

Northern Area Planning Committee

MINUTES OF THE NORTHERN AREA PLANNING COMMITTEE MEETING HELD ON 9 DECEMBER 2020 AT ONLINE MEETING.

Present:

Cllr Tony Trotman (Chairman), Cllr Peter Hutton (Vice-Chairman), Cllr Chuck Berry, Cllr Christine Crisp, Cllr Gavin Grant, Cllr Howard Greenman, Cllr Chris Hurst, Cllr Toby Sturgis, Cllr Brian Mathew and Cllr Ashley O'Neill

39 **Apologies**

Apologies were received from Cllr Mollie Groom and Cllr Ian Thorn as the Local Unitary Member.

40 **Minutes of the Previous Meeting**

The minutes of the previous meeting held on 11 November 2020 were presented.

Resolved

To approve and sign the minutes of the meeting held on 11 November 2020 as a true and correct record.

41 **Declarations of Interest**

There were no declarations of interest.

42 **Chairman's Announcements**

The Chairman explained the procedure should a recess be required.

43 **Public Participation**

The Chairman explained the rules of public participation and the procedure to be followed at the meeting.

No questions had been received from Councillors or members of the public.

44 **Planning Appeals and Updates**

The Chairman moved that the Committee note the contents of the appeals report included within the agenda pack. As such, it was:

Resolved

To note the appeals report for the period of 25 September 2020 to 27 November 2020.

45 **Planning Applications**

The Committee considered the following applications:

46 **19/11601/OUT - Land South of Low Lane, Calne, SN11 8EQ**

Public Participation

Mr John Boaler, local resident, spoke in objection to the application.

Mr Andrew Stevens, neighbouring resident, spoke in objection of the application.

A statement in objection of the application from Mr Tony Matthews, neighbouring resident, was read out by a Democratic Services Officer.

Sarah Hamilton-Foyn, on behalf of the applicant, spoke in support of the application.

Councillor Glenis Ansell, on behalf of Calne Town Council, spoke in objection to the application.

Charmian Eyre-Walker, Senior Planning Officer, introduced the report which recommended that authority be delegated to the Head of Development Management to grant planning permission, subject to conditions and the completion of a S106 legal agreement, for an outline application with all matters reserved for the residential development of up to 26 entry level dwellings, associated infrastructure, open space and landscaping with the creation of new vehicular access from Low Lane.

Reference was made to the presentation slides (Agenda Supplement 1 and attached to these minutes) and the late observations (Agenda Supplement 2), with photographs provided by local residents which did not form part of the officer's presentation, noted. The key criteria and facets of Entry Level Housing, including the salience and provisions of Paragraph 71 to the National Planning Policy Framework (NPPF), was explained; specifically, allowing for the delivery of housing to meet the authority's area, not merely the local area. An

explanation was also made as to the Council's supply of deliverable housing land.

Key issues highlighted included: principle of the development; design and layout; ecology; landscaping; highways; drainage; and S106 requirements.

Members of the Committee had the opportunity to ask technical questions to the officer. The main points of focus included: the nature of Entry Level Housing; the access point; and the mature trees and hedges bordering the site. In response, officers noted the separation and distinction between Entry Level Housing and local community neighbourhood plans, highlighted that the internal road layout would be considered under reserved matters, and emphasised that the trees and hedges would be retained as part of the ecology requirements.

Members of the public, as detailed above, had the opportunity to address the Committee and speak on the application.

As Local Unitary Member Councillor Ian Thorn had given apologies, Councillor Gavin Grant read a statement of objection on his behalf and stated that despite this he would participate in the debate and vote with an open mind. The main points of focus in the statement were: that Calne had already fulfilled the housing allocations as required in Wiltshire Council's five-year land supply; biodiversity concerns on the site; loss of privacy for existing Low Lane residents; increased levels of traffic and safety of pedestrians. Wiltshire Core Strategy Policies (CP) 1, 2 and 8; North Wiltshire Local Plan 2011 Policy H4; and Calne Community Neighbourhood Plan Policies H1, H2 and H4, were cited.

Officers reiterated the nature of Entry Level Housing and how it was considered as a separate entity from any other local community plans as it had been brought forward after the creation of the abovementioned plans and policies. It was noted that any specific details as to the size and layout of the proposed dwellings were reserved matters as the application was outline only. Officers clarified that the ecology survey that had been submitted with the application had detailed conditions which would serve to mitigate the biodiversity concerns of local residents.

The Chairman noted the highways and air quality concerns raised by members of the public and Councillor Thorn, in particular the nature of Low Lane as a route for school children and cyclists, and questioned the officers as to the impacts on the safety of pedestrians around the application site. Officers noted that all highways research had been undertaken pre-pandemic when traffic was operating as normal and highlighted the Highways Officer's non objection. In regard to pedestrian safety it was noted that if members were minded to approve, then there would be a planning obligation in the S106 Agreement to secure a contribution to facilitate safe crossing points.

Councillor Gavin Grant moved to refuse the application, against officer recommendations, which Councillor Brian Mathew seconded.

During the debate members again discussed the nature of Entry Level Housing; road safety; impacts to the amenities of local residents and the ability to impose stringent conditions if approved. Before the vote, Development Management Team Leader, Simon Smith, sought clarification as to the specific reasonings behind the motion of refusal to which Councillor Gavin Grant reiterated that the location for the application was inappropriate on the basis of Core Policy 57, Sub-Section 6, which was approved by Councillor Brian Mathew as seconder.

During the vote the Democratic Services Officer called upon each member who confirmed that they had been able to hear and, where possible, see all relevant materials and indicated their vote in turn.

The motion failed.

A motion to approve the application, in line with officer recommendations, was moved by Councillor Peter Hutton and seconded by Councillor Toby Sturgis.

Officers noted that the motion would need to be amended to include the addition of two conditions: firstly, that the application should be for no more than 26 dwellings, and secondly that it should be delegated to officers to explore improvements to the footpath links leading out of the site. Both Councillor Hutton and Sturgis agreed to and included the amendments.

Officers additionally noted that the illustrative masterplan showed the site of access and that a technical layout for that access was a plan for approval and asked both Councillor Hutton and Sturgis if they were happy for access to remain as an approved plan or whether they felt it should require subsequent approval, to which the Councillors requested it be removed and considered at a later stage.

At the conclusion of the debate, a vote was taken on the motion of approval. The Democratic Services Officer called upon each member who confirmed they had been able to hear and, where possible, see all relevant materials and indicated their vote in turn.

Following which, it was:

Resolved

That authority be delegated to the Head of Development Management to GRANT planning permission, subject to conditions listed below and completion of a S106 legal agreement covering Affordable housing, Public Open Space, waste and refuse, and Highways infrastructure matters, 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 on the grounds that the proposal fails to secure the necessary highway

infrastructure matters, Affordable Housing provision, POS and waste and refuse required to render the development acceptable.

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

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

- 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, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until surface water drainage has been constructed in accordance with the approved scheme.**

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before

development commences in order that the development is undertaken in an acceptable manner, to ensure that the development can be adequately drained.

7. 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;
 - j) 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.

8. No development shall commence on site until a scheme of Ultra Low Energy Vehicle infrastructure has been submitted to the LPA. The scheme must be approved by the LPA prior to implementation and thereafter be permanently retained.

REASON: Core Policy 55; Development proposals, which by virtue of their scale, nature or location are likely to exacerbate existing areas of poor air quality, will need to demonstrate that measures can be taken to effectively mitigate emission levels in order to protect public health, environmental quality and amenity.

- 9. Prior to commencement of clearance or construction works, a detailed Landscape and Ecological Management Plan ('LEMP') shall be submitted to the LPA and approved in writing, the LEMP shall be thereafter be fully adhered to unless agreed otherwise with the LPA. The LEMP shall include measures to ensure no net loss of native hedgerow habitat or ecological functionality of hedgerow habitat, through planting and management proposals, with suitable buffering of hedgerows to protect wildlife including bats.**

REASON; To ensure adequate protection and mitigation for protected species through the implementation of detailed mitigation measures and to secure net biodiversity gain in accordance with NPPF.

- 10. Prior to commencement of clearance or construction works, a detailed Construction Environmental Management Plan (CEMP) shall be submitted to the LPA and approved in writing, the CEMP shall be thereafter be fully adhered to unless agreed otherwise with the LPA.**

REASON; To ensure adequate protection and mitigation for protected species through the implementation of detailed mitigation measures and to secure net biodiversity gain in accordance with NPPF.

- 11. The development hereby approved shall be carried out in accordance with the Dormouse protection proposals within paragraphs 14 and 15 of the 'Briefing Note: Further Ecology Response' Ecology Solutions, March 2020, as already submitted with the planning application and agreed in principle with the local planning authority before determination, and as modified by a Natural England European protected species licence where required.**

REASON: To ensure adequate protection and mitigation for protected species through the implementation of detailed mitigation measures in accordance with NPPF, that were prepared and submitted with the application before determination.

12. Before development takes place, details of the provision of biodiversity enhancement measures such as bat roosting features and nesting opportunities for birds shall be submitted to the local planning authority for approval, including a plan showing the location(s) and type(s) of feature(s). The approved details shall be implemented before the development hereby approved is first occupied.

REASON: To provide additional biodiversity opportunities as a biodiversity enhancement, in accordance with paragraph 175 of the National Planning Policy Framework and Section 40 of the Natural Environment and Rural Communities Act 2006.

13. No new external artificial lighting shall be installed at on site unless otherwise agreed in writing by the Local Planning Authority.

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

14. Applications for the approval of the Reserved Matters shall be in accordance with the principles and parameters described and illustrated in the approved Design and Access Statement and in broad accordance with the structure of the layout shown within the approved Illustrative Masterplan (unless otherwise agreed by the LPA).

REASON: To ensure that high standards of urban design is achieved in accordance with policies of the Core Strategy, the National Design Guide and the NPPF.

15. Applications for the approval of the Reserved Matters shall include a compliance statement demonstrating accordance with the approved DAS. With particular regard to the matter of appearance, this statement will demonstrate compliance with the design guidelines of the Calne Neighbourhood Plan.

REASON: To ensure that the character of architecture, urban design and landscape design is in accordance with policies of the Core Policy 57 and the Calne Neighbourhood Plan.

16. 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 protect trees on site in the interests of landscape amenity.

17. Any Reserved Matters application shall be accompanied a strategy to demonstrate how waste collections will function on the development are submitted to meet the requirements of policies CP3 and WCS6.

REASON: To ensure the site can be sufficiently serviced.

18. The development hereby permitted shall be carried out in accordance with the Location plan received 10th December 2019 and in broad accordance with Revised Illustrative Masterplan 301.P.3.1 and Revised DAS received March 5th 2020.

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

INFORMATIVES:

- 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.

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

47 **Urgent Items**

There were no urgent items.

(Duration of meeting: 3.00 - 5.00 pm)

The Officer who has produced these minutes is Ellen Ghey of Democratic Services,
direct line 01225 718259, e-mail ellen.ghey@wiltshire.gov.uk

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

This page is intentionally left blank

Northern Area Planning Committee

9th December 2020

7a) 19/11601/OUT- Land South of Low Lane, Calne, Wiltshire, SN11 8EQ

Outline application with all matters reserved for residential development of up to 31 entry level dwellings, associated infrastructure, open space and landscaping, with creation of new vehicular access from Low Lane.

Recommendation: Approve with Conditions



Site Location Plan



Aerial Photography

Photos from Low Lane



Left slide: Looking down Low Lane, Right Slide: The site from inside





Page 21

Photos provided by Local Resident

Page 22



Photos from Local Resident

Page 23



Further Slides supplied by Local Resident

Page 24



Northern Area Planning Committee

9th December 2020

This page is intentionally left blank