

## Northern Area Planning Committee

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### MINUTES OF THE NORTHERN AREA PLANNING COMMITTEE MEETING HELD ON 2 FEBRUARY 2022 AT COUNCIL CHAMBER - COUNCIL OFFICES, MONKTON PARK, CHIPPENHAM, SN15 1ER.

#### **Present:**

Cllr Tony Trotman (Chairman), Cllr Howard Greenman (Vice-Chairman), Cllr Chuck Berry, Cllr David Bowler, Cllr Steve Bucknell, Cllr Gavin Grant, Cllr Dr Brian Mathew, Cllr Nic Puntis, Cllr Martin Smith, Cllr Elizabeth Threlfall and Cllr Peter Hutton (Substitute)

#### **Also Present:**

Cllr Allison Bucknell  
Cllr Bob Jones MBE

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#### 1 **Apologies**

Apologies for absence were received from Councillor Jacqui Lay, who had arranged for Councillor Peter Hutton to attend the meeting in her absence.

#### 2 **Minutes of the Previous Meeting**

The minutes of the meeting held on 13 October 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 13 October 2021.**

#### 3 **Declarations of Interest**

Councillor Steve Bucknell declared an interest in Item 7g, being the applicant and would therefore leave the room for this item.

#### 4 **Chairman's Announcements**

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

#### 5 **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.

6 **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 2 February 2022.**

7 **Planning Applications**

The Committee considered and determined the following planning applications:

8 **PL/2021/05305 - Former Calne Youth Centre, Priestley Grove, Calne, SN11 8EF**

Senior Planning Officer, Charmian Eyre-Walker, presented a report which outlined the demolition of the former youth centre (D1 Use) and redevelopment to form nine 2- & 3-bedroom dwellings (C3 Use) and associated works.

Details were provided of the site and issues raised by the proposals, including the principle of the application, loss of the facility, highways matters, drainage, archaeology, design, impact on residential amenity, loss of playing field, impact on heritage assets as well as other matters raised.

Attention was also drawn to the late items agenda supplement, which detailed an additional condition to be attached to the Officer's recommendation.

Members of the Committee had the opportunity to ask technical questions regarding the application. Details were clarified by the Officer that the semi-detached properties with linked garages would have permitted development rights. It was also clarified that provision of replacement facilities was not part of the application, however there are other facilities for youth clubs in Calne, such as Beversbrook. Additionally, the Officer noted that funds could not be put aside to assist in the provision of a replacement facility as this would be subject to a Section 106 agreement. Further technical questions were clarified by the Officer, including that the attenuation pond within the application had been designed by engineers and that there was not a plan for the inclusion of solar panels.

Members of the public then had the opportunity to present their views to the Committee, however there was no registered speakers.

The Local Unitary Member, Councillor Ian Thorn provided his apologies of his absence.

At the start of the debate a motion to move and accept the officer's recommendation, including the additional and revised conditions, was moved by Councillor Peter Hutton and seconded by Councillor Gavin Grant. Following which, it was,

**Resolved:**

**To approve the application in accordance with the officer recommendation and additional and revise conditions as set out in late items and recommended during the meeting as follows: -**

**1. The development hereby permitted shall be carried out in accordance with the following Approved plans:0001;RevA;100;120RevD;121RevD;125;26;127;128;129;140;141;145;150RevA received 17th September 2021.**

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

**2. 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.**

**3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.3) (England) Order 2020 (or any Order revoking or re-enacting or amending that Order with or without modification), there shall be no additions to, or extensions or enlargements of any building forming part of the development hereby permitted.**

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

**4. No development shall commence on site (including any works of demolition), until a Construction Management Statement, together with a site plan, has been submitted to and agreed in writing by the Local Planning Authority. The Statement 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**

- e) facilities for public viewing, where appropriate;
- f) wheel washing facilities;
- g) measures to control the emission of dust and dirt during construction;
- h) a scheme for recycling/disposing of waste resulting from demolition and construction
- i) works; and
- j) measures for the protection of the natural environment.
- k) hours of construction, including deliveries;
- l) pre-condition photo survey has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved
- m) construction method statement without the prior written permission of the Local Planning
- n) Authority.

The construction phase of the development shall be carried out in complete accordance with the agreed 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. The developer/applicant will be expected to enter into a S38 Agreement with the Highway Authority before commencement of works hereby approved.

5. The development shall be carried out in accordance with the Updated Hydraulic Model & Drainage – Acl610-20053 / 5th November 2021 and the Surface Water Drainage Strategy contained within it.

**REASON:** To comply with Core Policy 67: Flood Risk within the Wiltshire Core Strategy (adopted January 2015) and to ensure that the development can be adequately drained without increasing flood risk to others.

6. No development shall commence within the area indicated by application PL/2021/05305 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.'

**7. The development shall be carried out as specified in the approved Pre-development Arboricultural Report on Trees prepared by Sharples Tree Services dated 19th January 2021 and shall be supervised by an arboricultural consultant.**

**REASON: To prevent trees on site from being damaged during construction works.**

**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 :-**

- a) location and current canopy spread of all existing trees and hedgerows on the land;**
- b) full details of any to be retained, together with measures for their protection in the course of development;**
- c) a detailed planting specification showing all plant species, supply and planting sizes and planting densities;**
- d) finished levels and contours;**
- e) means of enclosure;**
- f) all hard and soft surfacing materials;**

**REASON: 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 details and samples of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.**

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

**11.** Prior to the commencement of the development hereby permitted details of the number and location of swift bricks within the walls of the houses shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

**REASON:** To enhance the biodiversity on site.

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

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

**13.** Prior to the commencement of the development hereby permitted, details of the method of management of open spaces within the development, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and managed in accordance with the approved details in perpetuity.

**REASON:** To secure residential amenity.

**14.** Prior to the first occupation of plot 9, the first-floor side window shall be fitted with a top hung, obscure glazed window that shall also be fitted with a restrictive opening mechanism that prevents opening greater than 45 degrees. The window shall remain as such throughout the life of the development.

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

**15.** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), the garage(s) hereby permitted shall not be converted to habitable accommodation.

**REASON:** To secure the retention of adequate parking provision, in the interests of highway safety.

**The development hereby permitted shall be carried out in full accordance with the recommendations set out in Section 8 of the Ecology Report by Ethos Environmental Planning dated May 2021**

**REASON: In the interest of protection of Protected Species on site and biodiversity.**

**INFORMATIVES 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.**

**The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence.**

**If you intend carrying out works in the vicinity of the site boundary, you are also advised that it may be expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996.**

**Please note that Council offices do not have the facility to receive material samples.**

**Please deliver material samples to site and inform the Planning Officer where they are to be found.**

**In relation to condition 06, the archaeological evaluation should be carried out by qualified archaeologists following the standards and guidelines for such work as set out by the chartered Institute for Archaeologists (CIfA). The costs of the work are to be borne by the 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**

<https://www.wiltshire.gov.uk/dmcommunityinfrastructurelevy>.

9 **PL/2021/04439 - 38 Stone Lane, Lydiard Millicent, SN5 3LD**

Public Participation

Bob Nicholls in objection of the application.

Peter Birch in objection of the application.

Councillor Derek Harden spoke on behalf of Lydiard Millicent Parish Council.

Development Management Team Leader, Lee Burman, presented a report which outlined the part retrospective change of use of section of agricultural land to residential.

Details were provided of the site and issues raised by the proposals, including the principle of development, impact on the landscape & character and appearance of the area, impact on residential amenities and other matters. Reference was made to an omission within the report, which should have referred to consent in the planning history, which approved alternations to the garage for part use of residential purposes.

Members of the Committee had the opportunity to ask technical questions regarding the application, however no questions were asked.

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

The Local Unitary Member, Councillor Steve Bucknell then spoke regarding the application. Councillor Steve Bucknell stated that a current Bing aerial map would show a clear encroachment onto the field before the depicted red area within the block plan. With aerial views having shown that the applicant had set up football goalposts as well as parking a vehicle on the field. Councillor Bucknell also noted that before it was previously removed, the hedge line was the parish boundary between Lydiard Millicent and Purton. Therefore Councillor Bucknell argued that this was contrary to CP1.

Councillor Bucknell also cited that the development would breach CP51 (i) (ii)(ii) (v) (vii) on the grounds that there had been evidence of the disregard of neighbouring amenity with the removal of the hedgerow, the erection of goal posts and the parked vehicle. In particular, Councillor Bucknell noted that CP51 seeks that developments protect, conserve and enhance landscapes through sensitive developments; whilst also referencing the separate identity of settlements, in relation to the removed hedgerow. Furthermore in relation to the hedgerow, Councillor Bucknell, drew upon CP57 (i) (ii) (iii) (vi) (vii), stating that the parish boundaries create a strong sense of place as well as contributing to the character of Wiltshire.

At the start of the debate a motion to move and reject the officer's recommendation was moved by Councillor Steve Bucknell and seconded by Councillor Gavin Grant. On grounds that the development undertaken and proposed for the change of use of land is out of character with the immediate



locality and the existing features and characteristics of the settlement and adjoining areas. The proposals would not maintain, reflect and respond positively to the existing landscape character and were thereby in conflict with Wiltshire Core Strategy (Jan 2015) Core Policies CP51 (i) (ii)(ii) (v) (vii) & CP57 (i) (ii) (iii) (vi) (vii).

During the debate the issues were raised such as the permitted development rights of the land in question and the nature of the size of the land in question; however it was advised by the enforcement team that permitted development rights do not apply. The paraphernalia currently on the land was also referenced in discussion. Further reference was made to the CPs referenced by Councillor Bucknell, in particular the transition to man-made and natural settlement. Additionally, it was referenced that though in the report, harm caused was listed as minimal, the Committee shouldn't be content to allow breaches and if the amendment was to be successful it would be a matter of enforcing the CP principles.

At the conclusion of the debate, it was,

**Resolved:**

**That contrary to the Officer recommendation the application be refused for the following reason:**

**The development undertaken and proposed for the change of use of land is out of character with the immediate locality and the existing features and characteristics of the settlement and adjoining areas. The proposals would not maintain, reflect and respond positively to the existing landscape character and are thereby in conflict with Wiltshire Core Strategy (Jan 2015) Core Policies CP51 (i) (ii)(ii) (v) (vii) & CP57 (i) (ii) (iii) (vi) (vii).**

10 **PL/2021/05198 - Key View, Stoke Common Lane, Purton Stoke, SN5 4JG**

Public Participation

Denise Simpkins, on behalf of Mrs Stare and Mr Bellamy, spoke in objection of the application.

Sandra Brimacombe spoke in objection of the application.

Simon Littlewood spoke in support of the application.

Development Management Team Leader, Lee Burman, presented a report which outlined an extension to side and rear with link building to garage and conversion of garage.

Details were provided of the site and issues raised by the proposals, including the principle of development; impact on the character and appearance of nearby listed buildings; impact on the character, appearance, visual amenity of the locality; impact on the residential amenity and impact on highway safety. It was also noted that the application had changed to have small and obscure overlooking windows.

Members of the Committee had the opportunity to ask technical questions regarding the application. Details were sought on what the percentage of development increase would be compared to the current property, to which it was clarified by the Officer that such assessments no longer formed a policy basis.

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

The Local Unitary Member, Councillor Jacqui Lay provided her apologies of her absence and was therefore represented by Councillor Allison Bucknell, who had been covering Councillor Lay's case work. Councillor Allison Bucknell stated that having driven past the site it appeared to be a large infill site with little space either side, therefore making it constrained. Councillor Bucknell stated that though the proposals would be advantageous for the applicant, this would be at the expense of neighbours, through a loss outlook and the extension potentially having an overbearing impact. Furthermore, there would be an additional loss of amenity to a neighbour, with a proposed glass side that would be overlooking. Councillor Bucknell further added that if permitted, the application would potentially cause a loss of parking whilst also causing more vehicle movements with cars being forced onto the road. In summary, Councillor Bucknell stated that this would be overdevelopment to the property, which would contradict CP57 (vii), causing an existing amenity impact.

At the start of the debate a motion to move and accept the officer's recommendation was moved by Councillor Tony Trotman and seconded by Councillor Peter Hutton, 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 Steve Bucknell. The reason being that following debate and receipt of representations at the meeting, members considered that the proposal constituted an overdevelopment of a constrained site that would not achieve high quality design by virtue of its bulk, mass and positioning. The proposals thereby result in harm to the character appearance and visual amenity of the locality and existing neighbouring residential amenities being both overbearing and resulting in loss of privacy. The proposals were thereby in conflict Wiltshire Core Strategy (Jan 2015) Core Policy CP57 (iii) & (vii).

During the debate the issues included the potential parking issues that might be caused if the application was permitted; though it was acknowledged that the Highways report showed no objection. A potential parking issues was identified in that one of the necessary spaces would be outside double doors which would open, therefore causing the space to be out of use. It was also argued that parking issues could potentially be enforced if evidenced. The location of neighbouring properties was referenced, with it being argued that all of the properties were in line and therefore would not cause the garage to look out of

character; additionally the neighbouring buildings could potentially obscure the view of the connection to the garage.

Further issues that were debated were whether the extension would reflect positively on CP57 (iii), in providing a positive response to the townscape and landscape. It was also argued that if accepted, the built form would take up more of the site than space left to remain; with the property itself already being significant within its area. Furthermore, due to the size of the property, it was questioned whether conditions would be enough to resolve concerns, especially with contradictions to Core Policies involved. Comparisons were also made between the application and with properties 13 & 14, with suggestions made that due to the large size of the plot neighbours could be made to feel oppressed. Additionally, it was suggested that if the application was to be accepted, the property would eventually exist to be double its original size.

At the conclusion of the debate, it was,

**Resolved:**

**That contrary to the Officer recommendation the application be refused for the following reason:**

**The proposal constitutes an overdevelopment of a constrained site that does not achieve high quality design by virtue of its bulk, mass and positioning. The proposals thereby result in harm to the character appearance and visual amenity of the locality and existing neighboring residential amenities being both overbearing and resulting in loss of privacy. The proposals are thereby in conflict Wiltshire Core Strategy (Jan 2015) Core Policy CP57 (iii) & (vii).**

11 **PL/2021/08970 - 135 High Street, Royal Wootton Bassett, SN4 7BH**

Public Participation

Stacey Hartrey spoke in support of the application.

Development Management Team Leader, Lee Burman, presented a report which outlined the change of use from a Bank (Use Class E) to a Hot Food Takeaway (Sui Generis) Together with External Alterations.

Details were provided of the site and issues raised by the proposals, including the principle of development, impact on heritage assets and the character of the area, impact on neighbour amenity, parking and highways, waste and recycling.

Members of the Committee had the opportunity to ask technical questions regarding the application. Details were clarified that it was not a care home behind the application, but rather an age-related accommodation in the form of flats. The Officer clarified that the trading hours if approved would be comparable to other takeaway establishments on the High Street and that regarding the taxi rank immediately outside, if other vehicles were to park here, they would face parking enforcement controls.

Further technical questions were clarified by the Officer that extraction facilities would be practically possible to put into place, having been considered and addressed within the Public Protection assessment within the report. The Public Protection assessment also addressed concerns about potential noise implications caused by 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 Mary Champion provided her apologies of her absence and was therefore represented by Councillor Allison Bucknell. Councillor Bucknell stated that though the majority of her concerns for the application had been addressed within the report, there was concern about deliveries including large articulated lorries potentially blocking the High Street and therefore causing congestion. Councillor Bucknell also additionally noted that there had been no reference to delivery vehicles, the hours of operation that they would follow and also where they would park whilst conducting business.

At the start of the debate a motion to move and accept the officer's recommendation was moved by Councillor Tony Trotman and seconded by Councillor Gavin Grant.

During the debate the issues included that parking should not be reason for concern, as it was suggested within the report that there was adequate parking opposite and collecting a takeaway would only take minimal time and that though this was a main arterial road, patience would be required from road users. Congratulations were offered to the town of Royal Wootton Bassett for seeking to convert an empty bank to have a useful purpose, also offering further benefit that there would potentially be minimal litter due to food being delivered or taken away. The potential benefits to the town, such as increased footfall and employment were referenced.

It was also acknowledged that though there would potentially be noise, a noise impact assessment had been completed, with the Officer's report having done all that it could to mitigate concerns. Additionally, it was stated that noise and odour shouldn't be overstated with there currently being a pub next door. Potential concerns regarding deliveries were raised, such as potential road blockages and environmental concerns, however such points could potentially be negated by the operator, if they were to find a suitable optimal time for deliveries to take place.

At the conclusion of the debate, it was,

**Resolved:**

**That planning permission be GRANTED 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 listed in schedule**

**12477-AEW-PJ004106-XX-DR-0005, 12477-AEW-PJ004106-XX-DR-0006, 12477-AEW-PJ004106-ZZ-DR-0003, 12477-AEW-PJ004106-XX-DR-0004, 12477-AEW-PJ004106-ZZ-DR-PRELIM-0001**

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

**3. The Local Planning Authority approves the information detailed in RSK Acoustics Plant Noise Assessment 206/0418/R1 and this must be adhered to. The mitigation measures in section 5.3 of the report must be implemented prior to use of premises and permanently maintained for lifetime of the development.**

**REASON: Core policy 57, Ensuring high design and place shaping such that appropriate levels of amenity are achievable.**

**4. The use of the development hereby permitted shall only take place between the hours of 11:00 in the morning and 23:00 in the evening Mondays to Sundays.**

**REASON: Core policy 57, Ensuring high design and place shaping such that appropriate levels of amenity are achievable. The proposed opening hours of 11am to 11pm have been used throughout this assessment, deviation from these hours would render the assessment unreliable, thus these hours must be adopted (with exemption of cold room condenser, which requires 27/7 operation).**

**5. The Odour Specification Details document prepared by Purified Air are approved by the Local Planning Authority. The approved scheme shall be implemented in full before the development is first brought into use and shall be maintained in effective working condition at all times thereafter.**

**REASON: Core policy 57, Ensuring high design and place shaping such that appropriate levels of amenity are achievable.**

**6. The external flue shall be finished in a matt black colour and maintained as such thereafter.**

**REASON: In the interests of preserving the character and appearance of the conservation area and its setting.**

**7. 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 the area and to minimise unnecessary light spillage above and outside the development site.**

**8. Deliveries to the development site shall only take place between the hours of 10:00hrs to 20:00hrs.**

**REASON: In the interests of the amenities of the area and to minimise conflict with highway movements.**

**9. The site shall be used for a hot food takeaway (sui generis use) and for no other purpose (including any other purpose in Class (Sui generis] 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.**

#### **INFORMATIVES**

**10. 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.**

**11. 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.**

**12. 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.**

**13. 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.**

**14. 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. 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.**

**12 20/11236/OUT - Land to the south west of The Street, Latton, SN6 6EH**

*Note: The meeting adjourned for a break at 5.05pm and then resumed at 5.12pm.*

Public Participation

Andrew Miles spoke in support of the application.

David Pembridge spoke in support of the application.

Councillor Kevin Johnson spoke on behalf of Latton Parish Council.

Development Management Team Leader, Lee Burman, presented a report which outlined an application (with all matters reserved) for a village recreation hall, all weather tennis court, parking, access and erection of six houses (Resubmission of 19/08877/OUT).

Details were provided of the site and issues raised by the proposals, including the principle of development, heritage assets, character and appearance, flood risk and drainage, transport and access, ecology, archaeology and community facilities.

Attention was also drawn to the late items agenda supplement, which provided a revised plan showing a reduced red line boundary area.

Members of the Committee had the opportunity to ask technical questions regarding the application. Details were clarified that it was not recommended by the Officer that the application should be deferred, with the applicant already having had an opportunity to provide a detailed archaeological assessment. When queried about why the archaeological assessment had not been forthcoming, it was suggested that this could have been related to finances. It was also clarified that the Parish of Latton has provided a local plan and that the small village does not feature a settlement boundary.

Further technical questions included who the existing provision was owned by, to which it was clarified that this was the Diocese of Bristol. It was additionally noted that regarding the surroundings, the area consisted of a mixed age of buildings, including a number that were listed. It was also clarified that it would not be possible to set a condition regarding the archaeology assessment.

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

The Local Unitary Member, Councillor Bob Jones MBE then spoke regarding the application. Councillor Jones provided the Committee with a slide show, providing an overview of the Parish of Latton as well as of the character and appearance of the village and its location. The overview also included reference to two listed buildings and a listed cross, which though the report identified as potentially being harmed within the report, this would be less than substantial. Councillor Jones also cited some of the benefits to accepting the application, such as providing 6 properties as well as an outstanding financial contribution to the local community; further adding that the current village hall had declined and would need £150,000 of funding to restore.

Councillor Jones noted that if granted, the application would in regard to planning balance, provide benefits to local residents, such as physical wellbeing through the tennis courts as well as being a development in the centre of the village. A potential reason to approve the application was cited as being the lack of a 5-year housing land supply.

At the start of the debate a motion to reject the officer's recommendation was moved by Councillor Dr Brian Mathew and seconded by Councillor Gavin Grant. The reason being that tilted balance had been engaged by a lack of 5-year housing land supply, a lack of an up-to-date housing needs assessment as well as the potential benefits of the application outweighing the harm. An amendment was accepted by both Councillor Gavin Grant and Councillor Dr Brian Mathew to delegate authority to the Head of Development Management to grant outline planning permission subject to conditions.

During the debate the issues included that a key concern regarding the application was the archaeological dig and whether it would be possible to make a decision without the detailed assessment. The potential of including a condition to fulfil the offer made by the developer to undertake the archaeological dig was discussed; it was however noted that this wouldn't need to be conditioned but rather set as a potential resolution to prompt completion



prior to determination and issue of the outline decision. Additionally, the balance of the potential benefits and harms of the application were discussed, with the support for the application from local residents and Member acknowledged.

Other issues included that the Parish Council of Latton was praised for its active work in attempting to bring forward a community asset such as the application in question. It was recognised that this was potentially a rare opportunity for Latton, that might not be repeated. The potential of conditioning the 6 properties to restrict use until the opening of the village hall was considered, as well as that in person the sensory experience of the site would be different, with a lot of noise from the nearby A419. The importance of neighbourhood plans was mentioned, with the need for local plans to be kept in tact in order to develop areas how residents wanted them to be.

Dorcas Ephraim the Council's Senior Planning Solicitor clarified that the some of the benefits to accepting the application, such as the proposed outstanding financial contribution to the local community did not meet one of the tests for planning obligations- fairly and reasonably related in scale and kind to the development and so contrary to paragraph 57 of National Planning Policy Framework, 2021, and Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended).

During debate it was clarified that further submissions could be made prior to determination to address such matters.

At the conclusion of the debate, it was,

**Resolved:**

**To delegate authority to the Head of Development Management to grant outline planning permission subject to:**

- (i) The completion of an archaeological field evaluation;**
- (ii) The submission of a Viability appraisal and costs assessment for the development including village hall replacement and proposed financial contribution;**
- (ii) The completion of a s.106 agreement within six months of the date of this resolution. In the event that the applicant makes clear that they will not complete, sign and seal the required section 106 agreement within the defined timeframe to then delegate authority to the Area Development Manager to REFUSE planning permission for the reason set out below. This alternate provision to be subject to consideration of any other factors outside the control of the applicant and the Council that may result in unavoidable delay. If such circumstances are assessed by officers to arise then to allow for completion of the agreement after the 6-month period under delegated authority: -**

**The proposal does not provide for the delivery of the necessary and proposed infrastructure (e.g., village hall, tennis court and maintenance and management) required to mitigate the direct impacts**

of the development and thereby fails to comply with CP3, Regulation 122 of the Community Infrastructure Levy Regulations 2010 and paragraph 57 of the National Planning Policy Framework. to secure provision of the village hall, car park and tennis court in advance of the six houses; and

(iii) Appropriate conditions prepared by officers.

Such conditions would include, but not be limited to the following:

- Approval of the reserved matters (i.e., access, layout, scale, appearance and landscaping);
- Detailed design and maintenance of surface and foul water drainage systems;
- Prevention of works within 5m of the strategic water main;
- Details of the tennis court enclosure;
- Details of noise attenuation measures;
- Any additional archaeological work;
- An ecological enhancement scheme; and
- A lighting strategy.

13 **PL/2021/10696 - Land Adjacent to Sherston C of E Primary School, Sherston, Malmesbury, SN16 0NJ**

Public Participation

Michael Rees spoke in objection of the application.

Cllr Martin Smith, representing Mrs Robinson, spoke in objection of the application.

Cllr Martin Smith, representing Councillor Tanya Burgess, spoke on behalf of Sherston Parish Council.

Development Management Team Leader, Lee Burman, presented a report which outlined a planning application for Proposed erection of a GP Surgery (Class E(e)), car park and associated works (Outline application relating to access).

Details were provided of the site and issues raised by the proposals, including the principle of development; design issues; impact on the immediate area including the Cotswolds Area of Outstanding Natural Beauty (AONB); impact on heritage; impact on biodiversity; impact on highway and access considerations.

The Planning Officer drew attention to the late item agenda supplement, in which two letters of representation had been submitted by Sherston Parish Council and Sherston Primary School Governors. The letters were in objection to the application due to the indicative site layout proposing a surface water attenuation basis, the land in which would potentially be required if the school was to expand. The Planning Officer noted that the application was in outline and other drainage solutions and facilities could be pursued that wouldn't impinge on potential school expansion; though the Council's Education Department had confirmed that there was no current or projected requirement for expansion of the school.

Members of the Committee had the opportunity to ask technical questions regarding the application, however no questions were asked.

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

The Local Unitary Member, Councillor Martin Smith then spoke regarding the application. Councillor Smith stated that the proposal was a key part of the Sherston Neighbourhood plan, which had been worked on since 2012 by residents and that the plan had the support of 93% of local residents. Councillor Smith noted that the Parish Council and School were supportive of the plan in principle but had sought clarity on the provision of land available for future school expansion if required. Following the latest response, Director of Assets & Commercial Development, Simon Hendey had arranged for a revised layout for the drainage basin.

At the start of the debate a motion to move and accept the officer's recommendation was moved by Councillor Peter Hutton and seconded by Councillor Martin Smith with an informative added encouraging consultation with the school governors and parish council in respect of drainage proposals and solutions.

During the debate the issues included that though there was a pre-school diagonally opposite to the land (Pumpkins Pre-school), it would be positive to approve the application with questions surrounding the lease. It was also stressed that though the Education Department assess data on birth-rates, Sherston previously had to build a new school due to a population increase, which could happen in the future again.

At the conclusion of the debate, it was,

**Resolved:**

**That planning permission be GRANTED 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 (non-strategic) 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 5 (1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.**

**3. An application for the approval of all of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.**

**REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.**

**4. The development hereby permitted and reserved matters details shall be in accordance with the parameters illustrated in the following approved plans and documents: Planning, Heritage, Design & Access Statement 2849 PHDA REV A Received 06.01.2022 Drainage Strategy & Supporting Information 21-027-003 REV A & Acl619-21027- TN Received 23.12.2021**

**Ecological Assessment Received 22.12.2021  
Biodiversity Net Gain Report Received 13.12.2021  
Transport Statement Received 15.11.2021  
Location Plan 2849 001,  
Existing Site Plans 2849 100, 2849 101, 2849 102,  
Revised Proposed Site Plan 2840 111 REV A & 2849 112 REV A  
Proposed Street Scenes 2849 115  
Proposed Elevations 2849 115 & 2849 116**

**All Received 06.12.2021**

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

**5. No part of the development hereby approved shall be first occupied until the car and cycle parking provision has been suitably provided and laid out in accordance with the approved details (Proposed Site Plan, 2849-111 and 112 – Received 06.12.2021). Car parking spaces shall be properly consolidated and surfaced and shall be maintained and remain available for this use at all times thereafter. The car and cycle parking spaces shall not be used other than for the parking of vehicles or cycles or for the purpose of access.**

**REASON: To ensure that adequate provision is made for parking of cars and cycles within the site in the interests of highway safety.**

**6. No development shall commence on site until full technical details of the new site junction with Sopworth Lane have been submitted to and approved in writing by the Local Planning Authority. The new junction and visibility splays shall be provided in accordance with the approved details (Proposed Site Plan, 2849-111 and 112 - both Received 06.12.2021 and Access Arrangements and Proposed off site highway works, SK01 A Nov 2021) prior to first occupation (or timetable agreed with Local Planning Authority) and maintained thereafter. No part of the development shall be first occupied, until the visibility splays shown on the plans (2.4m x 43m) have been provided with no obstruction to visibility at or above a height of 0.6m 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.**

**7. No part of the development hereby permitted shall be commenced until full technical details of the footway works and carriageway widening scheme for Sopworth Lane as detailed on Access Arrangements and Proposed off site highway works, SK01 A - Nov 2021 and Proposed Site Plan, 2849-111 and 112 both Received 06.12.2021 have been submitted to and approved by the Council. Unless otherwise agreed the development shall not be first occupied until the Sopworth Lane footway scheme have been completed in accordance with the details shown on the approved plans. This shall include streetlighting, drainage and full surfacing of wearing course, the surface wearing course of Sopworth Lane will need to be re-surfaced for whole widths adjacent to the new footways. The footway/ kerbing from the junction of Sopworth Lane/ Knockdown shall be extended from the junction north to connect with the uncontrolled crossing outside Sherston Primary school. No part of the development shall be first brought into use until the highway improvements have been completed in accordance with the approved details (unless otherwise agreed by the Local Planning Authority).**

**REASON: To help encourage walking to and from the site and in the interests of highway safety.**

**8. Prior to the development hereby permitted first being brought into use a Traffic Regulation Order (TRO) to amend the speed limit on Sopworth Lane shall have been prepared, consulted upon, and advertised, with a report recommending whether to proceed with the Order prepared for consideration by the Cabinet Member for Highways (Proposed TRO SK02 Rev A (Nov 21). If the Cabinet Member for Highways approves the Order the amendments shall be implemented.**

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

**9. The roads, including footpaths and turning spaces, shall be constructed so as to ensure that, before it is occupied, has been provided with a properly consolidated and surfaced footpath and carriageway to at least base course level between the medical centre and existing highway.**

**REASON: To ensure that the development is served by an adequate means of access.**

**10. No part of the development shall be brought into use until full details of the visibility splays for the access to the approved GP Surgery access/egress have been submitted to the Local Planning Authority, approved and have been provided in accordance with those approved details. The visibility splays shall be maintained free of obstruction at all times thereafter.**

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

**11. No development shall commence on site (including any works of demolition), until a Construction Method Statement, together with a site plan, which shall include the following:**

- the parking of vehicles of site operatives and visitors
- loading and unloading of plant and materials
- storage of plant and materials used in constructing the development
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- wheel washing facilities
- measures to control the emission of dust and dirt during construction
- a scheme for recycling/disposing of waste resulting from demolition and construction works
- measures for the protection of the natural environment
- hours of deliveries
- pre-condition photo survey
- vehicle Routing Plan
- traffic Management Plan (including signage drawing(s))
- number (daily / weekly) and size of delivery vehicles to ensure appropriately size vehicles are being used for the highway network.
- number of staff vehicle movements.

**has been submitted to, and approved in writing by, the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement without the prior written permission of the Local Planning Authority.**

**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.**

**12. No external lighting, including security 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 have been submitted to and approved in writing by the Local Planning Authority. The plans will be in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication GN01:2011, 'Guidance for the Reduction of Obtrusive Light' (ILP, 2011), and Guidance note GN08-18 "Bats and artificial lighting in the UK", issued by the Bat Conservation Trust and Institution of Lighting Professionals. In addition, lux plots will demonstrate that light levels within 3m of the site boundary will be no more than 0.2 lux. The approved lighting shall be installed and maintained in accordance with the approved details and no additional external lighting shall be installed.**

**REASON:** In the interests of the amenities of the area, to minimise unnecessary light spillage above and outside the development site and to ensure lighting does not impact wildlife habitat.

**13. Prior to the commencement of works, including demolition, ground works/excavation, site clearance, vegetation clearance and boundary treatment works, a Construction Environmental Management Plan (CEMP) shall be submitted to the local planning authority for approval in writing. The Plan shall provide details of the avoidance, mitigation and protective measures to be implemented before and during the construction phase, including supervision by an Ecological Clerk of Works who will keep a written log of dates of site visits, advice provided, impacts observed, and mitigation/remediation achieved and provide this to the Local Planning Authority on request. Methods statements will cover the following:**

- a) removal of hedgerows**
- b) location of protective fencing**
- c) minimising risks to protected species**
- d) erection of bat and bird boxes on the surgery building (including details of number, type and location)**

**Development shall be carried out in strict accordance with the approved CEMP.**

**REASON:** To ensure adequate protection and mitigation for ecological receptors prior to and during construction, and that works are undertaken in line with current best practice and industry standards and are supervised by a suitably licensed and competent professional ecological consultant.

**14. 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;
- car park layouts;
- other vehicle and pedestrian access and circulation areas;
- all hard and soft surfacing materials;
- minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);
- 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.

The Landscaping scheme will accord with the Proposed Site Plan (2849-112- Rev A) the Landscaping Scheme will demonstrate that the development will achieve an overall net gain for biodiversity through the submission of a completed Natural England Biodiversity Metric (version 3.0 or subsequent version) spreadsheet (unlocked) based on the post construction landscape scheme, and a current survey of pre-construction habitats based on the UK Habitat Classification.

**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.

15. 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.

**16. No development shall commence within the application area until:**

**a) A written programme of archaeological investigation to include a strip, map and ample excavation, 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:** 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 enable the recording of any matters of archaeological interest.

**17. No construction or demolition work shall take place on Sundays or Public Holidays or outside the hours of 08:00 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays.**

**REASON:** Core policy 57, Ensuring high quality design and place shaping such that appropriate levels of amenity are achievable.

**18. In the event that contamination is encountered at any time when carrying out the approved development, the Local Planning Authority must be advised of the steps that will be taken by an appropriate contractor; to deal with contamination and provide a written remedial statement to be followed by a written verification report that confirms what works that have been undertaken to render the development suitable for use.**

**REASON:** To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

## **INFORMATIVES**

**20. S278/ S38 - The developer/applicant will be required to enter into a S278 to cover the footway scheme /S38 Agreement for site with the Highway Authority before commencement of works hereby approved.**

**TRO - You are advised that a Traffic Regulation Order (TRO) is required for condition 8. You must submit a plan to a scale of an indicative scheme for a TRO, along with timescales for commencement and completion of**

**the development. Please be aware that the statutory TRO process is not straightforward; involving the public advertisement of the proposal(s) and the resolution of any objections. You should expect a minimum of six months to elapse between the Highway Authority's TRO Team confirming that it has all the information necessary to enable it to proceed and the TRO being advertised. You will not be permitted to implement the TRO measures until the TRO has been sealed, and we cannot always guarantee the outcome of the process. We cannot begin the TRO process until the appropriate fee has been received. To arrange for a TRO to be processed contact the Highway Authority's Transport Development Management Team at [highwaysdevelopment@wiltshire.gov.uk](mailto:highwaysdevelopment@wiltshire.gov.uk) N.B. The cost of implementing any lining, signing or resurfacing required by the TRO is separate to the TRO fees, which solely cover the administration required to prepare, consult, amend and seal the TRO.**

**Advance Payment Code - Please note that the road layout of the site will be subject to the Advanced Payment Code, relating to the Highways Act 1980. A bond will be required by the Highway Authority to cover highway works and will only be released subject to a suitable management company/other being secured for the site by the Developer.**

**22. 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.**

**23. 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.**

**24. 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.**

**25. 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.**

**27. 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.**

**28. 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.**

**29. 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).**

The Council's Northern Area Planning Committee recommends that the applicant undertakes consultation with the Parish Council and Sherston Primary School Governors regarding approval of details and layout for the required surface water drainage provisions.

**14 PL/2021/05648 - 144 High Street, Royal Wootton Bassett, Swindon, SN4 7AB**

*Note: Councillor Steve Bucknell left the room at 6.45pm.*

Public Participation

Steve Tubb spoke in objection of the application.

Bill Pier spoke in support of the application.

Development Management Team Leader, Lee Burman, presented a report which outlined the proposed Change of Use to Auction Rooms together with

alterations to front elevation and first floor extension to provide Gallery, rooftop terrace and café bistro.

Details were provided of the site and issues raised by the proposals, including the principle of development; impact to heritage assets, residential amenity, highways impact, parking and access.

Members of the Committee had the opportunity to ask technical questions regarding the application. Details were clarified that a condition had not been imposed within the Officer's recommendation in relation to external music amplification as at the time of application there was no detail of what activities might take place on the outside terrace. The Officer however noted that strict conditions had been included within the recommendation in order to negate any potential harm that might be caused by the rooftop terrace. Clarification was provided that the empty pub shown within the Officer's presentation was not within the redline boundary and that this building had been vacant for an extended period of time.

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

The Local Unitary Member, Councillor David Bowler then spoke regarding the application. Councillor Bowler stated that if approved the new frontage façade would be an improvement to the High Street, further adding the vibrancy of the town centre, as well as offering employment and increasing footfall. Regarding any concerns surrounding the Officer's report and recommendation, Councillor Bowler stated that though CP57 and CP58 were cited within the report, Highways and Public Protection did not raise any issues, therefore Councillor Bowler believed that if there was to be a degree of harm it would be to a lower scale. Additionally, if there were any issues regarding parking shortfall, this would be difficult to argue with the previous use of the property having been a supermarket and with additional parking at Borough Fields, a 5-minute walk away.

At the start of the debate a motion to move and accept the officer's recommendation was moved by Councillor Peter Hutton and seconded by Councillor David Bowler .

Prior to the debate, Senior Solicitor Dorcas Ephraim, mentioned that though on page 138 of the agenda pack there was within an objection of an intention to submit a legal injunction on the applicant that this should not deter the Committee from making a decision as this was a civil matter between the applicant and resident.

During the debate the issues included that there are other local examples of such businesses successfully managing with a limited parking provision, such as Bingham Hall in Cirencester. Additionally, it was noted that there was a typo within Condition 14 of the Officer's recommendation, with the omission of the word "No".

At the conclusion of the debate, it was,

**Resolved:**

**That planning permission be APPROVED subject to the following conditions:**

**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.**

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

**Location Plan P-0026-100b  
Existing Elevations P-0026-103A  
Existing Site Plan P-0026-101A  
Existing Floor Plans P-0026-102A  
Design and Access Statement  
All Received 28.05.2021  
Proposed Elevations 0026-115 REV C  
Proposed Floor Plans 0026-111 REV B  
Proposed Site Plan 0026-110 REV B  
All Received 27.10.2021**

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

**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) wheel washing facilities;**
- e) measures to control the emission of dust and dirt during construction;**
- f) a scheme for recycling/disposing of waste resulting from demolition and construction works; and**
- g) 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:** The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, and dangers to highway safety, during the construction phase.

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.

The materials to be used in the construction of the external surfaces of the development hereby permitted shall be as stated on the approved plans, Design and Access Statement and application form.

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

The use of the roof top terrace hereby permitted shall not be first brought into use until full details of the proposed privacy screening to the rear roof top terrace have been submitted to the Local Planning Authority, approved in writing and erected in accordance with the approved details. The erected screening shall be retained in situ as approved as long as the use of the roof top terrace continues.

**REASON:** In the interests of visual amenity and the character and appearance of the area and ensuring high design and place shaping such that appropriate levels of amenity are achievable.

The site shall be used for an Auction House including ancillary spaces (sui generis use) and Bistro/Café E (b) for no other purpose (including any other purpose in Class (Sui generis) or (E) 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.

No part of the development hereby permitted shall be brought into use until the access, turning area and parking 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.

No part of the development shall be brought into use until the cycle parking facilities shown on the approved plans have been provided in full and made available for use. The cycle parking facilities shall be retained for use in accordance with the approved details at all times thereafter.

**REASON:** To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than the private car.

No development shall commence on site until a scheme of works for the control and dispersal of atmospheric emissions, in particular odours, and including full details of required ventilation and extraction mechanical plant has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full before the development is first brought into use and shall be maintained in effective working condition at all times thereafter.

**REASON:** Ensuring high design and place shaping such that appropriate levels of amenity are achievable.

*Notes: In discharging this condition the applicant should ensure that the ventilation system discharges vertically at a height of at least 1m above the height of any nearby sensitive buildings or uses and not less than 1m above the eaves. In discharging this condition the applicant should consult EMAQ ref "Control of odour and noise from commercial kitchen exhaust systems" (Gibson, 2018)*

Prior to commencement an assessment of the acoustic impact arising from the operation of mechanical ventilation shall be undertaken in accordance with BS 4142: 2019. The assessment shall be submitted to the Local Planning Authority together with a scheme of attenuation measures to demonstrate the rated level of noise shall be: -5dB below background and is protective of local amenity.

Background levels are to be taken as a 15-minute LA90 at the boundary of the nearest residential noise-sensitive receptors.

The scheme shall be submitted to and approved in writing by the Local Planning Authority. A post installation noise assessment shall be carried out within 3 months of completion of the development to confirm compliance with the noise criteria and additional steps required to achieve compliance shall be taken, as necessary. The details as approved shall be implemented prior to occupation of the development and thereafter be permanently retained.

**REASON: Core policy 57, Ensuring high design and place shaping such that appropriate levels of amenity are achievable.**

***Notes: In discharging this condition the applicant should engage an Acoustic Consultant. The consultant should carry out a thorough background noise survey and noise assessment in accordance with:***

***BS4142:2019 (or any subsequent version) and demonstrate that the rated noise level is at least 5dB below the background noise level.***

**The Roof Terrace use hereby permitted shall only take place between the hours of 08:00 and 18:00 in the evening from Mondays to Fridays and between 09:00 and 17:00 in the evening on Saturdays. The use shall not take place at any time on Sundays and 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.**

**There shall be no customers/members of the public on the Auction Rooms and inside spaces (excluding the café/bistro) outside the hours of 08:00 - 20:00 Monday - Saturday and 10:00 - 18:00 Sunday and Bank Holiday. With respect to the café/bistro no customers/members of the public will be on site outside of the hours 08:00 – 23:00 Monday to Saturday and 10:00 – 22:00 Sundays and Bank Holidays.**

**REASON: Ensuring high design and place shaping such that appropriate levels of amenity are achievable.**

**No deliveries shall be made to or collections made from the development hereby approved except between the hours of: 08:00... and ..19:00... Monday to Saturday.**

**REASON: Ensuring high design and place shaping such that appropriate levels of amenity are achievable.**

## **INFORMATIVES**

**CIL 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).

**WP6** 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.

**WP13** 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.

**WP18** 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.

15 **Urgent Items**

There were no urgent items.

(Duration of meeting: 3.00pm – 7.20 pm)

The Officer who has produced these minutes is Ben Fielding of Democratic Services, direct line , e-mail [benjamin.fielding@wiltshire.gov.uk](mailto:benjamin.fielding@wiltshire.gov.uk)

Press enquiries to Communications, direct line ((01225) 713114 or email [communications@wiltshire.gov.uk](mailto:communications@wiltshire.gov.uk)