

STRATEGIC PLANNING COMMITTEE

DRAFT MINUTES OF THE STRATEGIC PLANNING COMMITTEE MEETING HELD ON 30 JULY 2013 AT COUNCIL CHAMBER - COUNCIL OFFICES, MONKTON PARK, CHIPPENHAM, SN15 1ER.

Present:

Cllr Glenis Ansell, Cllr Terry Chivers, Cllr Andrew Davis (Chairman), Cllr Jose Green (Vice Chairman), Cllr Charles Howard, Cllr Bill Moss, Cllr Christopher Newbury, Cllr Anthony Trotman, Cllr Nick Watts, Cllr Fred Westmoreland and Cllr Graham Wright

Also Present:

Cllr Christine Crisp, Cllr Alan Hill, Cllr Linda Packard, Cllr Mark Packard, Cllr Toby Sturgis and Cllr Dick Tonge

20 **Apologies for Absence**

There were no apologies and no membership changes.

21 **Minutes of the Previous Meeting**

The minutes of the meeting held on 24 April 2013 were presented and it was

Resolved:

That the minutes of the meeting held on 24 April 2013 be approved as a true and correct record.

22 **Declarations of Interest**

The following declarations were made:

1. Councillor Watts declared that in relation to agenda item 6 – Land at Showell Farm, Patterdown Road, Chippenham, he was the Chippenham Area Board representative on the Chippenham Vision Board. Councillor Watts declared that he would consider the application on its merits and debate and vote with an open mind.

2. Councillors Trotman and Ansell declared that in relation to agenda item 7 – Marden Farm Cottages, Rookery Park, Calne, they were Calne Town Councillors, however they would consider the planning application on its merits and debate and vote with an open mind.

23 **Chairman's Announcements**

The Chairman made the following announcements:

1. That the Service Director for Development Services, Brad Fleet had recently been successful in applying for voluntary redundancy and had left the Council. The Chairman on behalf of the Committee thanked Brad for his help and advice over the years and wished him well for the future.
2. That there would be an additional meeting of the Strategic Planning Committee on Wednesday, 25 September, 2013 to consider the planning application for Hills Waste Solutions proposed waste recovery facility at Lower Compton, Calne. The Chairman confirmed the following programme for the day:-
 - 10:30am – Site Visit of the facility at Lower Compton. Members to assemble on site at 10:15am
 - 12:00noon - Buffet lunch at the Council offices, Monkton Park, Chippenham
 - 2:00pm – Special Strategic Planning Committee to start

24 **Public Participation and Councillors' Questions**

The Committee noted the rules on public participation and the manner in which the meeting would be held.

Members of the public addressed the Committee as set out in minute No 25 and 26, as detailed below.

The Committee received the following question from Tony Peacock, Co-ordinator of the Showell Protection Group:

'Section 9.5 of 'Protocol 4, The Planning Code of Good Practice for Members of Wiltshire Council', as published on the Wiltshire Council web site states:

9.5. Site Visits – Councillors will be expected to be familiar with the site and the issues surrounding the decision when they arrive at a committee meeting. It is acceptable to visit the site and, if necessary, surrounding properties that may be affected by the proposal, as an individual

councillor before the meeting, although councillors should not enter onto a site without the consent of the owner.

Given the supposed strategic importance of the site in the Wiltshire Core Strategy, please can you confirm how many of the Strategic Planning Committee members attending the planning meeting on the 30th July 2013 will have visited the proposed site at Showell Farm and the surrounding properties prior to the meeting.'

The Chairman asked the members to indicate by show of hands, how many had either informally visited the site or were aware of the site.

25 **N.13.00308.OUT - Land at Showell Farm, Patterdown Road, Chippenham**

Public Participation:

- Tony Peacock, Co-ordinator of the Showell Protection Group, spoke in objection to the application
- Jane Browning, Corsham Civic Society, spoke in objection to the application
- Anne Lock, , spoke in objection to the application
- Owen Inskip, Chippenham 20/20 and CSJ Planning, spoke in objection to the application
- Des Dunlop, D2 Planning Ltd, applicant, spoke in support of the application
- Marilyn McKay, ECOS, spoke in support of the application
- Annabell Cessford, Lacock Parish Council, spoke in objection to the application

The Planning Officer introduced the report which recommended that planning permission be Delegated to Officers to allow the signing of an appropriately worded S106 agreement. She explained that the planning application was for an outline application for Employment Development Comprising 50,000sqm, Incorporating Class B1(b), Class B1 (c), B2 with Ancillary B1 (a), B8 and Ancillary B1 (a) Uses Including Means of Access, Car Parking, Servicing, Associated Landscaping and Works.

Members of the Committee were informed that the site was allocated via policy CP10 as part of the South West of Chippenham Strategic site and was the employment element of that scheme; That the Core Strategy was at an advanced stage (going through the Examination in Public) which carried significant weight.

It was noted that the only outstanding issue was the potential conflict of the new roundabout onto the A350 with Core policy 62, and Highways stance that new roundabouts should not be permitted onto the primary network route unless an overriding need could be demonstrated. In this case officers considered that

the benefit of providing quality employment on an allocated site outweighed the potential to cause a traffic slowing in the locality and that the positives of economic development should be cited as the “overriding need”.

Members then raised a number of technical issues in relation to access to the site from Patterdown Road; the necessity of a further roundabout on the A350 and that any decision taken prior to the publication of the Inspectors report on the Core Strategy was premature.

Members of the public then had the opportunity to address the Committee with their views, as detailed above.

The local member, Councillor Dick Tonge, then spoke in objection to the application. He felt that as the Core Strategy was at an advanced level and there was only a short time until the Inspector published his report, that the application should be deferred until that time. Councillor Tonge also explained his concerns about highway issues and the effect of the application on traffic flows on the A350.

The Committee then considered the application and debated a number of issues. Some members supported the view of the local member in that the application was premature and should be deferred until the Inspectors report was made available. There were also concerns about highways issues. However, there were a number of members who felt that sufficient safeguards were in place to make a decision on the application.

The Committee received advice from the Councils legal officer who explained that officers, in giving evidence at the public examination of the Core Strategy, informed the Inspector that in relation to this site that any highway issues could be overcome and that the Council would be working with the developer to find a solution to these. It was noted that it would be difficult to defend the reasons for deferral at an appeal and there was a potential for costs to be awarded against the Council.

Resolved:

That the grant of planning permission be delegated to officers to allow the consultation period of the Departure Notice to expire, to await the submission of the agreed revised parameters plan and draw up a suitably worded S106 agreement to deal with highways matters and subject to the following 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;

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 3(1) of the Town and Country Planning (General Development Procedure) Order 1995.

3 No works for the construction of the roundabout onto the A350 hereby permitted or any part thereof shall commence until a valid construction contract has been entered into under which one of the parties is obliged to carry out and itself complete the works of development of any of plots 100, 200 or 300, the site for which planning permission consent has been granted under application reference 13/00308/OUT and any subsequent reserved matters application or such other amendment approved by the Local Planning Authority; and; evidence of the construction contract has first been submitted to and approved by the Local Planning Authority.

REASON: In the interests of the highway function and economic growth.

4 No development shall commence within the 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.

- 5 No development shall commence on site until an investigation of the history and current condition of the site to determine the likelihood of the existence of contamination arising from previous uses has been undertaken and until:
- a) The Local Planning Authority has been provided with written confirmation that, in the opinion of the developer, the site is likely to be free from contamination which may pose a risk to people, controlled waters or the environment. Details of how this conclusion was reached shall be included.
 - b) If, during development, any evidence of historic contamination or likely contamination is found, the developer shall cease work immediately and contact the Local Planning Authority to identify what additional site investigation may be necessary.
 - c) In the event of unexpected contamination being identified, all development on the site shall cease until such time as an investigation has been carried out and a written report submitted to and approved by the Local Planning Authority, any remedial works recommended in that report have been undertaken and written confirmation has been provided to the Local Planning Authority that such works have been carried out. Construction shall not recommence until the written agreement of the Local Planning Authority has been given following its receipt of verification that the approved remediation measures have been carried out.

REASON: To ensure that land contamination can be dealt with adequately prior to the use of the site hereby approved by the Local Planning Authority.

- 6 Prior to the commencement of the development hereby permitted a full lighting scheme for the development shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved scheme.

Reason: In the interests of the visual amenity of the countryside and local residents.

- 7 All fixed plant and machinery shall be so sited and designed in order to achieve a rating level of -5dB below the lowest measured background

noise level, determined at each of the nearest noise sensitive receptors i.e. Holywell Guest House, Showell Cottages and Showell Farm.

Reason: To protect residential amenity.

- 8 The parking provision for all individual units on the site shall be in accordance with the requirements of the Wiltshire local Transport plan (LTP3) Car Parking Strategy, with quantum of parking not below the minimum standard for the appropriate planning use class, and areas of parking used for no other purpose.

Reason: To ensure that adequate provision is made for car parking within the site in the interests of highway safety.

- 9 No development shall commence on site until details of the stopping up of all existing accesses, both pedestrian and vehicular, have been submitted to and approved in writing by the Local Planning Authority. That stopping up shall take place in accordance with the approved details within one month of the first use of the approved access. No later than one month after the first occupation of the development, the sole means of vehicular and pedestrian access to the development shall be as shown on the plans hereby approved.

REASON: In the interests of highway safety.

- 10 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 the provision of such works, have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until these details have been constructed and laid out in accordance with the approved details, unless an alternative timetable is agreed in the approved details.

Reason: In the interests of highway safety and convenience.

- 11 No development shall commence on site until details of the provision for the loading, unloading and parking of goods vehicles within the site have been submitted to and approved in writing by the Local Planning Authority. No part of the development hereby approved shall be first brought into use until provision has been made. This space shall be maintained for such purpose at all times thereafter.

Reason: To ensure adequate provision is made for loading/unloading and lorry/van parking within the site in the interests of highway safety.

- 12 The buildings hereby permitted shall not be greater in height than the following parameters: Plot 300 8.5m; plot 400 10m and plots 100 & 200 12m as indicated on drawing DR-411-102 Rev 03.

Reason: To protect the setting of the nearby listed buildings and the open character of the surrounding landscape.

- 13 Prior to the first occupation of any of the development hereby permitted, the cycle/path along Patterdown Road as indicated on the approved plans, shall be provided in accordance with details to have first been submitted to and approved in writing by the local planning authority, unless and until the cycleway/footway linking to the town centre, through the remainder of the South West of Chippenham Strategic Allocation in the Wiltshire Core Strategy, is provided.

reason: To ensure that sustainable routes to the town centre are provided.

- 14 Prior to submission of a reserved matters application for the site, an Ecological Monitoring and Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved Ecological Monitoring and Management Plan shall include the following elements:

- A framework demonstrating how and where the 'Ecological Management and Enhancement Measures', as set out in Table 4-1 of the submitted 'Ecological Summary Report' (Ref. eg12459TP), shall be implemented across the site
- A scheme for the translocation of the existing species-rich hedgerow (where this cannot be retained) to landscaped areas within the site
- A programme for monitoring the ecological effects of the development

The approved Ecological Monitoring and Management Plan shall set a framework for all reserved matters applications, which shall only be permitted where in accordance with the approved Ecological Monitoring and Management Plan, and will include timescales for implementing the approved measures. The site shall be managed in accordance with the approved Ecological Monitoring and Management Plan in perpetuity unless agreed in writing by the Local Planning Authority, and monitoring reports shall be submitted to the Local Planning Authority in accordance with the monitoring programme therein.

Reason: To maintain and enhance biodiversity and protected species in accordance with NE10, NE11, NE14 and Circular 06/2005

- 15 Any reserved matter application shall be supported by a lighting plan for that phase of development (including a lux plot). Any approved lighting plan shall demonstrate that light spill will be minimised through sensitive lighting design and timers, and that light levels shall be maintained at current lux levels or below 1 lux in the following parts of the site, as identified in the Ecological Monitoring and Management Plan or through any subsequent ecological survey reports:

- Confirmed bat roosts / flight lines / foraging areas;
- Bat boxes; and
- Darkened corridors to be maintained through the site.

Lighting levels shall be maintained across the site in accordance with the approved lighting plan(s), unless otherwise agreed in writing with the Local Planning Authority.

Reason: Circular 06/2005 and the Habitats Regulations (2010)

16. No development approved by this permission shall be occupied or brought into use until a scheme for the future responsibility and maintenance of the surface water drainage system has been submitted to and approved in writing by the Local Planning Authority. The approved drainage works shall be completed and maintained in accordance with the details and timetable agreed.

Reason: To ensure adequate adoption and maintenance and therefore better working and longer lifetime of surface water drainage schemes.

17. Prior to any reserved matters approval, details of a surface water drainage masterplan shall be submitted to and approved in writing by the Local Planning Authority. The masterplan shall be in accordance with the Flood Risk Assessment (prepared by Peter Brett Associates LLP doc Ref:- 20399/21/01 RevC and include details of the phasing of surface water drainage infrastructure including source control measures. The development shall be implemented in accordance with the approved scheme.

Reason: To prevent the increased risk of flooding as a result of development in accordance with the NPPF.

18. No development shall take place on land to which reserved matters relate until the detailed drainage design for each plot, phase or parcel of land, incorporating sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the plot or parcel is first occupied.

Reason: To prevent increased risk of flooding as a result of the development in accordance with NPPF.

Informative :

There must be no interruption to the surface water drainage system of the surrounding land as a result of the operations on the site. Provisions must be made to ensure that all the drainage systems continue to operate effectively.

26 **12/04038/FUL - Marden Farm Cottages, Rookery Park, Calne, SN11 0LH**

Public Participation:

- Anne Henshaw, spoke in objection to the application
- Derek Warnett, representing a local residents association, spoke in objection to the application
- Mark Jackson, planning agent, spoke in support of the application

The Planning Officer introduced the report which recommended refusal with reasons. He explained that the planning application was a Hybrid Application Comprising: A Full Planning Application for a Specialist Dementia Care Facility Comprising of 75 Dementia Care Beds and a 10 Bed Palliative Care Unit with Associated Service Building, Visitor and Staff Parking and Associated Service Access and Landscaping. Outline Proposal for Residential Development Comprising of up to 125 Units with Affordable Housing, Associated Parking, Gardens, Amenity Space and Public Open Space, Community Orchard, Allotments, Ecological Enhancements, Sustainable Drainage and Vehicular Access Off Stockley Lane. All Matters Except for Access Reserved for Future Consideration.

Members of the Committee were informed that the application was contrary to the adopted development plan and core policy 2 of the emerging core strategy in relation to the outline element of the application. However, the element of the application relating to the nursing home accommodation was considered to be consistent with emerging Core Policy 46. It was noted that the Council could not separate the application into components by granting permission for the nursing home element whilst refusing permission for the new dwellinghouses.

Members then raised a number of technical issues in relation to a letter from the applicant that referred to a 119 bed nursing home. The officer confirmed that the application received was for an 85 bed nursing home.

Members of the public then had the opportunity to address the Committee with their views, as detailed above.

The local members, Councillor Christine Crisp and Councillor Alan Hill, then spoke in objection to the application. They stressed that the site was a green field site, was outside the defined Settlement Framework Boundary and contrary to Policy H4 of the adopted North Wiltshire Local Plan 2011; There was

a lack of local infrastructure and the need for an 85 bed nursing home in Calne had not been proved and there were similar facilities were available in other local towns.

The Committee then considered the application and debated a number of issues. There was concern that the application was not sustainable on the south side of Calne, that it raised issues of more than local importance, that the infrastructure of Calne was not adequate to keep up with the development of more new homes, the high level of local objection, the proposed entrance to the site was not adequate and the effect of additional traffic on air quality.

Resolved:

That planning permission be REFUSED for the following reasons:

1. In accordance with paragraph 187 of the National Planning Policy Framework (NPPF), this planning application has been processed in a proactive way. However, due to technical objections or the proposal's failure to comply with the development plan and/or the NPPF as a matter of principle, the local planning authority has had no alternative other than to refuse planning permission.

By reason of the proposed development being located in the open countryside, outside of the defined Settlement Framework Boundary, the application would be contrary to the provisions of Policy H4 of the adopted North Wiltshire Local Plan 2011. There are no material considerations in terms of benefits that could be delivered as part of the development, which would be sufficient to outweigh development plan policy.

2. The proposal is premature to the progression of Wiltshire's Local Development Framework (LDF) and the Wiltshire Core Strategy document for the area, and prejudicial to the Council's plan-led approach to sustainable development and the phasing of future growth. In accordance with the NPPF there is a deliverable 5 year supply of land for housing in place and there are no other material considerations that outweigh this position. It is also premature in terms of the identification and means of delivery in respect of any infrastructure in step with development to be focused in Calne over the plan period. As such, the balance of considerations is such that planning permission should not be granted having regard to policies CP2 and CP8 of the Draft Wiltshire Core Strategy and guidance in the National Planning Policy Framework, in particular at paragraphs 12, 14, 17, 47, 49, 150, 183, 184, 185, 196, 209, 210, 211, 212, 214, 215, 216.
3. The proposed development fails to provide or secure adequate provision for affordable and/or extra care housing, public open space, play equipment and footpath connections to the town adjoining school and leisure centre, all of which should take place on the site. In addition, the

proposal fails to secure contributions towards education provision in the locality, contributions towards public transport, contributions towards leisure provision, contributions towards improving cemetery capacity, contributions towards waste collection as well as the lack of a scheme or

Informative:

1. The Council and the applicant have undertaken detailed and without prejudice negotiation and discussion as to the package of community infrastructure that would be expected to be delivered as part of the development in the event of planning permission being granted. It is understood that the Council and applicant have reached broad agreement of the likely Heads of Terms that would form an agreement under s106 of The Act and that the package of community infrastructure would comply with Regulation 122 of the Community Infrastructure Levy Regulations 2010. In the event of such an agreement under s106 of The Act being satisfactorily reached, reason for refusal 03 would be addressed.
2. The applicant's attention is drawn to the Air Quality Management Area now designated for the centre of Calne (in two areas: Curzon Street/Wood Street and New Road). These have been designated because of identified pollution levels in excess of the mean annual objective of the 2008 Ambient Air Quality Directive (2008/50/EC). There is local concern that vehicle movements associated with the proposed development could add to the exceedence of prescribed air quality objectives already identified within the Council's own air quality and review process. For this reason, it is requested that the applicant give some thought to the measures that could be incorporated into the proposed development to address these potential concerns.

(Duration of meeting: 10.30 am - 1.10 pm)

The Officer who has produced these minutes is Stuart Figini, of Democratic & Members' Services, direct line 01225 718376, e-mail stuart.figini@wiltshire.gov.uk

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