

## NORTHERN AREA PLANNING COMMITTEE

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### MINUTES OF THE NORTHERN AREA PLANNING COMMITTEE MEETING HELD ON 27 JANUARY 2016 AT COUNCIL CHAMBER - COUNCIL OFFICES, MONKTON PARK, CHIPPENHAM.

#### Present:

Cllr Tony Trotman (Chairman), Cllr Peter Hutton (Vice Chairman), Cllr Christine Crisp, Cllr Mollie Groom, Cllr Chris Hurst, Cllr Mark Packard, Cllr Sheila Parker, Cllr Toby Sturgis, Cllr Chuck Berry, Cllr Howard Greenman and Cllr Howard Marshall

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#### 1 Apologies

There were no apologies for absence.

#### 2 Minutes of the Previous Meeting

The Chairman presented the minutes of the previous meeting and noted that Cllr Ernie Clark was now a substitute member of the Committee and this would be reflected on future agendas.

#### **Resolved:**

**To approve as a true and correct record the minutes of the meeting held on 9 December 2015.**

#### 3 Declarations of Interest

There were no declarations of interest.

#### 4 Chairman's Announcements

There were no Chairman's announcements.

#### 5 Public Participation and Councillors' Questions

The Committee noted the rules on public participation.

#### 6 Planning Applications

7 **15-05255 109 & Foxlea, Gloucester Road, Malmesbury, Wiltshire, SN16 0BT**

Martin Spooner, John Gundry and Jessica Branton spoke against the application.

Chris Geddes spoke in support of the application.

Cllr Roger Budgen (Malmesbury Town Council) spoke against the application.

The planning officer introduced the report which recommended to delegate authority to the Area Development Manager to grant planning permission subject to the signing of a Section 106 agreement and the conditions and informatives, as amended by the late observations, outlined in the report. The application was for the demolition of existing dwellings and redevelopment to build 26 sheltered apartments for the elderly; photographs of the site and neighbouring buildings were shown. The officer highlighted on the plans that the existing lay-by would be extended as a result of the development and the design was in a contemporary style, as supported by the Conservation Officer. It was noted that concerns had been raised by the public and Town Council in relation to highways matters and drainage, however the Planning Authority's statutory consultees on these matters had raised no concerns, subject to the proposed conditions. Attention was drawn to the late observations which amended proposed condition number 26

The Committee was invited to ask technical questions and it was confirmed that the waiting restrictions from the existing lay-by would continue on the extended lay-by, therefore prohibiting parking. Roger Witt, Senior Highways Engineer, confirmed that he considered the proposed parking onsite to be adequate, since occupants of this type of accommodation were generally aged over 75 and therefore car ownership would be low. Parking had been set aside for electric buggies on site. The Case Officer confirmed that the Environment Agency and other statutory consultees on flooding and drainage had raised no concerns, subject to conditions.

Members of the public were then invited to speak as detailed above.

Local member, Cllr Simon Killane, was not able to attend the meeting, the Chairman raised concerns on his behalf in relation to: highways safety, insufficient resident and visitor parking, flooding and drainage, a design inappropriate to the street scene and the need for a Construction Method Statement.

Following the statements, the planning officer advised that a Construction Method Statement was required by way of condition. The Highways Engineer verified that the extension of the lay-by would not result in a loss of two existing parking spaces and the lay-by would prevent parking by way of double yellow lines, leaving it free for service vehicles. It was explained that the applicant had submitted surveys from similar sites to show that the average demand for parking at this type of dwelling was lower than proposed for this site. Officers highlighted that they did not have concerns over parking provision and that refuse collection and deliveries could be serviced from the layby. The planning officer advised that condition 15 related to floor levels and the building would be above the flood level. A drainage strategy would be required, should permission be granted, this would address issues such as permeable surfaces. It was noted that the Council's open space team considered the amenity space to be adequate. Officers emphasised that the contemporary design was proposed to allow a lower, less bulky site and the Conservation officer was in agreement.

In the debate that followed, many councillors expressed concern that there would be inadequate parking for residents, visitors and service vehicles entering the site as a result of the development. Other members commented that the proposal was not for an Extra-Care facility and therefore would not have many service vehicles visiting. Another point raised was that potential buyers would be aware that parking was at a premium and so would not purchase the properties should they need a parking space. It was explained that neighbour concerns about inappropriate parking on their land was not a planning consideration. Councillors differed in opinion about whether the design of the building was appropriate to the street scene and it was suggested that a more traditional design would be more appropriate. Other members were concerned about an increased flood risk as a result of the development.

The planning officer confirmed that all sites proposed for parking were within the boundary of the applicant's land.

Cllr Hutton, seconded by Cllr Sturgis, moved the officer's recommendation with the addition of an informative recommending that one of the parking spaces provided be allocated for service vehicles only. The motion was put to the vote and failed.

The Committee supported the principle of development on site however some councillors did not consider the proposal before them to be suitable redevelopment. Following a question from the Committee, officers advised that the application should be determined at Committee that day and that refusing the application on the grounds of highways and drainage concerns would not be defensible since the planning authority's consultees on these matters had raised no objections to the development. The size and scale of the development was discussed and it was suggested that the development would be more in-keeping with the locality if the design featured more natural stone in the front elevation. Members acknowledged that further parking could not be required by way of condition and expressed disappointment in the number of parking spaces provided.

Cllr Hutton, seconded by Cllr Sturgis, moved the officer's recommendation with the addition of informatives recommending that one of the parking spaces provided be allocated for service vehicles only and that building materials be adjusted to be more in-keeping with the local area, using Cotswold stone where suitable. The motion was put to the vote and passed.

The Committee requested that the additional informative on building materials be stressed to the applicant.

**Resolved:**

**To delegate authority to the Area Development Manager to grant planning permission subject to the signing of a Section 106 agreement and the following conditions and informatives:**

- 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. No part of the development hereby permitted shall be occupied until the access, layby, 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.

3. No development shall commence on site until the exact 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:** 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, in the interests of visual amenity and the character and appearance of the area.

4. No development shall commence on site until details of all eaves, verges, windows (including head, sill and window reveal details), doors, rainwater goods, chimneys, dormers and canopies 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:** 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, in the interests of visual amenity and the character and appearance of the area.

5. No development shall commence on site (including any works of demolition), until Construction Method Statement, which shall include the following:
  - a) the parking of vehicles of site operatives and visitors;
  - b) loading and unloading of plant and materials;
  - c) storage of plant and materials used in constructing the development;
  - d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
  - e) wheel washing facilities;
  - f) measures to control the emission of dust and dirt during construction;
  - g) a scheme for recycling/disposing of waste resulting from demolition and construction works; and
  - h) measures for the protection of the natural environment.
  - i) hours of construction, including deliveries;
  - j) proposals for the demolition of existing buildings on site;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 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, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase.

6. No part of the development shall be occupied until all the existing buildings on site have been permanently demolished and all of the demolition materials and debris resulting there from has been removed from the site.

**REASON:** In the interests of the character and appearance of the area and neighbouring amenities.

7. No development shall commence on site (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include, but not necessarily be limited to, the following:
  - a) Risk assessment of potentially damaging construction activities
  - b) Identification of 'biodiversity protection zones'
  - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements)
  - d) The location and timing of sensitive works to avoid harm to biodiversity features
  - e) The times during construction when specialists ecologists need to be present on site to oversee works
  - f) Responsible persons and lines of communication
  - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person(s)
  - h) Use of protective fences, exclusion barriers and warning signs.
  - i) Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works.The CEMP is also required to demonstrate how the following will be prevented:
  - Pollution and physical damage of the River Avon and its banks
  - Impacts upon protected species including birds, reptiles and water vole

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details. A report prepared by a competent person(s), certifying that the required mitigation and/or compensation measures identified in the CEMP have been completed to their satisfaction, shall be submitted to the Local Planning Authority within 3 months of the date of substantial completion of the development or at the end of the next available planting season, whichever is the sooner.

**REASON:** To ensure adequate protection, mitigation and compensation for protected species, priority species and priority habitats.

8. Prior to commencement of development including site clearance, a reptile translocation exercise shall be carried out in accordance with the measures set out in the submitted Phase 2 Reptile Survey report (ECOSA,

dated 27th August) unless otherwise agreed in writing by the Local Planning Authority.

**REASON:** To ensure adequate protection, mitigation and compensation for protected species, priority species and priority habitats.

9. 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:-
- indications of all existing trees and hedgerows on the land;
  - details of any to be retained, together with measures for their protection in the course of development;
  - all species, planting sizes and planting densities to be included in a Planting Specification, spread of all trees and hedgerows within or overhanging the site, in relation to the proposed buildings, roads, and other works;
  - finished levels and contours;
  - means of enclosure;
  - car park layouts;
  - other vehicle and pedestrian access and circulation areas;
  - hard 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.

**REASON:** To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

10. 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.

11. No development shall commence on site until an investigation of the history and current condition of the site to determine the likelihood of the existence of contamination arising from previous uses has been carried out and all of the following steps have been complied with to the satisfaction of the Local Planning Authority: Step (i) A written report has

been submitted to and approved by the Local Planning Authority which shall include details of the previous uses of the site and any adjacent sites for at least the last 100 years and a description of the current condition of the sites with regard to any activities that may have caused contamination. The report shall confirm whether or not it is likely that contamination may be present on the site and the potential impact of any adjacent sites.

Step (ii) If the above report indicates that contamination may be present on, under or potentially affecting the proposed development site from adjacent land, or if evidence of contamination is found, a more detailed site investigation and risk assessment should be carried out in accordance with DEFRA and Environment Agency's "Model Procedures for the Management of Land Contamination CLR11" and other authoritative guidance and a report detailing the site investigation and risk assessment shall be submitted to and approved in writing by the Local Planning Authority.

Step (iii) If the report submitted pursuant to step (i) or (ii) indicates that remedial works are required, full details must be submitted to the Local Planning Authority and approved in writing and thereafter implemented prior to the commencement of the development or in accordance with a timetable that has been agreed in writing by the Local Planning Authority as part of the approved remediation scheme. On completion of any required remedial works the applicant shall provide written confirmation to the Local Planning Authority that the works have been completed in accordance with the agreed remediation strategy.

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

12. No construction or demolition work shall take place on Sundays or Public Holidays or outside the hours of 07:30 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays.

**REASON:** In the interests of the amenities of the area.

13. No burning of waste or other materials shall take place on the development site during the demolition/construction phase of the development.

**REASON:** In the interests of the amenities of the area.

14. 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 spillage 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.

**15. Finished floor levels shall be set no lower than 72.23 metres above Ordnance Datum.**

**REASON: To reduce the risk of flooding to the proposed development and future occupants.**

**16. The development permitted by this planning permission shall only be carried out in accordance with the Flood Risk Assessment (Mott MacDonald, Rev A, dated 29 May 2015) and the provision of compensatory flood storage at the site (paragraph 5.5.1).**

**REASON: To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided.**

**17. No part of the development shall be occupied until a Flood Warning and Evacuation Plan has been submitted to and approved in writing by the Local Planning Authority.**

**REASON: To reduce the risk of flooding to the proposed development and future occupants.**

**18. No development approved by this permission shall commence until a scheme for water efficiency has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the agreed details.**

**REASON: In the interests of sustainable development and climate change adaptation**

**19. No development shall take place until a scheme for the provision and management of a five metre wide buffer zone alongside the watercourse shall be submitted to and agreed in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the local planning authority. The buffer zone scheme shall be free from built development including lighting, domestic gardens and formal landscaping; and could form a vital part of green infrastructure provision. The schemes shall include:**

- plans showing the extent and layout of the buffer zone**
- details of any proposed planting scheme (for example, native species)**
- details demonstrating how the buffer zone will be protected during development and managed/maintained over the longer term including adequate financial provision and named body responsible for management plus production of detailed management plan**
- details of any proposed footpaths, fencing, lighting etc.**

**REASON: To protect and enhance the river environment. This condition is supported by the National Planning Policy Framework (NPPF), paragraph 109. The Natural Environment and Rural Communities Act which requires Local Authorities to have regard to nature conservation and article 10 of the Habitats**



**Directive which stresses the importance of natural networks of linked corridors to allow movement of species between suitable habitats, and promote the expansion of biodiversity.**

**20. No development shall commence on site until a scheme for the discharge of foul water from the site has been submitted to and approved in writing by the Local Planning Authority.**

**REASON: To ensure that the development can be adequately drained**

**21. The development shall not be first occupied until foul water drainage has been constructed in accordance with the approved scheme.**

**REASON: To ensure that the development can be adequately drained**

**22. 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 together with permeability test results to BRE365, has been submitted to and approved in writing by the Local Planning Authority.**

**REASON: To ensure that the development can be adequately drained**

**23. The development shall not be first occupied until surface water drainage has been constructed in accordance with the approved scheme.**

**REASON: To ensure that the development can be adequately drained**

**24. No development shall commence on site until a scheme for the provision of flood compensation volume to cater for loss of flood volume from river and ground water levels which the proposed under and above ground development works would cause, has been submitted to and approved in writing by the Local Planning Authority.**

**REASON: To ensure that the development can be adequately drained**

**25. The development shall not be first occupied until surface water drainage has been constructed in accordance with the approved scheme.**

**REASON: To ensure that the development can be adequately drained**

**26. The dwellings hereby approved shall achieve a level of energy performance at or equivalent to Level 4 of the Code for Sustainable Homes. No dwelling shall be occupied until evidence has been issued and submitted to, and approved in writing by, the local planning authority certifying that this level or equivalent has been achieved.**

**REASON: To ensure that the objectives of sustainable development equal or equivalent to those set out in Policy CP41 of the Wiltshire Core Strategy are achieved.**

**27. No development shall commence on site until details of recycling facilities (including location and range of facilities) have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the approved recycling facilities have been completed and made available for use in accordance with the approved details and they shall be subsequently maintained in accordance with the approved details thereafter.**

**REASON: In the interests of public health and safety.**

**28. The development hereby permitted shall be carried out in accordance with the following approved plans and documentation:**  
**Supporting Stakeholder Engagement Statement by Planning Issues Ltd**  
**Design and Access Statement by Planning Issues Ltd**  
**Affordable Housing Statement by Planning Issues Ltd**  
**Arboricultural Impact Appraisal and Method Statement by Barrell Tree Care**  
**Heritage Statement by Ecus Environmental Consultants**  
**Archaeological Desk-based Assessment by CgMs Consulting**  
**Transport Statement by Mott MacDonald**  
**Sequential Test by Planning Issues Ltd**  
**Landscaping Strategy and Image sheets by UBU**  
**Housing Needs Assessment by David Couttie Associates**  
**Phase 1 Habitat Survey by ECOSA**  
**Desk Study Appraisal by Crossfield Consulting**  
**Received on 29/05/2015**  
**Phase 2 Reptile Survey by ECOSA**  
**Received on 27/08/2015**  
**Flood Risk Assessment by Mott MacDonald**  
**Received on 06/07/2015**  
**Ground Floor Plan - 10075MB PL003 Rev B**  
**First Floor Plan - 10075MB PL004 Rev C**  
**Second Floor Plan - 10075MB PL005 Rev B**  
**Roof Plan - 10075MB PL006 Rev B**  
**Front Elevation - 10075MB PL007 Rev D**  
**North Elevation - 10075MB PL008 Rev D**  
**South Elevation - 10075MB PL009 Rev D**  
**Received on 27/08/2015**  
**Site Plan - 10075MB PL002 Rev B**  
**Received on 12/01/2016**

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

**29. INFORMATIVE TO APPLICANT:**

**This permission shall be read in conjunction with an Agreement made under Section 106 of the Town and Country Planning Act, 1990 and dated the XXXX.**

**30. 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.**

**31. 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.

**32. 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.

**33. 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.

**34. INFORMATIVE TO APPLICANT:**

The application involves the creation of a new 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, carriageway, verge or other land forming part of the highway. Please contact our Vehicle Crossing Team on [vehicleaccess@wiltshire.gov.uk](mailto:vehicleaccess@wiltshire.gov.uk) and/or 01225 713352.

**35. INFORMATIVE TO APPLICANT:**

The applicant is advised that the development hereby approved represents chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. A separate Community Infrastructure Levy Liability Notice will be issued by the Local Planning Authority. Should you require further information with regards to CIL please refer to the Council's Website [www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy](http://www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy)

**36. INFORMATIVE TO APPLICANT:**

Under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws the prior written consent (Flood Defence Consent) of the Environment Agency is required for any proposed works (permanent or temporary) or structures in, under, over or within 8 metres of the top of the bank of the Tetbury Avon, designated a 'main' river. The need for this consent is over and above the need for planning consent. The applicant is

advised to contact Daniel Griffin on 01258 483421 to discuss the scope of our controls.

**37. INFORMATIVE TO APPLICANT:**

The development should include water efficient systems and fittings. These should include dual-flush toilets, water butts, water-saving taps, showers and baths, and appliances with the highest water efficiency rating (as a minimum). Greywater recycling and rainwater harvesting should be considered. An appropriate submitted scheme to discharge the condition will include a water usage calculator showing how the development will not exceed a total usage level of 110 litres per person per day.

**38. INFORMATIVE TO APPLICANT:**

Safeguards should be implemented during the construction phase to minimise the risks of pollution from the development. Such safeguards should cover:

- the use of plant and machinery
- oils/chemicals and materials
- wheel washing and disposal of dirty water
- the use and routing of heavy plant and vehicles
- the location and form of work and storage areas and compounds
- the control and removal of spoil and wastes.

The applicant should refer to the Environment Agency's Pollution Prevention Guidelines at:

<https://www.gov.uk/government/collections/pollution-prevention-guidance-ppg>

**39. 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.

**40. INFORMATIVE TO APPLICANT**

The applicant should allocate or keep free one parking space for service vehicles.

**41. INFORMATIVE TO APPLICANT**

When submitting details to discharge planning condition 2 of the permission there is an expectation that natural local stone, which is a characteristic of the conservation area and town, is used in the approved scheme.

8 **Urgent Items**

There were no urgent items.

(Duration of meeting: 3.00 - 4.25 pm)

The Officer who has produced these minutes is Libby Beale, of Democratic Services,  
direct line 01225 718214 , e-mail [Elizabeth.beale@wiltshire.gov.uk](mailto:Elizabeth.beale@wiltshire.gov.uk)

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