

Northern Area Planning Committee

MINUTES OF THE NORTHERN AREA PLANNING COMMITTEE MEETING HELD ON 13 OCTOBER 2021 AT COUNCIL CHAMBER - COUNCIL OFFICES, MONKTON PARK, CHIPPENHAM, SN15 1ER.

Present:

Cllr Tony Trotman (Chair), Cllr Howard Greenman (Vice-Chair), Cllr Chuck Berry, Cllr David Bowler, Cllr Gavin Grant, Cllr Dr Brian Mathew, Cllr Ashley O'Neill, Cllr Nic Puntis, Cllr Martin Smith and Cllr Jacqui Lay (Substitute)

Also Present:

Cllr Nick Botterill

81 **Apologies**

Apologies for absence were received from Councillor Steve Bucknell, who had arranged for Councillor Jacqui Lay to attend the meeting in his absence.

82 **Minutes of the Previous Meeting**

The minutes of the meeting held on 15 September 2021 were presented for consideration, and it was;

Resolved:

To approve and sign as a true and correct record of the minutes of the meeting held on 15 September 2021.

83 **Declarations of Interest**

There were no declarations of interest.

84 **Chairman's Announcements**

The Chairman made those in attendance aware of the Covid regulations that were in place for the meeting.

85 **Public Participation**

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

The Chairman welcomed all present. He then explained the rules of public participation and the procedure to be followed at the meeting.

86 **Planning Appeals and Updates**

Councillor Gavin Grant moved that the Committee note the contents of the appeals report included within the agenda. It was seconded by Councillor Martin Smith.

Resolved:

To note the Planning Appeals Update Report for 13 October 2021.

87 **Planning Applications**

The Committee considered and determined the following planning applications:

88 **20/11605/FUL Kingsway Nurseries, Chippenham Road, Corston**

Public Participation

Simon Chambers spoke in support of the application.

Andrew Maltby spoke in support of the application.

Graeme Slaymaker spoke on behalf of Hullavington Parish Council.

Development Management Team Leader, Lee Burman, presented a report which outlined a partial redevelopment to provide a new warehouse development (Class B8) and ancillary design and administration accommodation (Class E(g)) and associated works.

Details were provided of the site and issues raised by the proposals, including the principle of development, scale, design and impact upon the character of the area, impacts upon the amenity of the area, access and parking, impact on highways. Attention was drawn to the agenda supplement, which was published as a late report in relation to Item 7a.

Members of the Committee had the opportunity to ask technical questions regarding the application. Details were clarified that it had been the parish of St Pauls Malmesbury without who had shown support for the application, rather than the parish of Crudwell. It was questioned whether the proposal was consistent with the Hullavington neighbourhood plan, as well as with the Wiltshire Core Strategy and Spatial vision for Wiltshire; Lee Burman clarified that the proposal was not in accordance with Core Policies 1, 2, 10 and 34 of the WCS as well as not being in accordance with the Hullavington neighbourhood plan. It was additionally clarified that though the site is vacant it's extant use remained a horticultural site, there was however no detail available as to why the previous operation ceased and at what date. The officer also clarified that from a Highways perspective, the access arrangements as well as the nearby dip in the road and low bridge had been rigorously tested at length, with the Highways team content on the proposal. It was also clarified that regarding the site's historical use, the proposed application's traffic movement generated would not be substantively different to that in the past.

Additional technical questions were asked regarding the late report that was provided, which drew attention to the availability and suitability of the site at Malmesbury Garden Centre, amongst others. The officer explained to members that though there are constraints at the Malmesbury Garden Centre Site, there is no absolute barrier to the site accommodating the proposed use and it would be a matter of agreement between the parties involved and that this would be at the owner's discretion; therefore though it wouldn't be immediately available, the legal covenants would not be an absolute bar on use. Further questions were also asked regarding whether the permission of the site was restricted to be a horticultural site only, and additionally what Class B8 and Class (E(G)) meant for the application.

Members of the public then had the opportunity to present their views to the Committee as detailed above.

The Local Unitary Member, Councillor Nick Botterill, then spoke regarding the application. Key points included that the application had received wide ranging support and had not faced opposition from a range of bodies including Wiltshire Economic Development, Highways England, Wessex Water and Hullavington Parish Council. Councillor Botterill stated that whilst the status of the site was not technically brownfield, having conducted a site visit and from seeing the amount of concrete laid along with the derelict buildings; it could be concluded that the site would constitute itself as brownfield. Regarding Core Policies, Councillor Botterill noted that Core Policies 1, 2 and 10 were the main issues; however if approved the application would bring a sizeable workforce to the site, ancillary structures and economic development, which suggested that it would be a positive proposal.

Additionally, having reviewed the alternative sites that were listed in the late report that was provided, Councillor Botterill was of the opinion that there was no readily available alternative site for the application. Reasons for this included that some of the sites were not designed for the purpose of the application or were not available at this time, sites were only available for rent or sites were out of town and accessible only by bus or by car, which is the same as what had been proposed. Councillor Botterill did however state that the applicant had proposed ways of mitigating the negative impact identified by the location of the site, which would be reliant on private transport. Such methods of mitigation included a workforce incentive to use green travel options such as electric bikes and car leasing, 50% EV usage on site which would rise to 75% in 2030 and the installation of solar panels.

At the start of the debate a motion to move and accept the officer's recommendation was moved by Councillor Trotman and seconded by Councillor Berry, however when later voted upon the motion fell due to the number of votes against.

Consequently, a motion to reject the officer's recommendation was moved by Councillor Gavin Grant and seconded by Councillor Martin Smith. The reason for the decision being that following debate and receipt of representations at the meeting members considered that the sustainability and economic development

benefits of the proposals outweighed the harm arising from the conflict with the strategy of the plan as to the location of the development proposed, given Committee member's local knowledge of available alternative sites and demand for such sites. Furthermore, that the proposed development was considered to be partially supported under the provisions of CP34 (iv) and did not conflict with the subsequent tests at criteria v – ix.

During the debate the issues included that though local neighbourhood plans are supposed to underpin planning in Wiltshire, this application could be an exception to Core Policies and Neighbourhood Plan in the way that the proposal sought to be sustainable by means of green travel options for the workforce and the continuation of the site's previous horticultural use by targeting the sun for solar power. If granted, it was also recognised that the application could potentially provide an opportunity for environmental gains by means of delegating authority to the Head of Development Management with a clear brief to identify conditions that supported sustainable construction and operation with a target of achieving carbon neutrality. Concerns for flooding were also raised by Members, alongside a need if the application was approved to install height restriction signs on site for the adjacent rail bridge.

Additionally, the Committee referenced planning balance when basing decisions on Core Policies and that in the case of this application, though finely balanced, there was greater benefit for the application being granted, as suggested by the strong support from the local Parish and neighbours. It was also acknowledged by Members that this was a rare case as there had not been such an application before that had been recommended by officers for rejection, but had been backed by such an unanimity of support. It was argued that though previously cited as a reason for rejection, Wiltshire Core Policy 34 set out a strategy in areas for economic development for businesses and that this type of warehousing could potentially qualify. Additionally, it was argued that subclauses of Core Policy 34 had been met, with there being a clear social need to create employment opportunities, meaning that the application made a strong case for the wider strategic interest of economic development in Wiltshire.

Further points made included that as per sub-paragraphs within Core Policy 34, it could be argued that this application would not adversely affect nearby buildings and surrounding areas or detract from residential amenity; which could be demonstrated from the support provided by the local Parish and neighbours. It was also stated that no objections had been raised regarding the need for the application to be supported by adequate infrastructure, with the Highways team not raising concerns and that public transport would be enhanced as well as the owner supporting access to the site through use of electric vehicles.

At the conclusion of the debate, it was,

Resolved:

To Delegate Authority to the Head of Development Management to grant planning permission subject to appropriate conditions to be prepared by

Officers. Such conditions to deliver sustainability measures in construction and operation aimed and achieving net zero carbon emissions and signage advising of height restrictions on the adjacent rail bridge.

89 **21/00237/FUL Land at Noah's Ark, Garsdon, Malmesbury**

Public Participation

Peter Osgood spoke in objection of the application.

Stuart Masson spoke in objection of the application.

Henry Meakin spoke in objection of the application.

Marc Willis spoke in support of the application.

Marcus Smith spoke in support of the application.

Chris Pope spoke on behalf of Lea and Cleverton Parish Council.

Development Management Team Leader, Lee Burman, presented a report which outlined the erection of an agricultural building and yard along with alterations to access.

Details were provided of the site and issues raised by the proposals, including the principle of development, impact to the character, appearance and visual amenity of the locality, impact to residential amenity, impact to heritage assets, impact to highways.

Members of the Committee had the opportunity to ask technical questions regarding the application. Details were sought on whether conditions had been proposed by the planning officer to mitigate any potential noise created. It was noted that conditions had been included in the officer's recommendation to mitigate noise production, such as use of hedgerows, boundary trees and timber fencing. Additionally, it was noted that Condition 6 of the recommendation would limit the hours of operation for woodwork machinery.

Members of the public then had the opportunity to present their views to the Committee as detailed above.

The Local Unitary Member, Councillor Elizabeth Threlfall, then spoke regarding the application. Key points included that the application had originally been called to committee by Councillor Threlfall's predecessor, Councillor Toby Sturgis due to vagueness in the original application documents as well as local concerns, which had since been addressed by a further information submission. The risk, if refused by the Committee, of the application being granted by appeal without imposing any conditions to compromise between the applicant and objectors was acknowledged. Additionally, Councillor Threlfall acknowledged that agricultural and forestry work would be permitted normally however to mitigate concerns of neighbours, additional tree planting to the east of the site would help further mitigate impact and Condition 8 could be used.

At the start of the debate a motion to accept the officer's recommendation was moved by Councillor Chuck Berry and seconded by Councillor Howard Greenman.

During the debate issues included that the nature of the business, if the planning application was to be granted, would be sustainable in the respect that it would be in close walking distance of the applicant's home. It was also acknowledged that if the application was to go to appeal, it would more than likely be approved potentially with significantly less conditions. Following a site visit, it was noted that initially, if approved, the building would stand out however with additional tree planting and screening it wouldn't be as obvious within the landscape. Additionally, it was agreed that the conditions proposed would be restrictive for the proposed application, with the hours of work restricted and noise attenuation boundary treatment to be completed if approved. It was also recognised that if these times were to be breached, enforcement could take place to ensure that any conditions would be adhered to.

At the conclusion of the debate, it was,

Resolved:

That planning permission be approved in accordance with the officer recommendation and recommended conditions subject to the following requirements:

In determining approval of details required for submission under condition 8 Approval of Landscaping Details, additional tree planting to the east of the proposed building be secured, and boundary treatments and landscaping to the west of the proposed building include measures for noise mitigation to the neighboring property.

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:

MS-JH-04-B Received 31/08/2021

Lighting Details (Zinc Slim LED PIR Floodlight IP65 20W 1600lm) Received 31/08/2021

Location Plan

Block Plan

Received 11 January 2021

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

3. No development shall commence on site until details of the arrangements for the storage and/or disposal of manure and other

material derived from the keeping of horses or livestock have been submitted to and approved by the Local Planning Authority. The details are to include a plan illustrating where the material will be stored and details of the construction and design of the structure / enclosure within which the material will be stored. The storage of manure and other material derived from the keeping of horses or livestock shall only be carried out in accordance with the approved details.

REASON: Ensuring high quality design and place shaping and in the interests of residential amenity.

4. Notwithstanding the details of the single PIR-operated LED light to be fitted on the east gable of the building as shown on plan number MS-JH-04-B, no further external lighting shall be installed without the prior written approval of the local planning authority.

REASON. In the interests of amenity.

5. The preparation and storage of meat and meat products shall be limited to the area outlined in green on plan number MS-JH-04/B. There shall be no retail sales of meat or meat products from the application site.

REASON: In the interests of amenity and residential amenity.

6. Fixed and powered woodworking machinery shall not be operated outside the building at any time. Fixed and powered woodworking machinery shall not be operated within the building outside of the hours 8am to 6pm Monday-Friday and 8am to 1pm on Saturday, or at any time on Sundays or Bank or Public Holidays.

REASON: In the interest of amenity and residential amenity.

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

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

8. No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include :-

- location and current canopy spread of all existing trees and hedgerows on the land;
- full details of any to be retained, together with measures for their protection in the course of development;

- a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
 - finished levels and contours;
 - means of enclosure;
 - proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc);
- retained historic landscape features and proposed restoration, where relevant.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

9. 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.

10. 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 brought into use 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.

11. No development shall commence on site until details of the works for the disposal of sewerage have been submitted to and approved in writing

by the Local Planning Authority. The office hereby permitted shall be not be first brought into use 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.

12 INFORMATIVE TO APPLICANT:

The application involves an extension to the existing/creation of a new vehicle access/dropped kerb. The consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a licence will 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. Please contact our Vehicle Crossing Team on vehicleaccess@wiltshire.gov.uk and/or 01225 713352 or visit their website at <http://wiltshire.gov.uk/highways-streets> to make an application.

13 INFORMATIVE TO APPLICANT:

Please note that Council offices do not have the facility to receive material samples. Please deliver material samples to site and inform the Planning Officer where they are to be found.

14 INFORMATIVE TO APPLICANT:

The applicant should note that the grant of planning permission does not include any separate permission which may be needed to erect a structure in the vicinity of a public sewer. Such permission should be sought direct from Thames Water Utilities Ltd / Wessex Water Services Ltd. Buildings are not normally allowed within 3.0 metres of a Public Sewer although this may vary depending on the size, depth, strategic importance, available access and the ground conditions appertaining to the sewer in question.

15 INFORMATIVE TO APPLICANT:

The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required, it will be necessary for the applicant to obtain the landowners consent before such works commence. If you intend carrying out works in the vicinity of the site boundary, you are also advised that it may be expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996.

16 INFORMATIVE TO APPLICANT:

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.

17 INFORMATIVE TO APPLICANT:

The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. If the development is determined to be liable for CIL, a Liability Notice will be issued notifying you of the amount of CIL payment due. If an Additional Information Form has not already been submitted, please submit it now so that we can determine the CIL liability. In addition, you may be able to claim exemption or relief, in which case, please submit the relevant form so that we can determine your eligibility. The CIL Commencement Notice and Assumption of Liability must be submitted to Wiltshire Council prior to commencement of development. Should development commence prior to the CIL Liability Notice being issued by the local planning authority, any CIL exemption or relief will not apply, and full payment will be required in full and with immediate effect. Should you require further information or to download the CIL forms please refer to the Council's Website www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastucturelevy.

18 INFORMATIVE TO APPLICANT:

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.

90 **Urgent Items**

There were no urgent items.

(Duration of meeting: 3.00pm – 5.23pm)

The Officer who has produced these minutes is Ben Fielding of Democratic Services, direct line, e-mail benjamin.fielding@wiltshire.gov.uk Press enquiries to Communications, direct line ((01225) 713114 or email communications@wiltshire.gov.uk