

STRATEGIC PLANNING COMMITTEE

MINUTES OF THE STRATEGIC PLANNING COMMITTEE MEETING HELD ON 26 APRIL 2017 AT COUNCIL CHAMBER - COUNTY HALL, TROWBRIDGE BA14 8JN.

Present:

Cllr Andrew Davis (Chairman), Cllr Tony Trotman (Vice Chairman), Cllr Trevor Carbin, Cllr Stewart Dobson, Cllr Charles Howard, Cllr David Jenkins, Cllr Christopher Newbury, Cllr Fred Westmoreland, Cllr Magnus Macdonald (Substitute) and Cllr Bridget Wayman

Also Present:

Cllr Toby Sturgis, Cllr Mollie Groom, Cllr Chris Hurst and Cllr Richard Britton

12 Apologies

Apologies were received from Councillor Glenis Ansell, who was substituted by Councillor Magnus Macdonald, who was present for application 16/09386/WCM only.

13 Minutes of the Previous Meeting

The minutes of the meeting held on 8 February 2017 were presented for consideration and it was,

Resolved:

To approve and sign as a true and correct record the minutes of the meeting held on 8 February 2017.

14 Declarations of Interest

Councillor David Jenkins declared a non-pecuniary interest in application 16/09386/WCM by virtue of being a member of the Wiltshire Wildlife Trust. He stated he would consider the application with an open mind.

Councillor Andrew Davis declared that in addition to many communications from members of the public he had received an unsolicited gift of a book from a member of the public lobbying regarding application 16/09386/WCM. He stated he would be donating the book to charity and would continue to consider all information relating to the application on its merits and with an open mind.

15 **Chairman's Announcements**

During the meeting it was announced that it was the final meeting of the Strategic Planning Committee before the May 2017 Unitary Elections. The Chairman thanked all members for their service to the Committee and the people of Wiltshire over the past four years.

16 **Public Participation**

The rules on public participation were noted.

17 **14/08060/OUT - Land at Marsh Farm, Coped Hall, Royal Wootton Bassett, SN4 8ER - Mixed Development of up to 320 Dwellings, Community Hub comprising of 500sq m of A1/A2/A3/A4/A5/D1 & D2 Uses, Public Open Space, Landscaping, Extension to Approved Sports Hub & Access**

Public Participation

Stephen Walls, James Shannon, Brenda Lyall and Alan Butler spoke in objection to the application.

Cllr Peter Willis, Chairman of Lydiard Tregoze Parish Council, and Paul Heaphy, Chairman of Planning on Royal Wootton Bassett Town Council, spoke in objection to the application.

The Development Management Team Leader, Mr Lee Burman, presented a report which recommended that planning permission for a mixed development of up to 320 Dwellings, Community Hub comprising of 500sqm of A1/A2/A3/A4/A5/D1 & D2 Uses, Public Open Space, Landscaping, Extension to Approved Sports Hub & Access, be refused.

Key issues included the scale and impact of development outside the settlement boundary, accordance with local and national policies, highways and drainage. Attention was drawn to the late representations and comments that had been received, and that a site visit had taken place by the Committee.

It was also explained that the item had been considered at the previous meeting on 8 February 2017 before being deferred, where it had been recommended for approval. This had been as a result of the council at that time being unable to demonstrate a five-year housing land supply, requiring a balancing of the positives and negatives of the scheme despite lack of adherence to the Wiltshire Core Strategy. Since that time a Planning Inspector had ruled the council's Site Allocation Development Plan document for Chippenham to be sound, and it was anticipated to be approved by Council on 16 May 2017 following the resolution of the Cabinet in March 2017 recommending that the Council adopt it. This significant change had resulted in the Council issuing an updated Housing Land Supply Statement in March that concluded that the Council could demonstrate a five year land supply for the north and west housing market area. This change meant that the policies in the Wiltshire Core Strategy relating to housing land supply could now be considered up to date, giving significant weight to the Core Strategy.

It was also clarified that one of the reasons for refusal was Core Policy 19, rather than Core Policy 18 as incorrectly listed in the report at one point.

Members of the Committee then had the opportunity to ask technical questions of the officers.

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

Local Unitary Councillors Mollie Groom and Chris Hurst then spoke in objection to the application. A statement in objection on behalf of Local Unitary Councillor Allison Bucknell was also read. Local Unitary Councillor Mary Champion was unable to attend but the Committee was informed she objected to the application.

A debate then followed where Councillor Trevor Carbin moved that the application be refused in accordance with the officer's recommendation, seconded by Councillor Christopher Newbury.

It was then,

Resolved:

That planning permission be refused for the following reasons:

- 1) The proposals by virtue of scale and location in the open countryside outside of any defined settlement boundary on land not allocated for development are contrary to the Wiltshire Core Strategy (Adopted January 2015) Core Policies CP1, CP2, CP19 and National Planning Policy Framework (NPPF) paragraphs 7, 14, 17.**
- 2) The proposals by virtue of scale and location will result in the loss of open countryside resulting in harm to the character and appearance of the locality contrary to Wiltshire Core Strategy (Adopted January 2015) Core Policies CP51 and CP57 (I, ii & iii) and National Planning Policy Framework (NPPF) paragraphs 17 & 109.**
- 3) The application fails to meet the identified and necessary supporting services and infrastructure requirements generated by the development, including Affordable Housing, Education, Highways and Open Space Management and is therefore in conflict with Wiltshire Core Strategy (Adopted January 2015) Core Policies CP3, CP43, CP60 & CP61; and National Planning Policy Framework (NPPF) paragraphs 2, 7, 17 & 196.**

18 **16/06995/FUL - Land North of Malmesbury Road, Royal Wootton Bassett, SN4 8AY - Hybrid Application for a 2,469 m2 (GIA) supermarket with access and landscaping (detail), and Class C2 care home of up to 3,000 m2 (outline)**

Public Participation

Stephen Walls, James Shannon, John Wilks Chair of the Town Team and Chris Wannell spoke in objection to the application.

Steve Sensecall, agent, spoke in support of the application.

Cllr Peter Willis, Chairman of Lydiard Tregoze Parish Council, and Paul Heaphy, Chairman of Planning on Royal Wootton Bassett Town Council, spoke in objection to the application.

The Development Team Leader, Mr Lee Burman, presented a report which recommended that permission be granted subject to the signing of a section 106 agreement for a Hybrid Application for a 2,469 m2 (GIA) supermarket with access and landscaping (detail), and Class C2 care home of up to 3,000 m2 (outline). The 33 senior living residential units previously included with the application had been removed following amendment of the application. The amended application was therefore only for the supermarket and care home, and any references on the agenda or in the report were in error following the deferral from the previous meeting.

Key issues were stated to include scale and impact of the development outside the settlement boundary, access, impact on retail and highways. Attention was drawn to the late representations and comments, and being on the same area as the preceding application, a site visit had taken place by the Committee. It was stated that retail and elderly persons care accommodation development outside the settlement boundary was permitted under policy subject to various assessment criteria and officers were of the view the application met the necessary sequential tests, and that comprehensive information had been submitted to address any drainage concerns regarding the site, and extensive conditions were felt to address the concerns that had been raised in other areas.

It was also confirmed that should the recommendation for approval be accepted, the application would need to be referred to the Secretary of State for Communities and Local Government before the Council could grant planning permission.

Members of the Committee then had the opportunity to ask technical questions of the officer. Further details were sought on the flood risk assessment and operation of the proposed care home. It was stated officers had been informed by the applicants an operator was already lined up for the proposed care home should permission be granted.

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

Local Unitary Councillors Mollie Groom and Chris Hurst then spoke in objection to the application. A statement in objection on behalf of Local Unitary Councillor Allison Bucknell was also read. Local Unitary Councillor Mary Champion was unable to attend but the Committee was informed she objected to the application.

A debate followed, where details of vehicle and pedestrian access, and the impact on the town high street were raised, including discussion of the report on the impact of the supermarket on retail in the town. The scale of the development on the site outside the settlement boundary in the open countryside was emphasised.

A motion to refuse the application was moved by Councillor Tony Trotman, seconded by Councillor Stuart Dobson, and following debate it was resolved that consent ought to be refused due to the harmful impact to the character and appearance of the area resulting in loss of open countryside, with this harm not being outweighed by any benefits as the proposed development was not considered to be necessary or needed and poorly related to the town and its services and facilities. In this context the development of the care home was identified as in conflict with CP46 criteria ix.

Resolved:

That planning permission be refused for the following reason:

The proposals by virtue of their scale and location in an open field beyond the built-up limits of the settlement will result in the loss of open countryside resulting in harm to the character and appearance of the locality, contrary to Wiltshire Core Strategy (Adopted January 2015) Core Policies CP46 (ix), CP51 and CP57 (I, ii & iii) and National Planning Policy Framework (NPPF) paragraphs 17 & 109.

The Committee requested it be recorded that its decision had been unanimous.

A recess was taken from 1240-1250.

- 19 **16/09386/WCM - Brickworth Quarry, Whiteparish, Salisbury, SP5 2QE - Proposed extension of Brickworth Quarry (Minerals Local Plan Site Allocation Areas A and B) for the extraction of sand, infill with imported inert materials and quarry waste and restoration to commercial forestry and agriculture at original ground levels; retention of plant site and storage areas.**

Public Participation

Dr Peter Claydon on behalf of the Campaign for the Protection of Rural England, Ivor Ellis on behalf of the Whiteparish Preservation Group and Gordon King spoke in objection to the application.

Robert Westell, Applicant, spoke in support of the application.

Cllr Leo Randall on behalf of Whiteparish Parish Council spoke in objection to the application.

The Minerals and Waste Planning Officer, Jason Day, presented a report which recommended that permission be granted for the proposed extension of Brickworth Quarry (Minerals Local Plan Site Allocation Areas A and B) for the extraction of sand, infill with imported inert materials and quarry waste and restoration to commercial forestry and agriculture at original ground levels; retention of plant site and storage areas.

Key issues included the principle of development, loss of area classified as ancient woodland, need for and supply of minerals, ecology and landscape and visual impact. The site had been in operation for many years and was seeking an extension, and the site was identified in the Wiltshire and Swindon Minerals Site Allocations Local Plan as suitable for future mineral working. The woodland was a commercial coniferous crop ready for felling and the site would be replanted with native broadleaf trees over an increased area.

Members of the Committee then had the opportunity to ask technical questions of the officers, including a council ecologist. Details were sought on the material that would fill the quarry void and standard of replanting required.

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

The Local Unitary Councillor, Councillor Richard Britton, then spoke in objection to the application, highlighting the irreplaceability of designated ancient woodland sites and, despite the commendable management of the existing site by the developers, felt the need did not outweigh the harm caused by the application.

A debate followed, where the details of soil handling and replacement were discussed, along with the commercial nature of the existing trees on the site, the need for minerals and the lack of objection from Natural England. It was noted that the site was included within the Development Plan, and the council could be acting unreasonably to refuse an application without very clear reasons to indicate why the proposals were not in accordance with the Plan.

A motion to approve the application in accordance with the officer's recommendation was moved by Councillor Christopher Newbury, seconded by Councillor Charles Howard, and 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. Written notification of the date of commencement shall be sent to the Mineral Planning Authority within 7 days of such commencement.**

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 limited to a period of eleven years from notified date of commencement of the development by which time extraction/tipping operations shall have ceased and the site shall have been restored in accordance with Drawing No. B19/RBA/2/09/E dated 15/09/16.

REASON: To ensure development is carried out in accordance with submitted application and approved details.

- 3) The development hereby permitted shall be carried out and completed in all respects strictly in accordance with the following approved plans and as stipulated in the conditions set out below together with those further details required to be submitted for approval:

- Drawing Ref: BRCKPLAN1608 Drawing No 7 C dated 12.09.2016
- Drawing Ref: BRCKPLAN1608 Drawing No 8 C dated 12.09.2016
- Drawing Ref: BRCKPLAN1608 Drawing No 9 C dated 12.09.2016
- Drawing Ref: BRCKPLAN1608 Drawing No 10 C dated 12.09.2016
- Drawing Ref: BRCKPLAN1608 Drawing No 11 C dated 12.09.2016
- Drawing Ref: BRCKPLAN1608 Drawing No 12 C dated 12.09.2016
- Drawing Ref: BRCKPLAN1608 Drawing No 13 B dated 12.09.2016
- Drawing Ref: BRCKPLAN1608 Drawing No 14 B dated 12.09.2016
- Drawing Ref: BRCKPLAN1608 Drawing No 15 B dated 12.09.2016
- Drawing Ref: BRCKPLAN1608 Drawing No 16 B dated 12.09.2016
- Drawing Ref: BRCKPLAN1608 Drawing No 17 B dated 12.09.2016
- Drawing Ref: BRCKPLAN1608 Drawing No 18 B dated 12.09.2016
- Drawing No. B19/RBA/2/09 E dated 15/09/16.

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

- 4) No development shall commence until the applicant or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to, and approved in writing by, the Mineral Planning Authority and that programme shall thereafter be implemented as approved.

REASON: To enable sites of archaeological interest to be adequately investigated and recorded.

- 5) No development shall commence until a detailed Construction Environment Management Plan (CEMP), incorporating an Ecological

Monitoring Strategy, has been submitted to and approved in writing by the Mineral Planning Authority. The Plan shall incorporate all the avoidance and mitigation measures for mineral, ecological, landscape and restoration operation programmes as set out in the following documents contained within the Environmental Statement:

- Chapter 10 of the Hydrogeological and Hydrological Environmental Impact Assessment and Flood Risk Assessment prepared by GWP Consultants LLP dated September 2016;
- Chapter 5 of the Impact Assessment on Soil Resources prepared by Askew Land and Soil Ltd dated 16 September 2016;
- Chapter 15 of the Ecological Assessment prepared by Ward Associates dated September 2016; and
- Chapter 5 of the Landscape and Visual Impact Assessment prepared by Corylus Planning and Environmental Ltd dated September 2016

Thereafter the development shall be fully undertaken in accordance with the approved CEMP.

REASON: To secure the mitigation measures contained in the Environmental Statement in the interest of protecting environmental quality and of biodiversity.

- 6) No development shall take place until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the Mineral Planning Authority. The plan shall include details and specifications for the management of habitats and other features of biodiversity interest. Thereafter the development shall be fully undertaken in accordance with the approved LEMP.

REASON: To provide a reliable process for aftercare and remedial measures to ensure the protection and survival of important protected and notable species and features of nature conservation importance.

- 7) The development hereby permitted shall not be commenced until such time as a scheme for each of the following has been submitted to, and approved in writing by, the Mineral Planning Authority:
- a. *the storage of materials;*
 - b. *the storage of chemicals;*
 - c. *the storage of oil;*
 - d. *the storage of hazardous materials;*
 - e. *the proposed method of working;*
 - f. *the proposed phasing of development;*
 - g. *the proposed maintenance and after-care of the site;*
 - h. *future landscaping;*
 - i. *the provision of road and wheel cleaning facilities;*
 - j. *proposed scheme for groundwater and surface water monitoring on and off site designed to ensure the protection of off-site potential*

receptors as identified in GWP Consultants Hydrogeological and Hydrological Environmental Impact Assessment and Flood Risk Assessment for the Proposed Quarry and Inert Fill Extension Areas at Brickworth Quarry for Raymond Brown Minerals and Recycling Ltd, dated September 2016.

Any such scheme shall be supported, where necessary, by detailed calculations; include a maintenance programme; and establish current and future ownership of the facilities to be provided. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or any details as may subsequently be agreed, in writing, by the Mineral Planning Authority.

REASON: Protection of the water environment is a material planning consideration and development proposals, including mineral extraction, should ensure that new development does not harm the water environment. In this case the proposal poses a threat to water quality because of the location within SPZ3 of Woodgreen PWS, the proximity to the Drinking Water Protected Area Groundwater Safeguard Zone, two private water abstractions down gradient of the site. and Carbonne SSSI which receives spring flow when the watertable is elevated.

- 8) Nothing other than inert waste shall be imported into the site and used in the restoration of the site.

REASON: Waste materials outside these categories raise environmental and amenities issues which would require consideration afresh.

- 9) No operations authorised by this permission shall take place outside of the following times:

Soil stripping and overburden removal: Monday – Friday 07.30 – 17.00

Mineral extraction and infilling: Monday – Friday 07.30 – 17.00
Saturday 07.30 – 12.00

There shall be no working on Sundays or Bank or Public Holidays.

REASON: To protect local amenity.

- 10) During the permitted working hours the freefield equivalent continuous noise level (LAeq, 1 hour) for the period due to mineral extraction and waste importation and depositing operations shall not exceed 55dB as recorded at the boundary of the nearest inhabited property.

REASON: To safeguard the amenity of local residents.

11) No plant, equipment and machinery including vehicles shall be operated on the site unless equipped with effective silencing equipment that has been installed and is maintained at all times in accordance with the manufacturer's, and/or supplier's instructions.

REASON: In the interests of neighbouring amenity.

12) No mobile plant or vehicles shall be operated on the site other than those with a 'white noise' type of reversing warning alarm system, or an alternative system approved in writing by the Mineral Planning Authority.

REASON: In the interests of neighbouring amenity.

13) The Dust Assessment and Dust Control Management Scheme prepared by DustScan Ltd dated September 2016 shall be implemented from the date of commencement of the development and shall be complied with at all times for the duration of the development hereby permitted.

REASON: To protect the amenities of the locality from the effects of any dust arising from the development.

14) All vehicles shall enter and leave the site via the existing junction onto the A36 Brickworth Corner and no other point.

REASON: In the interests of highway safety and to protect the amenities of the local area.

15) Except for sand, no mineral, topsoil or subsoil shall be exported from the site.

REASON: To ensure the preservation of such materials for use in restoration and landscaping.

16) No materials shall be stockpiled or stored at a height greater than 5 metres when measured from adjacent ground level.

REASON: In the interest of landscape character.

17) All restored areas of the Site shall undergo aftercare management for a 5 year period. The aftercare period for each part of the site will begin once the restoration condition for the relevant part of the site has been met, the date of which shall be notified in writing to the Mineral Planning Authority within 21 days.

REASON: To ensure that the site is restored to an acceptable standard.

18) An aftercare scheme, requiring that such steps as may be necessary to bring each phase of the land reclaimed under condition 2 to the required standard for use for forestry and agriculture shall be submitted for the approval of the Mineral Planning Authority not later than 6 months prior to

the start of aftercare on all or part of the site and thereafter be implemented as approved.

REASON: To ensure satisfactory aftercare suitable for the intended afteruse.

19) In the event of a cessation of winning and working of minerals prior to the achievement of the completion of the approved scheme as defined in this permission, and which in the opinion of the Local Planning Authority constitutes a permanent cessation within the terms of paragraph 3 of Schedule 9 of the Town and Country Planning Act 1990, a revised scheme, to include details of reclamation and aftercare, shall be submitted in writing for approval to the Local Planning Authority, within 6 months of the cessation of winning and working. The site shall be restored and landscaped in accordance with that approved revised scheme and within the timescale set out therein.

REASON: To enable the Local Planning Authority to adequately control the development and to ensure that the land is restored to a condition capable of beneficial afteruse.

20 **Date of Next Meeting**

The date of the meeting was confirmed as 24 May 2017.

21 **Urgent Items**

There were no urgent items.

(Duration of meeting: 10.35 am - 2.00 pm)

The Officer who has produced these minutes is Kieran Elliott of Democratic Services, direct line 01225 718504, e-mail kieran.elliott@wiltshire.gov.uk

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