

## NORTHERN AREA PLANNING COMMITTEE

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### **DRAFT MINUTES OF THE NORTHERN AREA PLANNING COMMITTEE MEETING HELD ON 9 DECEMBER 2015 AT COUNCIL CHAMBER - COUNCIL OFFICES, MONKTON PARK, CHIPPENHAM.**

#### **Present:**

Cllr Tony Trotman (Chairman), Cllr Mollie Groom, Cllr Chris Hurst, Cllr Mark Packard, Cllr Sheila Parker, Cllr Toby Sturgis, Cllr Chuck Berry, Cllr Terry Chivers, Cllr Howard Greenman, Cllr Jacqui Lay (Substitute) and Cllr Howard Marshall

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#### **122 Apologies**

Apologies were received from Cllr Christine Crisp. It was noted that Cllr Crisp would substituted at the meeting by Cllr Jacqui Lay.

It was noted that, following the decision of Council made on the 25<sup>th</sup> November, Cllr Howard Marshal was now a member of the NAPC, and that Cllr Ernie Clark was now a substitute only.

#### **123 Minutes of the Previous Meeting**

The minutes of the meeting held on 28 October 2015 were presented.

#### **Resolved:**

**That the minutes of the meeting held on the 28 October 2015 be approved as a true and correct record for signing by the Chairman.**

#### **124 Declarations of Interest**

There were no declarations of interest.

#### **125 Chairman's Announcements**

There Chairman drew the meeting's attention to the following matters: The evacuation procedures; the procedure for public participation; and the policy on recording and broadcasting of meetings.

#### **126 Public Participation and Councillors' Questions**

The Committee noted the rules on public participation, and that there were no questions submitted.

## 127 **Planning Applications**

Attention was drawn to the late list of observations provided at the meeting, circulated at the meeting and as an agenda supplement, in respect of application 6a – 15/04763/FUL as listed in the agenda pack.

## 128 **15/04763/FUL - Parsonage Way, Chippenham, Wiltshire**

The Case Officer outlined the report that recommended that the application be approved subject to conditions. The officer made reference to the late observations summarised by the officers, and how the issues raised had been responded to.

Reference was also made to some additional late submissions made by members of the public; the officer noted that he had not had sufficient time to consider the implications of this additional late information.

In the course of his presentation, the officer confirmed: that the proposed Bund would be 3m high; that legal advice had been given confirming the officers recommendation on the Environmental Impact Assessment Screening Opinion requirements, in that the application could be considered independently and therefore did not meet the tests established by case law as to requirements for a screening opinion; and that progress of the Chippenham Sites Development Plan Document did not hinder the consideration of this application.

In response to questions from the Committee, the officer stated: that he did not believe there were any concerns with regard to utilities; and that they had no representation from colleagues in the Property Team with regard to this application.

Edward Barham, Robert Whitrow and Robert Woodward spoke in objection to the application; and Ian Jewson spoke in support of the application. Cllr David Mannering spoke on behalf of Langley Burrell Parish Council.

Cllr Howard Greenman spoke in his capacity as the local member, and also made representations on behalf of Cllr Chris Caswill, the local member for the ward neighbouring the proposal.

Issues discussed in the course of the presentation and debate included: the proposed car park and storage area; the current agricultural use of the land and its position outside the settlement boundary; the vegetation currently on the site; the access arrangements to the site, and the views of the highways officer; the design and operation of the lighting, and the impact of this on the visual aspect; the size, scale and composition of the bund; the changes made at the request of landscape and conservation officers including extension to the length of the bund and the mix of types of trees; the proximity of the proposals to listed buildings and the conservation area; how the potential employment benefits arising from the proposal could be balanced against any possible negative

impacts; the views of the conservation officers; how drainage, ecological and archaeological matters are to be addressed; the potential impact of the proposals on residential amenity, and the distance of the proposals to other properties; how the proposals accord with planning policies including CP34; the proposals to extinguish and divert an existing right of way; the implications of additional industrial noise, and the steps that could be taken to mitigate; the traffic movements and their impact; the operating hours and how these are conditioned; and the consultation undertaken, and the views of local residents and groups.

Cllr Peter Hutton proposed, subsequently seconded by Cllr Toby Sturgis, that the officers recommendation that planning approval be accepted.

Having been put to the vote, the meeting;

### **Resolved**

**That planning permission be approved 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 and documents:**
  - C14930 - C001 Revision D Surface Water Drainage Strategy**
  - 683-01D Landscape Proposals Received 26/08/15**
  - CHIP PH2/FOOT Footpath Diversion**
  - CHIP PH2/RED Site Location Plan**
  - CHIP PH2/OFF Office and WC Layout**
  - CHIP PH2/TOPO Topographical Survey**
  - 14930/AT01 B Swept Path Analysis Received 20/05/2015**
  - Design and Access Statement**
  - Ecological Survey**
  - Flood Risk Assessment**
  - Ground Investigation Report**
  - Lighting Report**
  - Tree Constraints Report**
  - Archaeology Assessment**
  - Transport Statement Received 20/05/2015**
  - Archaeological Investigation Received 22/10/2015**

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

- 3. Prior to the commencement of the development hereby permitted details of proposed ground levels on the site shall be submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the agreed details. Details can be submitted and approved in phases for identified parts of the site/development hereby permitted.**

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

- 4. 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.

- 5. The development hereby permitted shall not be first brought into use until the approved [sewage disposal] [drainage] works proposed have been completed in accordance with the submitted and approved details.**

**REASON:** To ensure that the development is provided with a satisfactory means of drainage.

- 6. The floodlight(s) hereby approved shall not be illuminated outside the hours of 05:00am in the morning and 11pm in the evening from Mondays to Sundays. The floodlights shall not be illuminated at any time on Bank or Public Holidays.**

**REASON:** To minimise the impact of the floodlight(s) and in the interests of the amenity of the area.

- 7. The B8 Stockyard use hereby permitted (excluding the use of the staff car park) shall only take place between the hours of 05:00am in the morning and 11pm in the evening from Mondays to Sundays. The use shall not take place at any time on Bank or Public Holidays.**

**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.

- 8. The site shall be used for B8 Storage and Distribution and for no other purpose (including any other purpose in Class B of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provisions equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification).**

**REASON:** The proposed use is acceptable but the Local Planning Authority wish to consider any future proposal for a change of use having regard to the circumstances of the case.

- 9. No demolition, site clearance or development shall commence on site until an Arboricultural Method Statement (AMS) prepared by an arboricultural consultant providing comprehensive details of construction works in relation to trees shall be submitted to, and approved in writing by, the Local Planning Authority. All works shall subsequently be carried out in strict accordance with the approved details. In particular, the method statement must provide the following: -**
  - A specification for protective fencing to trees during both demolition and construction phases which complies with BS5837:2012 and a plan indicating the alignment of the protective fencing;**
  - A specification for scaffolding and ground protection within tree protection zones in accordance with BS5837:2012**
  - A schedule of tree works conforming to BS3998.**
  - Details of general arboricultural matters such as the area for storage of materials, concrete mixing and use of fires;**
  - Plans and particulars showing the siting of the service and piping infrastructure;**
  - A full specification for the construction of any arboriculturally sensitive structures and sections through them, including the installation of boundary treatment works, the method of construction of the access driveway including details of the no-dig specification and extent of the areas of the driveway to be constructed using a no-dig specification;**
  - Details of the works requiring arboricultural supervision to be carried out by the developer's arboricultural consultant, including details of the frequency of supervisory visits and procedure for notifying the Local Planning Authority of the findings of the supervisory visits; and**
  - Details of all other activities, which have implications for trees on or adjacent to the site.**

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

**10.** No construction or demolition work shall take place on Sundays or Public Holidays or outside the hours of 07:30 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays. No burning of waste or other materials shall take place on the development site during the demolition/construction phase of the development.

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

**11.** Prior to the commencement of development submit detailed design proposals for the approval of the LPA for the construction of the eastern road access and culverted watercourse. Submitted information shall include full details of trees and areas of shrub which will require removal; The route alignment and specification of temporary tree protection fencing in relation to retained trees; Details of existing, and proposed levels; Detailed cross sections through the proposed access road embankment and watercourse culvert; Full planting details to include proposed location and specification of; seed mix, shrubs and trees.

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

**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 use of the land 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, commencing from the date of notified completion of the approved landscaping scheme to the LPA, 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 B8 Stockyard development and excluding the car park hereby approved being first brought into use 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.

**13.** A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and approved in writing by, the Local Planning Authority before commencement of the development. The content of the LEMP

shall include, but not necessarily be limited to, the following information:

- a) Description and evaluation of features to be managed;
- b) Landscape and ecological trends and constraints on site that might influence management;
- c) Aims and objectives of management;
- d) Appropriate management options for achieving aims and objectives;
- e) Prescriptions for management actions;
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over an (5) year period);
- g) Details of the body or organisation responsible for implementation of the plan;
- h) Ongoing monitoring and remedial measures;
- i) Details of how the aims and objectives of the LEMP will be communicated to future occupiers of the development.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body/ies responsible for its delivery.

The plan shall also set out (where the results from monitoring show that the conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented.

The LEMP shall be implemented in full 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 adequate protection, mitigation and compensation for protected species, priority species and priority habitats.

**14.** Notwithstanding the submitted details the lighting columns and head covers shall be finished in a matt mid grey colour and maintained as such thereafter.

**REASON:** In the interests of preserving the character and appearance of the listed building and its setting.

**15.** The development hereby permitted shall not be first brought into use until the accesses have been constructed in accordance with details submitted to, and approved in writing by, the Local Planning Authority. The accesses shall be maintained as such thereafter.

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

**16.** No development shall commence within the area indicated [top part of the southern field (trenches 5 and 6) Context One Archaeological Field Evaluation Dated 22/10/2015 ] until:

- a) further archaeological recording (strip, map and record excavation) of this area has taken place and a report of the process and findings has been submitted to and approved by the Local Planning Authority.

**REASON:** To enable the recording of any matters of archaeological interest.

**INFORMATIVES:**

#### **WP6 ALTERATIONS TO APPROVED PLANS**

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.

#### **WP12 DIVERSION OF RIGHTS OF WAY**

Please be advised that nothing in this permission shall authorise the diversion, obstruction, or stopping up of any right of way that crosses the site. You are advised to contact the PROW officer on 01225 713392.

#### **WP13 PUBLIC SEWERS**

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.

#### **WP17 COST OF BUILDING RECORDING/ARCHAEOLOGICAL WORK**

The applicant should note that the costs of carrying out a programme of archaeological investigation and recording will fall to the applicant or their successors in title. The Local Planning Authority cannot be held responsible for any costs incurred.

#### **WP18 PERMISSION NOT AUTHORISING WORK ON LAND OUTSIDE THE APPLICANT'S CONTROL & PARTY WALL ACT**



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.

#### **WP19 BADGERS ACT**

The applicant should note that there may be badger setts in the vicinity of the site, and as a consequence compliance with certain requirements and provisions of the Badgers Act 1991 may be necessary. If this is the case the applicant is advised to contact Natural England who are responsible for issuing licences relating to development on the site of badger setts.

#### **WP20 WILDLIFE AND COUNTRYSIDE ACT**

The applicant should note that under the terms of the Wildlife and Countryside Act (1981) and the Habitats Regulations (2010) it is an offence to disturb or harm any **protected species**, or to damage or disturb their habitat or resting place. Please note that this consent does not override the statutory protection afforded to any such species. In the event that your proposals could potentially affect a protected species you should seek the advice of a suitably qualified and experienced **ecologist** and consider the need for a licence from Natural England prior to commencing works. Please see Natural England's **website** for further information on protected species.

#### **WP21 WORKS TO HIGHWAY – CONSENT REQUIRED BY HIGHWAY AUTHORITY**

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.

#### **WP31 MATERIAL SAMPLES**

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.

There were no urgent items.

(Duration of meeting: 3.00 - 4.01 pm)

The Officer who has produced these minutes is Fiona Rae, of Democratic Services,  
direct line , e-mail

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