to complete, sign and seal the required section 106 agreement within the defined timeframe to then delegate authority to the Head of Development Management to REFUSE planning permission for the following reason:-**

**The application proposal fails to provide and secure the necessary and required Services and infrastructure supporting the proposed residential development including Affordable Housing, Waste and Education and is therefore contrary to Policies CP3 & CP43 of the Wiltshire Core Strategy Adopted January 2015 and Paras 7, 14 & 17 of the National Planning Policy Framework March 2012.**

**Planning conditions:**

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;
  - (e) The means of access to the site. The development shall be carried out in accordance with the approved details.

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

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. 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.

5. No demolition, site clearance or development shall commence on site, and; no equipment, machinery or materials shall be brought on to site for the purpose of development, until a Tree Protection Plan showing the exact position of each tree/s and their protective fencing in accordance with British Standard 5837: 2012: "Trees in Relation to Design, Demolition and Construction - Recommendations"; has been submitted to and approved in writing by the Local Planning Authority, and; The protective fencing shall be erected in accordance with the approved details. The protective fencing shall remain in place for the entire development phase and until all equipment, machinery and surplus materials have been removed from the site. Such fencing shall not be removed or breached during construction operations. No retained tree/s shall be cut down, uprooted or destroyed, nor shall any retained tree/s be topped or lopped other than in accordance with the approved plans and particulars. Any topping or lopping approval shall be carried out in accordance British Standard 3998: 2010 "Tree Work - Recommendations" or arboricultural techniques where it can be demonstrated to be in the interest of good arboricultural practise. If any retained tree is removed, uprooted, destroyed or dies, another tree shall be planted at the same place, at a size and species and planted at such time, that must be agreed in writing with the Local Planning Authority. No fires shall be lit within 15 metres of the furthest extent of the canopy of any retained trees or hedgerows or adjoining land and no concrete, oil, cement, bitumen or other chemicals shall be mixed or stored within 10 metres of the trunk of any tree or group of trees to be retained on the site or adjoining land. [In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs above shall have effect until the expiration of five years

**REASON:** To ensure that the proposed development does not result in the unnecessary loss of trees and existing screening, and for the avoidance of doubt.

6. No part of the development hereby permitted shall be occupied until the access, turning area and parking spaces have been completed in accordance with the details shown on the approved plans. The areas shall be maintained for those purposes at all times thereafter.

**REASON:** In the interests of highway safety.

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/driveway), incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be 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. No development shall commence on site until details of the works for the disposal of sewerage including the point of connection to the existing public sewer have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be first occupied until the approved sewerage details have been fully implemented in accordance with the approved plans.

**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 proposal is provided with a satisfactory means of drainage and does not increase the risk of flooding or pose a risk to public health or the environment.

9. The dwellings hereby approved shall achieve a level of energy performance at or equivalent to Level 4 of the Code for Sustainable Homes. No dwelling shall be occupied until evidence has been issued and submitted to, and approved in writing by, the local planning authority certifying that this level or equivalent has been achieved.

**REASON:** To ensure that the objectives of sustainable development equal or equivalent to those set out in Policy CP41 of the Wiltshire Core Strategy are achieved.

10. The development hereby permitted shall be carried out in accordance with the following approved plans: EDP 2335/46

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



**11. No development shall commence on site (including any works of demolition), until a Construction Method Statement, which shall include the following:**

- a) the parking of vehicles of site operatives and visitors;**
- b) loading and unloading of plant and materials;**
- c) storage of plant and materials used in constructing the development;**
- d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;**
- e) wheel washing facilities;**
- f) measures to control the emission of dust and dirt during construction;**
- g) a scheme for recycling/disposing of waste resulting from demolition and construction works; and**
- h) measures for the protection of the natural environment.**
- i) hours of construction, including deliveries;**

**has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be complied with in full throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement.**

**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 minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase.**

**12. No development shall commence until:**

- a) A written programme of archaeological investigation, which should include onsite work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved by the Local Planning Authority; and**
- b) The approved programme of archaeological work has been carried out in accordance with the approved details.**

**REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and/or [DELETE as appropriate] 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 enable the recording of any matters of archaeological interest.**

**13. No development shall commence on site (other than that required to be carried out as part of a scheme of remediation approved by**

the Local Planning Authority under this condition), until steps (i) to (iii) below have been fully complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until step (iv) has been complied with in full in relation to that contamination.

**Step (i) Site Characterisation:**

An investigation and risk assessment must be completed to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings submitted to and approved in writing by the Local Planning Authority. The report of the findings must include:

- A survey of the extent, nature and scale of contamination on site;
- The collection and interpretation of relevant information to form a conceptual model of the site, and a preliminary risk assessment of all the likely pollutant linkages;
- If the preliminary risk assessment identifies any potentially significant pollutant linkages a ground investigation shall be carried out, to provide further information on the location, type and concentration of contaminants in the soil and groundwater and other characteristics that can influence the behaviour of the contaminants;
- An assessment of the potential risks to:
  - human health,
  - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - adjoining land,
  - groundwater and surface waters,
  - ecological systems,
  - archaeological sites and ancient monuments;

This must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11" and other authoritative guidance.

**Step (ii) Submission of Remediation Scheme:**

If any unacceptable risks are identified as a result of the investigation and assessment referred to in step (i) above, a detailed remediation scheme to bring the site to condition suitable for the intended use must be prepared. This should detail the works required to remove any unacceptable risks to human health, buildings and other property and the natural and historical environment, should be submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be

undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures.

**Step (iii) Implementation of Approved Remediation Scheme:**

The approved remediation scheme under step (ii) must be carried out in accordance with its requirements. The Local Planning Authority must be given at least two weeks written notification of commencement of the remediation scheme works.

**Step (iv) Reporting of Unexpected Contamination:**

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it should be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment should be undertaken in accordance with the requirements of step (i) above and where remediation is necessary, a remediation scheme should be prepared in accordance with the requirements of step (ii) and submitted to and approved in writing by the Local Planning Authority.

**Step (v) Verification of remedial works:**

Following completion of measures identified in the approved remediation scheme a verification report should be submitted to the Local Planning Authority. The report should demonstrate the effectiveness of the remedial works. A statement should also be provided by the developer which is signed by a person who is competent to confirm that the works detailed in the approved scheme have been carried out (The Local Planning Authority can provide a draft Remediation Certificate when the details of the remediation scheme have been approved at stage (ii) above).

The verification report and signed statement should be submitted to and approved in writing of the Local Planning Authority.

**Step (vi) Long Term Monitoring and Maintenance:**

If a monitoring and maintenance scheme is required as part of the approved remediation scheme, reports must be prepared and submitted to the Local Planning Authority for approval at the relevant stages in the development process as approved by the Local Planning Authority in the scheme approved pursuant to step (ii) above, until all the remediation objectives in that scheme have been achieved.

All works must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11" and other authoritative guidance.

**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 risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

- 14.** No development shall commence on site until the exact details and samples of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

**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 the interests of visual amenity and the character and appearance of the area

- 15.** No railings, fences, gates, walls, bollards and other means of enclosure development shall be erected in connection with the development hereby permitted until details of their design, external appearance and decorative finish have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the development being occupied.

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

- 16.** No development shall commence on site until details of the estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture, including the timetable for provision of such works, have been submitted to and approved by the Local Planning Authority. The development shall not be first occupied until the estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays,

accesses, carriageway gradients, drive gradients, car parking and street furniture have all been constructed and laid out in accordance with the approved details.

**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 roads are laid out and constructed in a satisfactory manner.

17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), any garages shall not be converted to habitable accommodation.

**REASON:** To secure the retention of adequate parking provision, in the interests of highway safety.

18. The maximum number of residential units on site shall not exceed

**REASON:** For the avoidance of doubt.

**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.

**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.

**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.**

**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.**

135 **16/03033/FUL - Land to the rear of Church, North Wraxall, Chippenham, SN14 7AD**

The planning officer introduced the application for the erection of a stable block at land to the rear of Church, North Wraxall. The officer's recommendation was that planning permission be granted subject to conditions and informatives as outlined in the report and amended by the late observations. The late observations proposed the additions of three conditions and the requirement to add a plan number to condition 7. The officer made reference to the site as located within an Area of Outstanding Natural Beauty and explained the proposal for the stable building had been reduced in size from the original application. It was explained that the field could sustain two horses and conditions on the number of horses had been proposed in the report. The officer also identified that further information as to the access arrangements had been submitted.

In response to technical questions it was confirmed that the site was bounded by the curtilage listed wall of the Grade 1 church, however would not impact upon a churchyard boundary wall and that the conditions proposed would restrict use of the shelter to private stabling. The officer explained that the shelter may be used to keep agriculture and had two entrances/exits.

The local member, Baroness Scott, highlighted that the parish council had raised concerns over the impact of the proposed shelter on the setting of the Grade 1 listed church. It was also commented that equipment to support equine use could impact upon the listed building and setting in the AONB and conservation area.

In the debate that followed, members noted that the proposed conditions addressed external lighting on the site. It was considered that the stable was

note in an ideal location, however on balance, was acceptable, provided it was conditioned strictly to minimize the impact in a sensitive area. Cllr Hutton, seconded by Cllr Trotman, moved the officer recommendation, with additional conditions to prevent outside storage and additional fencing.

**Resolved:**

**To grant planning permission subject to the following conditions and informatives:**

- 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. No fences (including temporary ones to divide the land) or jumps shall be erected on the site without the prior approval in writing of the Local Planning Authority.**

**REASON: In order to protect the setting of the heritage assets and the landscape character of the area.**

- 3. The development hereby permitted shall not be brought into use/occupied/ [DELETE as appropriate] until details of the storage of manure and soiled bedding (including the location of such storage) and its disposal from site (including frequency) have been submitted to and approved in writing by the Local Planning Authority, and; the works for such storage and disposal have been completed in accordance with the approved details. The approved storage area shall subsequently be maintained in accordance with the approved details. No storage of manure and soiled bedding shall take place outside of the storage area approved under this condition.**

**REASON: In the interests of public health and safety, in order to protect the natural environment and prevent pollution.**

- 4. The development hereby permitted shall only be used for the private stabling of horses and the storage of associated equipment and feed and shall at no time be used for any commercial purpose whatsoever, including for livery, or in connection with equestrian tuition or leisure rides.**

**REASON: In the interests of highway safety and/or to protect the living conditions of nearby residents.**

5. There shall be no parking of horse boxes, caravans, trailers or other vehicles during the hours between dusk and dawn on the site.

**REASON:** In order to protect the living conditions of nearby residents and/or the rural character of the area.

6. No portable buildings, van bodies, trailers, vehicles or other structures used for storage, shelter, rest or refreshment, shall be stationed on the site without the prior approval in writing of the Local Planning Authority.

**REASON:** In order to protect the living conditions of nearby residents and/or the rural character of the area.

7. The development hereby permitted shall be carried out in accordance with the following approved plans: Site location plan received 4th April 2016; Proposed elevations and proposed site plan received 20th June 2016 and access plan dated 4th October 2016

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

8. Please note that this permission neither grants nor implies consent for a change of use of the land for the keeping of horses.
9. There shall be no external/outdoor storage of any kind at the site and there shall be no portable buildings or structures, van bodies, trailers, vehicles or other structures used for storage, shelter, rest or refreshment, shall be stationed on the site without the prior approval in writing of the Local Planning authority.

**REASON:** In order to protect the setting of the heritage assets and to protect the landscape quality of the area.

10. No materials, goods, plant, machinery, equipment, finished or unfinished products/parts of any description, skips, crates, containers, waste or any other item whatsoever shall be placed, stacked, deposited or stored outside any building on the site.

**REASON:** In order to protect the heritage assets and landscape quality of the area.

11. No paint or stain finish shall be applied to external timber (including external walls and window joinery -[DELETE as appropriate]), until details of the paint or stain to be applied have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved



details prior to the development being first brought into use / occupied [DELETE as appropriate].

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

**12.** 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.

**13.** Prior to the commencement of the development hereby permitted, details of the access track, including its finish, shall be submitted to and approved in writing by, the Local Planning Authority. The development shall be carried out in accordance with the approved details.

**REASON:** To protect the landscape quality of the Cotswolds AONB.

**14. 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.

**15. 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.

**16. 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.

**17. 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.

136 **Urgent Items**

There were no urgent items.

(Duration of meeting: 3.00 - 6.15 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](mailto:Elizabeth.beale@wiltshire.gov.uk)

Press enquiries to Communications, direct line (01225) 713114/713115