

## Northern Area Planning Committee

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### MINUTES OF THE NORTHERN AREA PLANNING COMMITTEE MEETING HELD ON 7 OCTOBER 2020 AT ONLINE MEETING.

#### **Present:**

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

#### **Also Present:**

Cllr Tom Rounds and Cllr Ian Thorn

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#### 22 **Apologies**

Apologies were received from Cllr Howard Greenman.

Cllr Howard Greenman was substituted by Cllr Philip Whalley.

#### 23 **Minutes of the Previous Meeting**

The minutes of the previous meeting held on 4 March 2020 were presented.

#### **Resolved**

**To approve and sign the minutes of the meeting held on 4 March 2020 as a true and correct record.**

#### 24 **Declarations of Interest**

Councillor Ashley O'Neill declared a non-pecuniary interest in application 19/06559/OUT (Agenda Item 7b) as his property resided on the lane leading to the application site and stated he did not hold or own any land involved within the application site, and the application did not materially affect him. Therefore, he would participate in the debate and vote with an open mind.

Councillor Toby Sturgis declared a non-pecuniary interest in application 19/06559/OUT (Agenda Item 7b) by virtue of being the Cabinet Member for Spatial Planning, Development Management and Investment, should Wiltshire Council owned land be involved in any way. He stated that he would participate in the debate and vote with an open mind.

Councillor Philip Whalley declared a non-pecuniary interest in application 19/06559/OUT (Agenda Item 7b) as he stated he had worked professionally on

the Corsham Neighbourhood Plan with the agent for the applicant, whose statement was read out by the Democratic Services Officer. He stated he had not discussed or had any dealings with the agent in respect of the application and he would participate in the debate and vote with an open mind.

25 **Chairman's Announcements**

The Chairman explained the procedure should a recess be required.

26 **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.

27 **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 21 February 2020 to 25 September 2020.**

28 **Planning Applications**

The Committee considered the following applications:

29 **20/01057/FUL - Calne Medical Centre**

**Public Participation**

Emma Hillier, neighbouring resident, spoke in objection to the application.

Dawn Marshall, neighbouring resident, spoke in objection to the application.

Dr Tom Rocke, planning consultant and agent, spoke in support of the application.

Dr Simon Church, on behalf of the Patford House Partnership, spoke in support of the application.

Stan Woods, on behalf of the Patford House Partnership Patient Participation Group, spoke in support of the application.

Cllr John Boaler, on behalf of Calne Town Council, spoke in support of the application.

Simon Smith, Development Management Team Leader, introduced a report on the application for the development of a Medical Centre (with integral Pharmacy) with associated development, including means of access, access road, diagnostics/ambulance bay, car and cycle parking, bin storage area, and hard and soft landscaping. Officers recommended delegating to the Head of Development Management to negotiate a suitable design of means of vehicular access arrangements to the site and upon agreement of those satisfactory access arrangements, that planning permission should be granted, subject to conditions. However, if satisfactory access arrangements cannot be agreed within six months of the date of this Committee then planning permission should be refused.

Attention was drawn to the late observation that altered the wording of the recommendation after following advice from a Wiltshire Council solicitor, published as Agenda Supplement 2. It was noted that the recommendation was rather convoluted due to Highway Engineers commenting upon the access points as problematic in terms of visibility and conflicting traffic movements when considering the new Stoke Meadow development opposite the application site.

Key issues highlighted included: principle of development and location; access, parking and highway capacity; design, layout and impact on landscape; impact on neighbour amenity; impact on setting of Grade II listed Vern Leaze; ecology; and archaeology.

Members of the Committee had the opportunity to ask technical questions to the officer. The main points of focus included: existing drainage issues faced by residents of Fynamore Gardens; Conditions 2 & 14; landscaping along the boundaries between Fynamore Gardens and the application site; and the altered living conditions of the residents living in Fynamore Gardens if approved.

In response, officers noted: that the existing drainage issues would not be exacerbated by the application and suitable drainage solutions would be found, and that the existing vegetation along the boundaries would not be removed and would be added to, specifically denser hedging along the edge of the car park to provide a buffer. It was suggested that an informative could be added in respect to the landscaping along the boundaries to minimise the direct impact of the car park on the living conditions of the residents in Fynamore Gardens; especially those living in Numbers 1 and 3, to which officers agreed.

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

Due to the location of the application site sitting within two divisions (Calne Central and Calne Rural), both Local Unitary Members, Councillors Ian Thorn and Christine Crisp, spoke in support of the application. The main points focussed on by both were the increasing demands on health infrastructure within the local area and an overall public desire for the proposal to go ahead. Both Councillors commented upon the need to protect the amenities of the

residents of Fynamore Gardens and to mitigate the concerns as much as possible through the inclusion of an informative in respect to the landscaping along the shared boundaries as noted above.

Councillor Christine Crisp moved to approve the application in line with officer recommendations which Councillor Peter Hutton seconded.

In the ensuing debate members discussed the exacerbation of existing drainage issues; in particular, the possibility of the proposed tarmac car park leading to further surface water runoff, and the foundations of the building and amenities interfering and obstructing subsurface natural drainage flows. In response, officers confirmed that these concerns would have been taken into consideration when creating the Flood Risk Assessment & Drainage Strategy.

Other points debated included: potential anti-social behaviour occurring within the car park outside of specified opening hours, and the screening between the shared boundaries of Fynamore Gardens and the application site. Councillor Gavin Grant proposed an amendment to the motion to necessitate satisfactory details required by Conditions 2 and 14, as set out in the recommendation, to be submitted and agreed prior to the determination of the planning application, as well as an additional informative to be included on any decision notice in respect to the creation of an adequate vegetative screen of both sufficient size and scale to mitigate the intrusion on existing occupants. Both Councillors Christine Crisp and Peter Hutton agreed and accepted the suggested amendments to the motion.

During the vote 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 the vote, it was:

### **Resolved**

**To delegate to the Head of Development Management to GRANT planning permission subject to the conditions listed below and the prior negotiation and agreement with the applicant of:**

- **A suitable design of means of vehicular access to the development from Silver Street;**
- **An Operational Management Plan setting out opening hours of the facility as well as the means to restrict the access to the car park and site when the medical centre is closed so as to minimise the potential for anti-social behaviour;**
- **Full and complete details of the treatment to the Northern boundary of the site, including the provision of soft and hard landscaping, so as to mitigate noise and disturbance to adjoining residential**

occupiers from the likely activities associated with the operation of the car park.

within six months of the date of this Committee resolution;

Or in the event that:

- A suitable design of means of vehicular access to the development from Silver Street
- An Operational Management Plan setting out opening hours of the facility as well as the means to restrict the access to the car park and site when the medical centre is closed so as to minimise the potential for anti-social behaviour;
- Full and complete details of the treatment to the Northern boundary of the site, including the provision of soft and hard landscaping, so as to mitigate noise and disturbance to adjoining residential occupiers from the likely activities associated with the operation of the car park.

cannot be agreed with the applicant within six months of the date of this Committee resolution then to **REFUSE** planning permission for the following reason:

1. The proposed development is not provided with a safe or suitable access and will result in substandard visibility and conflicting traffic movements. As such, the development is considered to fail the requirements of Policy CP61 to the Wiltshire Core Strategy as well as Policy GA2 to the Calne Community neighbourhood Plan
2. By reason of the close relationship between the car park and the adjoining residential properties at Fynamore Gardens, the lack of detail as to the intervening boundary treatment as well as the lack of information supplied within the application with regards to opening hours and measures to minimise the potential for noise and disturbance to those residential occupiers by anti-social behaviour outside of those opening hours, the proposed development is considered to fail the requirements of Policy CP57(vii) to the Wiltshire Core Strategy.

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.

**Hours of opening and security**

2. Prior to the first use of the development hereby granted planning permission, an Operational Management Plan shall have been submitted to and agreed in writing by the Local Planning Authority. Such a plan shall include the specification of opening hours, the means to restrict access to the car park and site when the medical centre is not open or in use and any other measures to be taken so as to minimise the potential for anti-social behaviour outside of those specified opening hours. At all times thereafter, the operation of the development shall be carried in complete accordance with the details so agreed.

**REASON:** In the absence of information contained within the application, so as to ensure the operation of the medical centre and condition of the site outside opening times is such that it minimises unacceptable impacts upon the amenities of surrounding residents, including the potential for anti-social behaviour.

**Materials and landscaping**

3. The development shall be constructed using the external facing materials specified on drawing number 1344-310 rev.C (proposed elevations) and drawing number 1344-110 rev.X (proposed site layout).

**REASON:** For the avoidance of doubt and to ensure that built form takes makes use of an appropriate external finish.

4. 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 the protection of all retained trees shown on the plans prepared by Martin F. Holland – Landscape Design Consultant (drawing 1 of 3, 2A of 3, 3 of 3, as amended by drawing no.4 which shows the installation of the pedestrian link). Such tree protection shall remain in place until the completion of the construction phase.

**REASON:** So as to ensure the retention of existing trees on the site in the interests of visual amenity.

- 5. Unless separately agreed as part of discharging other conditions imposed on this planning permission, the development shall be carried out in accordance with the detailed soft landscaping proposals set out on drawing title "Landscaping Proposals" (drawing 2A of 3), prepared by Martin F Holland, Landscape Design Consultant. All planting shall be carried out in the first planting and seeding season following 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.

#### **Highways, accessibility and parking**

- 6. No part of the development hereby permitted shall be first brought into use until the access, turning area and parking spaces (including car, motorcycle and cycle 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 part of the development shall be first brought into use, until the visibility splays shown on the approved plans have been provided with no obstruction to visibility at or above a height of**

**1.0m above the nearside carriageway level. The visibility splays shall be maintained free of obstruction at all times thereafter.**

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

- 8. Prior to the first use of the medical centre hereby granted planning permission, full and complete details of parking and storage for bicycles and Powered Two-Wheeler transport shall have been submitted to and agreed in writing by the Local Planning Authority. Such parking and storage shall be provided and made available for use in accordance with the approved details prior to the first use of the medical centre and remain available for that use at all times thereafter.**

**REASON: So as to ensure the development provides for appropriate and, where appropriate, secure parking and storage of bicycles and powered two wheelers, thereby providing a realistic choice of sustainable means of transport, in accordance with the Wiltshire Local Transport Plan 2011-2026 Cycling and Powered Two-Wheeler Strategies.**

- 9. The access to the South Western portion of the site shown on the submitted plans as leading to fields behind the medical centre shall be used for agricultural purposes only and for no other purpose.**

**REASON: For the avoidance of doubt and so as to limit the harm to the Grade II\* Listed Verne Leaze property and its historic setting.**

- 10. Unless an alternative timescale is agreed beforehand, prior to the first use of the medical centre hereby granted planning permission, the bus stop shall be laid out, any associated shelter and signage installed and shall be made available for use at all times thereafter.**

**REASON: In view of the location of the site on the edge of Calne town, so as to ensure the site remains accessible by a range of means of transport, not just the private car.**



11. Prior to the first use of the medical centre hereby granted planning permission, the pedestrian link to Silver Street from the North-East corner of the application site shall be provided and made available for use thereafter.

**REASON:** In view of the location of the site on the edge of Calne town, so as to ensure the site remains optimally accessible by pedestrians.

12. The use and operation of the new medical centre shall be carried out in complete accordance with the Travel Plan (prepared by Entran Environmental & Transportation, dated Jan 2020 and embedded as appendix B to the submitted Transport Statement). The programmed monitoring shall be made available to the Local Planning Authority on request, together with any changes to the plan arising from those results.

**REASON:** In the interests of road safety and reducing vehicular traffic to the development which is situated in an edge of town location.

#### **External lighting, boundary treatments and residential amenity**

13. Other than that explicitly shown on drawing number 141-ESC-00-ZZ-DR-E-2100 rev.P (External Lighting Layout), no external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication "Guidance Notes for the Reduction of Obtrusive Light" (ILE, 2005)", have been submitted to and approved in writing by the Local Planning Authority. The approved lighting shall be installed and shall be maintained in accordance with the approved details and no additional external lighting shall be installed.

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

14. Prior to the first use of the medical centre building or its car park, and notwithstanding the general arrangement shown on drawing

number 1344-160 rev.A (Proposed Boundary Treatments and Details to Northern Boundary), full and complete details of the treatment to the Northern boundary to the site shall have been submitted to and agreed in writing by the Local Planning Authority. In particular, those details shall include the provision of a wall or close boarded fence of a suitable type so as to mitigate noise and disturbance from activities in the car park to the nearest neighbours and full and complete details of the external lighting to be installed along the North-Eastern extremity of the car park. The boundary treatment and external lighting shall be installed in accordance with the details so agreed prior to the first use of the medical centre and shall remain in that condition thereafter.

**REASON:** In light of incomplete submitted details of boundary treatments and external lighting, so as to ensure the amenities and living conditions to residents whose properties front Fynemore Gardens are protected against unacceptable impacts from the development, and in particular, activity expected within the car park.

15. No fixed plant shall be installed at the site or on the building until full and complete details of the plant (including position, the specification, noise characteristics and attenuation measures) has been submitted to and agreed in writing by the Local Planning Authority. The fixed plant shall be installed in accordance with the approved details and be subsequently maintained in that condition thereafter.

**REASON:** So as to ensure any ventilation, extraction, air conditioning equipment or any other form of fixed plant is sited and designed so as to minimise impacts upon the living conditions of surrounding residents.

#### Drainage

16. The development shall be carried out using the surface and foul water disposal strategy set out within the submitted "Flood Risk Assessment & Drainage Strategy" (prepared by Matthew Keen and dated 14/01/20; reference 18-7502-FRA).

**REASON:** The arrangements for the disposal of surface water from the development is required to be agreed with the Local Planning Authority before development commences in order that it is undertaken in an acceptable manner, to ensure that the development can be adequately drained.

## **Ecology**

17. The development hereby permitted shall be carried out in accordance with the conclusions and recommendations contained within the Ecological Report, dated 19<sup>th</sup> September 2020 (prepared by Environmental Gain Ltd, reference: eg17780.002). The detailed mitigation measures set out in paragraph 6.25 to that report shall have been submitted to and agreed in writing by the Local Planning Authority prior to construction to slab level and development shall be carried out in accordance with the details subsequently agreed.

**REASON:** So as to ensure the development will result in a net increase in habitats for protected species so as to meet the requirements of adopted national and local planning policy.

18. Prior to the commencement of development, and in accordance with the recommendations contained within the Ecological Report dated 19<sup>th</sup> September 2020 (prepared by Environmental Gain Ltd, reference: eg17780.0024), a Construction Environmental Management Plan (CEMP) shall have been submitted to and approved in writing by the Local Planning Authority. Such a plan shall set out all measures to be undertaken so as to protect natural habitats from impacts during the construction phase of development. The construction of the development shall be carried out in complete accordance with the details so agreed.

**REASON:** So as to ensure the construction phase of development will be undertaken in such a manner so as to minimise impacts upon the natural habitats identified on the site.

19. Prior to the first occupation of the development hereby granted planning permission, an Ecological Management Plan of the habitat areas identified within the submitted Ecological Report dated 19<sup>th</sup> September 2020 (prepared by Environmental Gain Ltd, reference: eg17780.0024), shall have been submitted to and approved in writing by the Local Planning Authority. Such a plan shall set out a regime to be put in place so as to secure the in the long-term management of the ecological mitigation measures identified and the site as a habitat for

protected species. The management of the site thereafter shall be carried out in accordance with the details so agreed.

**REASON:** So as to ensure that, in the long term, the identified ecological impacts from the development are successfully mitigated and that the development will continue to result in a net increase in habitats for protected species so as to meet the requirements of adopted national and local planning policy.

### Archaeology

**20. No development shall commence within the application site until:**

- a) A written programme of archaeological investigation, which should include on-site 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:** To enable the recording of any matters of archaeological interest.

### Construction phase

**21. 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 and existing trees on the site;
- 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:** 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.

**Approved plans**

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

1344_010_C	Site Location Plan	
1344_020_A	Block Plan_Existing	
1344_110_X	Site Layout Plan_Proposed	
1344_160_A	BoundaryTreatments_Proposed_NorthernBoundary	
1344_205_B	Layout Plans_Proposed	
1344_210_C	Roof Layout Plan_Proposed	
1344_310_D	Elevations_Proposed	
1401_ESC_00_ZZ_DR_E	External Lighting Layout_Proposed	
_2100_P2		
1344_130_B	Site Layout	Plan_Proposed_inc
	Sections/Dimensions	
Design and Access Statement	West Hart Partnership	
Planning Statement	Rocke Associates	
Transport Statement1	Entran	
Transport Technical Note 1	Entran	
Heritage Assessment	Cotswold Archaeology	
Ecological Assessment	Engain	
Ecological Appraisal Update (June 2020)	Engain	
Arboricultural Assessment2	M F Holland	
Additional Arboricultural Assessment_New Path Link	M F Holland	
Flood Risk Assessment / Drainage Strategy	Complete	Design
Ground Investigation Report	Partnership	
	GIP	

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

## **INFORMATIVES:**

- **The proposal includes alteration to the public highway, consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that S278 Agreement will be required in order to provide the access proposals.**
- **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 does not permit the display of any advertisements which require consent under the Town and Country Planning (Control of Advertisements) (England) Regulations, 2007 or under any Regulation revoking and re-enacting or amending those Regulations, including any such advertisements shown on the submitted plans.**
- **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.**
- **Tree roots are normally located in the first 600mm of soil. Roots that are exposed should be immediately wrapped or covered to prevent desiccation and to protect them from rapid temperature changes. Any wrapping should be removed prior to backfilling, which should take place as soon as possible. Roots smaller than 25mm diameter can "agricultural access" and to be pruned back making a clean cut with a sharp tool. Roots occurring in clumps or over 25mm should be severed only following consultation with a qualified arboriculturist, as such roots might be essential to the tree's health and stability. Prior to backfilling retained roots should be surrounded with topsoil or uncompacted sharp sand (builders sand should not be used because of its high salt content, which is toxic to tree roots).**

- **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).**

30 **19/06559/OUT - Golden Lands, Calne**

Members took a comfort break from 16:40pm – 16:45pm.

Public Participation

Andrew Bird, neighbouring resident, spoke in objection to the application.

Leah Gingham, neighbouring resident, spoke in objection to the application.

A statement in support of the application from Ben Pearce, agent on behalf of Land Development & Planning Consultants Ltd, was read out by a Democratic Services Officer.

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

Victoria Davis, the Planning Officer, introduced the report which recommended that planning permission be granted, subject to conditions, for an outline application for the layout and redevelopment of a residential site including the demolition of the existing structures and erection of up to 3no. dwellings, including means of access, with all other matters reserved.

Key issues highlighted included: principle of the development; and impact on highway safety.

Members of the Committee had the opportunity to ask technical questions to the officer. In response to a question from the Chairman, it was clarified that there were 7 properties, including the bungalow on the application site, on Beversbrook Lane.

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

Councillor Philip Whalley requested legal advice from Senior Solicitor Vicky Roberts, as he declared that he knew and worked with the agent for the applicant, who had presented a statement to the Committee. On discussion with the Senior Solicitor, Councillor Whalley confirmed he only knew the agent professionally from working on the Corsham Neighbourhood Plan and had no dealings or discussions regarding this application. It was confirmed that as it was a non-pecuniary interest, Councillor Whalley stated that he would participate in the debate and vote with an open mind.

Local Unitary Member Councillor Tom Rounds spoke in objection to the application. The main points of focus were: access concerns in consideration of the single-track lane; impacts on existing occupants of Beversbrook Lane in respect of light, noise and traffic implications if approved; Core Policy's 51 and 57; and neighbours reportedly sighting bats in the immediate vicinity of the application site.

Officers clarified that the Highway Engineers were satisfied with the highway safety issues. It was also established that although the presence of bats was mentioned in the report in respect of Core Policy 50, the area was not a special bat interest area and no further consultation was required with the Ecology Team. It was noted that this aspect was protected outside of the planning process in separate regulations such as the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2017. Core Policy 51 was reiterated as relating to landscape impacts when considering tranquillity and natural beauty as opposed to residential setting applications. Reference was made to Condition 5 and the Construction Method Statement which related to construction traffic and it was suggested that additional criteria such as time restrictions, and limitations to vehicle weights and sizes could be included. It was noted that as the lane was privately owned and not maintained at public expense, there was no ability for the planning authority to require a developer to cover the costs of any damage to the lane itself during construction.

The Chairman, Councillor Tony Trotman, moved a motion to grant planning permission, in line with officer recommendations, subject to conditions. This motion was seconded by Councillor Peter Hutton.

During the debate, members discussed the issues around access and the disadvantages of the site layout plan being labelled as for "illustrative purposes", alongside the principle of the erection of up to 3no. dwellings in consideration of Core Policy 57. Officers reiterated that as this was an outline application then it was not as specific and exact as a full application which



would consider other such matters in the reserved matters stage; it demonstrated what could be a future plan for development. Members were reminded that if they were inclined to refuse the application against officer recommendations on access, then it would be contrary to the conclusions of the Highway Engineer.

Members discussed the Construction Method Statement and emphasised that Condition 5 be bolstered with additional criteria as discussed above in respect to offloading sites, time restrictions and so forth. One member of the Committee suggested an amendment to the motion to grant permission, subject to conditions, but to delegate to the Development Area Manager to amend Condition 5 as mentioned above and discussed by Committee members, to which both Councillors Tony Trotman and Peter Hutton agreed and accepted.

A vote was taken on the motion of approval. During the vote 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.

The motion failed.

A motion to refuse the application on the basis of not meeting Core Policy 57, in particular Sub-Sections 6, 7 and 11, was moved by Councillor Gavin Grant and seconded by Councillor Chuck Berry.

Members debated the principle and reasons for refusal to which officers responded and reinforced advice that the application was outline only and the Sub-Sections quoted were broad, and sought clarification from Councillor Grant as to the specifics of the reasoning behind the motion of refusal. The Council's officers reaffirmed their advice that in refusing planning permission and overturning the officer's recommendation for approval on grounds that had been specifically considered and concluded as being acceptable by their own experts (particularly with regards to the adequacy of the access by the Council's Highways Officer), may expose the Council to a difficult defence at any eventual appeal. For example, the Highways Officer would be unable to defend the highways reasons for refusal put forward, and this could result in an award of costs against the Council. Councillor Grant reiterated the main issues were: access and construction concerns; lack of clarity on the turning circle and increased residential vehicle volume; and impacts on neighbouring residents' amenities.

At the conclusion of the debate, a vote was taken on the motion of refusal. 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 planning permission be REFUSED for the following reasons:

1. The proposed development, by reason of its sitting along a quiet private lane and inappropriate quantum, constitutes overly intensive residential use of the existing plot, the symptoms of which result in a loss of amenity affecting the immediate neighbours. The proposal fails to have regard for the site characteristics, specifically the lower density level of development along Beversbrook Lane. The proposal is therefore contrary to Core Policy 57(vi) & (vii) of the Wiltshire Core Strategy.
2. The proposal would lead to an intensification in the vehicular use of the private lane which is likely to conflict with the current users of the lane and the amenity value it provides to existing residents. The narrowness of the lane, the increase in vehicle movements and the lack of adequate turning facility means the proposal is also likely to result in conflict with the existing vehicular and pedestrian access arrangements for neighbouring properties along the private lane and impact on highway safety. The proposal is therefore contrary to Core Policy 57(vi), (vii) & (xi) of the Wiltshire Core Strategy.

## 31 Urgent Items

There were no urgent items.

(Duration of meeting: 3.00 - 6.17 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](mailto:ellen.ghey@wiltshire.gov.uk)

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