

NORTHERN AREA PLANNING COMMITTEE

MINUTES OF THE NORTHERN AREA PLANNING COMMITTEE MEETING HELD ON 16 MAY 2018 AT COUNCIL CHAMBER - COUNCIL OFFICES, MONKTON PARK, CHIPPENHAM, SN15 1ER.

Present:

Cllr Tony Trotman (Chairman), Cllr Christine Crisp, Cllr Howard Greenman, Cllr Gavin Grant, Cllr Mollie Groom, Cllr Chris Hurst, Cllr Toby Sturgis, Cllr Brian Mathew, Cllr Ashley O'Neill and Cllr Jacqui Lay (Substitute)

Also Present:

Cllr Andy Phillips and Cllr Allison Bucknell

1 **Apologies**

Apologies were received from Cllr Chuck Berry.

Cllr Chuck Berry was substituted by Cllr Jacqui Lay.

2 **Minutes of the Previous Meeting**

The minutes of the meeting held on 21st March 2018 were presented.

Resolved:

To approve as a true and correct record and sign the minutes.

3 **Declarations of Interest**

Cllr Toby Sturgis declared an interest in agenda item no. 7b as he was a member of County Farms, which adjoins the Equestrian Centre site. He declared he would participate in the debate and vote for the item with an open mind.

4 **Chairman's Announcements**

There were no Chairman's announcements.

5 **Public Participation**

The Committee noted the rules on public participation.

6 **Planning Appeals and Updates**

The Committee noted the contents of the appeals update.

7 **Planning Applications**

To consider and determine the following planning applications:

8 **17/09445/FUL - Land at Hungerdown Lane/Bristol Road, Chippenham**

Public Participation

Sheila Copeman, Governor Hardenhuish School, Chippenham, spoke in objection to the application.

Graham Smithson, local resident, spoke in objection to the application.

Ian O’Gorman, applicant, spoke in support of the application.

Richard Stephens, GreenSquare Group Ltd, spoke in support of the application.

Nina Phillips, Chippenham Town Council, spoke in objection to the application.

The Planning Officer, Charmian Eyre-Walker, introduced a report which recommended granting planning permission, subject to conditions, for the construction of 35 100% affordable dwellings with associated car parking, hard and soft landscaping, and a new Lidl Neighbourhood Discount Foodstore, with associated car parking, landscaping and access arrangements.

Key issues highlighted included, principle of the development, impact on town centre vitality and viability, impact on highway safety and convenience, design, drainage and impact on heritage assets. The Officer drew attention to received Late Observations and a need to vary the recommended condition relating the necessary legal agreement to include contributions towards waste and recycling facilities.

Members of the Committee then had the opportunity to ask technical questions of the officer which focused on: the impact of the developments on the surrounding highway and the impact of the proposed zebra crossing in directing school children away from the site.

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

Councillor Andy Phillips, Division Member, spoke in objection to the application with the main points focusing on: the impact and location of the GreenSquare application on the surrounding area, access onto Hungerdown Lane and conflict with pedestrians in particular school children, support for the Hardenhuish School campaign for a crossing and reduced speed limit, the capacity of the Hathaway Wedical Centre car park.

At the start of the debate a proposal was moved by Councillor Tony Trotman and seconded by Councillor Toby Sturgis to grant planning permission as detailed in the report, taking into account the amended and additional conditions detailed in the late observations report. During the debate the main points raised were: traffic congestion would be evenly spread throughout the opening hours of the store, based on the observations of other Lidl sites, limited conflict with early morning or early evening rush hour, the offer from Lidl was different to the offer of other town centre businesses and therefore the element of

competition with the town centre would be very minimal, potential for congestion in the area, the need to limit construction vehicles along Hardenhuish lane, no street parking on the access to the residential development during construction, the need for routing plans for construction traffic and references to Core Policy 61, sub section G, point ii.

Resolved:

To Grant planning permission, 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. No development shall commence on each phase of the development 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 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, in the interests of visual amenity and the character and appearance of the area

- 3. The development shall be carried out as specified in the approved Arboricultural Method Statement (AMS) prepared by Swan Paul Partnership dated 2017 and Tree Protection Plan Drawing No. SPP.2086.003 Rev A. All works shall be carried out in accordance with BS3998:2010 and shall be supervised by an arboricultural consultant, if required.**

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

- 4. The development hereby permitted shall be carried out in accordance with the following approved plans: P102D; P101D; P100Ereceived 30th April 2018; P/AL/205B Adwell elevations; P/CE/200A Coate elevations; P/CE/201A Coate elevations; P/CE/202A Coate Elevations; P/CK/200B Cricklade elevations; P/CK/201B Cricklade elevations; P/CK/202B Cricklade Elevations; P/CW/200B Chedworth elevations; P/EH/200B Everleigh elevations; P/EH/201B Everleigh elevations; P/EH/202B Everleigh elevations; P/EH/206A Everleigh elevations; P/EH/207A Everleigh elevations; P/EH/208A Everleigh elevations; P/EN/203A Enford elevations; P/EN/204A Enford Elevations; P/EN/205A Enford Elevations;**

P/EN/206A Enford elevations; P/en/207 Enford elevations received 10th April 2018

AD 100RevC; AD101RevC; AD110Rev J; AD111RevC; AD112RevA; AD114RevG; AD114RevG; AD115RevH; AD116RevF received 18th January 2018

AD113RevD received 30th April 2018

SPP.2086.003RevA (Tree protection); SPP.2086.001RevB Tree Survey; Alternative Access Location 7.3m Wide Access Road A103274-SK03-C; Lidl Services and Topography Plan; Lidl AD118-RevC existing and proposed sections; P/EN® 111 GF and FF plots 26-29; P/EN(2) 111 GF and FF Block Plan plots 3-4; 9-14, 18-19 and 24-25; P/EN/® 112 GF and FF Block Plan plots 15-17; P/CE® 110 GF and FF Block Plan 1-2, 508; P/FL/114/GF and FF Block Plan plots 20-23; P/FL/115/A floor and roof plans plots 30-35 received 28h September 2017 and Landscape plan 867-01D received 5th Feb 2018.

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

- 5. All soft landscaping comprised in the approved details of landscaping shall be carried out for each phase 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.

- 6. No development shall commence on each phase on site until details of the works for the disposal of sewerage including the point of connection to the existing public sewer have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be first occupied until the approved sewerage details have been fully implemented in accordance with the approved plans.**

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that

the development is undertaken in an acceptable manner, to ensure that the proposal is provided with a satisfactory means of drainage and does not increase the risk of flooding or pose a risk to public health or the environment.

- 7. No development shall commence on each phase on site until a scheme for the discharge of surface water from the site (including surface water from the access/driveway), incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first brought into use until surface water drainage has been constructed in accordance with the approved scheme.**

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure that the development can be adequately drained.

- 8. The retail unit hereby permitted shall be used by a discount food supermarket operator and for no other purpose (including any other purpose in Class A1 of the Schedule of the Town and Country Planning (Use Classes) Order 1987 (as amended by the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005, (or in any provisions equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification). The following services shall not be operated from the land:
(i) Bank facilities
(ii) Dispensing pharmacy.
(iii) Dry cleaning or post officer services
(iv) Cafe restaurant
(v) sales of cigarettes or tobacco**

The unit shall not have a net sales area of greater than 1325 sq metres, with no more than 20% of that floor area being for the sale of comparison goods.

REASON: To protect the vitality of the town centre.

- 9. The retail development hereby permitted shall not be occupied until full details of a ghost right hand turn lane has been submitted to and approved in writing by the Local Planning Authority (in general accordance with drawing Alternative Access Location 7.3m Wide access Road A103274-SK03-C'. As part of the package of full details to be submitted shall include full construction details, safety audit, visibility splays, swept path analysis, provision for pedestrian crossing facilities. No part of the retail development shall be occupied until the ghost right hand turn lane has been surfaced and laid out in accordance with the approved details.**

REASON: In the interests of highway safety and that the access is suitably laid out

10. (i) No deliveries to or collections from the retail development hereby permitted shall be made outside the hours of 06:00am and 22:00pm Monday to Saturday and 07:00am and 18:00pm Sundays and Bank Holidays.

(ii) There shall be no use of reversing beepers on delivery or collection vehicles between 06:00 and 07:00 Monday to Saturday. In addition, there shall be no use of reversing beepers on delivery or collection vehicles between 07:00 and 09:00 on Sundays and Bank Holidays. All deliveries between these approved hours shall be direct via the loading and unloading dock shown on the approved plans.

REASON: To limit the impact of the development on adjacent residential amenity.

11. The retail unit hereby permitted shall not be open to the public except between the hours of 08:00am to 22:00pm on Monday to Saturday and 09:00 to 18:00 on Sundays.

REASON: To limit the impact of the development on residential amenity.

12. The retail development hereby permitted shall not be first occupied until visibility splays have been provided between the edge of the carriageway and a line extending from a point 2.4metres back from the edge of the carriageway, measured along the centre line of the access, to the points on the edge of the carriageway 43metres in both directions from the centre of the access in accordance with the approved plans (Alternative Access Location 7.3m Wide access Road A103274-SK03-C'). Such splays shall thereafter be permanently maintained free from obstruction to vision above a height of 0.6m above the level of the adjacent carriageway.

REASON: In the interests of highway safety.

13. The retail unit hereby permitted shall remain as one unit and shall not be subdivided.

REASON: To protect the vitality of the Town Centre.

14. The retail store development shall not be occupied until a service yard management scheme has been submitted to and approved by the local planning authority. The development shall be operated in full accordance with the provisions of the service yard management scheme.

REASON: To protect the amenity of local residents and the surrounding rural area by minimizing any disturbance caused by vehicle movements, deliveries and other activities within the service yard.

- 15.** The retail building hereby approved shall not be first brought into use until the parking area and turning areas for HGV deliveries shown on the approved plans has been consolidated, surfaced and laid out in accordance with the approved details. This area shall be maintained and remain available for this use at all times thereafter.

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

- 16.** No on-site cooking or baking shall take place until a scheme of works for the control and dispersal of atmospheric conditions (in particular emissions from cooking or baking of food) has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented before any on site cooking or baking takes place and shall be maintained in effective working condition at all times thereafter.

REASON: In the interests of neighbours' amenity.

- 17.** The retail development hereby permitted shall not be occupied until details of secure covered cycle parking have been submitted to and approved in writing by the Local Planning Authority (in accordance with council cycle parking standards). These facilities shall be provided in accordance with the approved details and made available for use prior to the first opening of the development hereby permitted and shall be retained for use 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.

- 18.** No part of the retail element of the proposal shall be first used until details of an electric car charging point (including management) in accordance with 'Smarter Choices Strategy' be submitted and approved in writing by the Local Planning Authority. The development shall not open until the electric charging point is made available for use in accordance with agreed details and shall remain in use for this purpose at all times.

REASON: In the interest of sustainable development

- 19.** No development shall commence on the residential development site until details of the estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service

routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture, including the timetable for provision of such works, have been submitted to and approved by the Local Planning Authority. The development shall not be first occupied until the estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture have all been constructed and laid out in accordance with the approved details, unless an alternative timetable is agreed in the approved details.

REASON: To ensure that the roads are laid out and constructed in a satisfactory manner.

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

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

21. No part of the residential development hereby approved shall be first brought into use until the parking area shown on the approved plans ('Proposed Site Layout 16-007/P100 C') has been consolidated, surfaced and laid out in accordance with the approved details. This area shall be maintained and remain available for this use at all times thereafter.

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

22. No development shall commence on the residential element of the development hereby permitted until full details (including visibility splays, provision for pedestrians, signage) of the provision for the construction access on the A420 have been submitted to and approved in writing by the Local Planning Authority. The details shall include details of a routing agreement, that will facilitate the ban of both vehicle movements right turning in and right turn out of the construction access and timings of deliveries to and from the site so as to avoid school drop off and collection times. No part of the development hereby approved shall commence until details have been approved and the construction access built in accordance with the submitted and approved details.

REASON: To ensure that adequate construction access is made for loading/unloading within the site in the interests of highway safety.

- 23. Prior to first occupation of a dwelling a Traffic Order to amend the waiting restrictions in Middlefields and adjacent roads shall have been prepared, consulted upon, and advertised, with a final report recommending whether to proceed with the Order prepared for consideration by the Cabinet Member for Highways. In the event that the Cabinet Member for Highways approves the Order the amendments shall be implemented.**

Reason: In the interests of achieving improved egress from the development.

Informative: The applicant will bear the costs of condition Traffic Order condition irrespective of whether the Order is proceeded with.

- 24. No development shall commence on each phase of the site (other than that required to be carried out as part of a scheme of remediation approved by the Local Planning Authority under this condition), until steps (i) to (iii) below have been fully complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until step (iv) has been complied with in full in relation to that contamination.**

Step (i) Site Characterisation:

An investigation and risk assessment must be completed to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings submitted to and approved in writing by the Local Planning Authority. The report of the findings must include:

- A survey of the extent, nature and scale of contamination on site;**
- The collection and interpretation of relevant information to form a conceptual model of the site, and a preliminary risk assessment of all the likely pollutant linkages;**
- If the preliminary risk assessment identifies any potentially significant pollutant linkages a ground investigation shall be carried out, to provide further information on the location, type and concentration of contaminants in the soil and groundwater and other characteristics that can influence the behaviour of the contaminants;**
- An assessment of the potential risks to:**
 - * human health,**
 - * property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,**

- * adjoining land,
- * groundwater and surface waters,
- * ecological systems,
- * archaeological sites and ancient monuments;

Step (ii) Submission of Remediation Scheme:

If any unacceptable risks are identified as a result of the investigation and assessment referred to in step (i) above, a detailed remediation scheme to bring the site to a condition suitable for the intended use must be prepared. This should detail the works required to remove any unacceptable risks to human health, buildings and other property and the natural and historical environment, should be submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures.

Step (iii) Implementation of Approved Remediation Scheme:

The approved remediation scheme under step (ii) must be carried out in accordance with its requirements. The Local Planning Authority must be given at least two weeks written notification of commencement of the remediation scheme works.

Step (iv) Reporting of Unexpected Contamination:

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it should be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment should be undertaken in accordance with the requirements of step (i) above and where remediation is necessary, a remediation scheme should be prepared in accordance with the requirements of step (ii) and submitted to and approved in writing by the Local Planning Authority.

Step (v) Verification of remedial works:

Following completion of measures identified in the approved remediation scheme a verification report should be submitted to the Local Planning Authority. The report should demonstrate the effectiveness of the remedial works.

A statement should also be provided by the developer which is signed by a person who is competent to confirm that the works detailed in the approved scheme have been carried out (The Local Planning Authority can provide a draft Remediation Certificate when the details of the remediation scheme have been approved at stage (ii) above).

The verification report and signed statement should be submitted to and approved in writing of the Local Planning Authority.

Step (vi) Long Term Monitoring and Maintenance:

If a monitoring and maintenance scheme is required as part of the approved remediation scheme, reports must be

prepared and submitted to the Local Planning Authority for approval at the relevant stages in the development process as approved by the Local Planning Authority in the scheme approved pursuant to step (ii) above, until all the remediation objectives in that scheme have been achieved.

All works must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11" and other authoritative guidance.

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.

25. No development shall commence on site of each phase of the development (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) 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;

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, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase.

26. Prior to occupation a lighting scheme must be submitted for the approval of the Local Planning Authority in accordance with the Institute of Lighting Professional's Guidance notes for the reduction of obstructive light. The scheme must be designed by a suitably qualified person in accordance with the recommendations for environmental zone E3 in the ILP document "Guidance Notes for the Reduction of Obtrusive Light GN01:2011.

Before commencement of operation of the approved lighting scheme the applicant shall appoint a suitably qualified member of the institute of lighting professionals (ILP) to validate that the lighting scheme as installed conforms to the recommendations for environmental zone E3 in the ILP document "Guidance Notes for the Reduction of Obtrusive Light GN01:2011

REASON: To protect the local amenity from any adverse effects from light.

27. Development shall not be commenced on site until a planning obligation has been completed by all parties with an interest in the site and accepted in writing by the Council to secure the provision of: 40% affordable housing on site; the mechanism for the provision and maintenance of public open space on site; contributions to primary education ; contribution of £15000 for public art; £21900 for upgrade of play facilities at Little Battens Park and £9740 for upgrading facilities at Chippenham Sports Club. Additionally it shall include contributions towards waste and recycling facilities.

REASON: To ensure the correct infrastructure is provided.

28. Prior to commencement an assessment of the acoustic impact arising from the operation of all internally and externally located plant at the Lidl store shall be undertaken in accordance with BS 4142: 2014. The assessment shall be submitted to the Local Planning Authority together with a scheme of attenuation measures to ensure the rating level of noise emitted from the proposed plant shall be less than background when measured at nearest 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 to confirm compliance with the noise criteria and additional steps to mitigate noise shall be taken, as necessary. The details as approved shall be implemented prior to occupation of the development and thereafter be permanently retained.

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

29. All site preparation and construction works (excluding internal fit out works within the building) and the use of generators externally, including road works, shall only be carried out between the hours of 07:30 to 18:00 Mondays to Fridays and 08:00 - 13.30 Saturdays and at no times during Sundays or Bank Holidays without the prior written consent of the Local Planning Authority.

REASON: During the construction phase to minimize the level of disturbance to local residents.

30. Prior to the commencement of development an acoustic report shall be submitted to the LPA that demonstrates the internal and external amenity standards in accordance with BS 8233: 2014 Guidance on sound insulation and noise reduction for buildings and WHO Guidelines for Community Noise (1999) can be met within the proposed development; this must include details of any scheme of mitigation required to achieve this. Any scheme of mitigation applied to this development must be approved by the LPA prior to implementation and followed by verification prior to first occupation of the development and thereafter be permanently retained.

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.

31. Prior to the commencement of development a scheme of measures to ensure noise levels in all amenity spaces do not exceed 55dB LAEQ 1hr shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of post construction validation. Thereafter the development shall be carried out in accordance with the approved details and a separate validation report shall be submitted to and approved in writing by the Local Planning Authority 3 months prior to occupation.

REASON: To protect the local amenity from any adverse effects of noise.

32. Prior to the commencement of the each element of development hereby permitted an updated Acoustic report for the relevant section shall be submitted to and approved in writing by the Local Planning Authority. Any recommendations agreed shall be implemented prior to the occupation or first use of each element of the development.

REASON: To protect the amenity of nearby residential properties.

33. The development shall be undertaken in strict accordance with Section 5.0 and 6.0 of the Ecological Appraisal (WYG, September 2017) and Section 5 of the Bat Activity Survey report (Devon Wildlife

Consultants, September 2017), and with liaison with and supervision by (where applicable) a suitably qualified and competent ecological consultant.

REASON: To ensure appropriate protection and mitigation for habitats and wildlife including protected species.

34. No development shall commence until an Ecological Mitigation and Enhancement Strategy has been submitted to, and approved in writing by the local planning authority. The strategy shall be prepared by a suitably qualified and competent ecological consultant and shall include and build upon the measures stipulated in Section 5.0 and 6.0 of the Ecological Appraisal (WYG, September 2017) and Section 5 of the Bat Activity Survey report (Devon Wildlife Consultants, September 2017). The details presented in the strategy shall include, but not be limited to:

- a) Details of pre-commencement surveys including that required for badger;
- b) Precautionary working method statements including those required for tree felling and vegetation clearance particularly in respect of nesting birds, reptiles and roosting bats;
- c) Timings of the works and appropriate mitigation measures;
- d) Comprehensive details of ecological enhancement including wildlife friendly planting and inclusion of bat and bird boxes within the development, and these features should be illustrated on an accompanying site plan.

Thereafter, all works shall be undertaken in strict accordance with the approved strategy and with liaison with, and supervision by (where applicable) a suitably qualified and competent ecological consultant.

REASON: To ensure appropriate ecological mitigation and enhancement measures are implemented and to ensure compliance with wildlife legislation, the NPPF and Core Policy 50 of the Wiltshire Core Strategy (adopted January 2015).

35. No development shall commence until a Landscape and Ecological Management Plan (LEMP) has been submitted to, and approved in writing by the local planning authority. The details presented in the LEMP shall include, but not be limited to:

- a) Full details of planting including a planting schedule and finalised landscape plan.
- b) Details of features to be retained and managed such as trees, together with details of how these features will be protected pre-construction and during construction and how they will be managed post-construction completion. These features should be shown on a site plan.
- c) Aims and objectives of management and prescriptive details of how management will be undertaken including timing and frequency of selected management options.

- d) Preparation of a work schedule (including an annual work plan capable of being rolled forward) and stipulation of the LEMP implementation period.
 - e) Details of the body or organisation responsible for implementation of the LEMP;
 - f) Details of when the LEMP will be reviewed to ensure it continues to be appropriate.
 - g) Details of how the aims and objectives of the LEMP will be communicated to the occupiers of the development.
 - h) Details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.
- The LEMP shall be implemented in full in accordance with the approved details and with liaison with, and supervision by (where applicable) a suitably qualified and competent ecological consultant, arboriculturist and landscape manager/architect.

REASON: To ensure appropriate long-term management and protection of retained and created ecological and landscape features in perpetuity; and to accord with the aims of NPPF and Core Policy 50 of the Wiltshire Core Strategy (adopted January 2015).

36. No new external lighting shall be installed until a Sensitive Lighting Strategy has been submitted to the local planning authority for approval in writing. The lighting strategy shall specify the number, type and location of luminaires and lighting columns to be installed and will be accompanied by a lighting contour plan/lux plot. In addition, details of mitigation measures setting out how light spill onto retained and new habitats/areas of planting/ecological enhancement features will be minimised shall be included within the strategy. The strategy shall include and build upon the measures stipulated in Section 5.2 of the Bat Activity Survey report (Devon Wildlife Consultants, September 2017) and shall be prepared with liaison with a suitably qualified and competent ecological consultant. Thereafter, the development shall be carried out in strict accordance with the approved strategy.

REASON: To ensure appropriate mitigation for protected species and reduction in light spill onto retained and new habitats.

37. Prior to the occupation of the retail development, details of the stopping up of the Allington Way vehicle access, both pedestrian and vehicular, have been submitted to and approved in writing by the Local Planning Authority. That stopping up shall take place in accordance with the approved details, prior to the occupation of the development. The sole means of vehicular and pedestrian access to the development shall be as shown on the plans hereby approved.

REASON: In the interests of highway safety.

38. No development shall commence on the retail element of the development hereby permitted until a routing plan, providing full details of the proposed routing of HGVs associated with construction of the retail element has been submitted in writing to the Local Planning Authority. The plan also to include times of delivery for materials to the site, to avoid school drop off and collection times. The routing plan is to be adhered to at all times.

REASON: To ensure suitable routing of delivery vehicles so as to avoid conflict with peak traffic movements associated with the nearby schools at Hardenhuish and Hungerdown Lane.

INFORMATIVES TO APPLICANT:

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

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.

9 18/00474/FUL - Equestrian Centre, The Malthouse, 18 Bushton, Swindon

Guy Rickett, local resident, spoke in objection to the application.
Alan Glasspool, Local resident, objecting to the application
Rosemary Greenway, supporting the application
Louise Jamieson, supporting the application
Ed Rudler – letter read out, supporting the application.
Peter Gantlett – Chair of Parish Council

The Case Officer, Victoria Griffin, introduced a report which recommended that planning permission be refused for the erection of 5 no. dwellings, parking, meadow and orchard (resubmission of 17/03393/FUL).

Key issues highlighted included, acceptability of proposal site being located outside of the defined settlement boundary and rural exceptions site, impact on historic setting, impact on visual amenities of the area, impact on ecology, impact on the residential amenity, impact on highway safety/sustainability, impact on drainage. The Planning Officer referred to the late observations report which included additional consultation responses and officer comment.

Members of the Committee then had the opportunity to ask technical questions of the officer which focused on: affordable housing in rural communities, Clyffe Pypard neighbourhood plan, and marketing of the equestrian business.

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

Councillor Allison Bucknell, Division Member, spoke to the application with the main points focusing on: Planning policies and the ability to develop custom built home within a village setting.

At the start of the debate a proposal was moved by Councillor Gavin Grant and seconded by Councillor Christine Crisp to refuse planning permission as detailed in the report. During the debate the main points raised were: Ability to build custom built homes, paragraph 55 of the National planning Framework.

Resolved:

That planning permission be REFUSED for the following reasons:

- 1. The proposed development is located outside of a designated settlement boundary and does not meet any of the exception criteria listed under paragraph 4.25 of the Wiltshire Core Strategy. As such the proposal fails to promote a sustainable pattern of development within the County and the harm associated to the development is not outweighed by the benefits. Therefore, the proposed development is considered contrary to Core Policies 1 & 2 of the Wiltshire Core Strategy, Saved Policy H4 of the North Wiltshire Local Plan 2011 and paragraphs 14 and 55 of the National Planning Policy Framework.**

- 2. The proposal located remote from services, employment opportunities and being unlikely to be well served by public transport is contrary to the key aims of Core Policy 60 and national sustainable transport guidance which seeks to reduce growth in the length and number of motorised journeys.**

- 3. The proposed development would, by reason of the size and scale of the proposed dwellings and associated residential paraphernalia result in unacceptable increase in the built form within the site resulting in harm to the visual amenities of the open countryside. Therefore, the development is contrary to Core Policy 51 and 57 of the Wiltshire Core Strategy.**

- 4. The site is located in close proximity to a known medieval settlement and the setting listed buildings. The application fails to adequately demonstrate that the proposed development can be carried out without harming any significant archaeological remains. Without the submission of this information it is not possible to fully consider the development's impact. The proposed development is therefore contrary to Core Policy 58 of the Core Strategy.**

- 5. The proposal fails to provide any information on the proposed impact on existing trees or hedgerows within the site. As such it is not possible to fully consider the development's impact on natural landscape features. The proposed development is therefore contrary to Core Policy 51 of the Core Strategy.**

- 6. The submissions fails to provide complete Phase 2 surveys recommended in the Preliminary Ecological Appraisal. As such, this justifies an objection on ecology grounds on account that insufficient baseline information and mitigation measures have been submitted to determine the application. The proposed development is therefore contrary to Core Policy 50 of the Core Strategy.**

In accordance with paragraph 187 of the National Planning Policy Framework (NPPF), this planning application has been processed in a proactive way. However, due to technical objections or the proposal's failure to comply with the development plan and/or the

NPPF as a matter of principle, the local planning authority has had no alternative other than to refuse planning permission.

This recommendation relates to the following plans/documents:

**Planning Statement & Addendum
Keystone Preliminary Ecological Appraisal
House type D elevations and floor plans
Location Plan
Block Plan
Site Entrance Plan
House type A, B and C elevations and floor plans Sections
18/02295/FUL - The Methodist Church, Cuttle Lane, Biddestone, Chippenham**

10

Public Participation

Jon Llewellyn Architect – in support of the application

Ashley Juniper, Biddestone Parish Council, spoke in objection to the application.

The Case Officer, Chris Marsh, introduced a report which recommended planning permission be granted for the change of use to Use Class C3 residential including demolition of part derelict rear extension and new single storey rear and side extension. The Case Officer also referred to late observations which included neighbour representations and officers comments on these.

Key issues highlighted included, principle of development, impact on the character and appearance of the host building and its setting, impacts on local highways/parking, and impact on neighbour amenity.

Members of the Committee then had the opportunity to ask technical questions of the officer which focused on: Overlooking issues.

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

Councillor Toby Sturgis, on behalf of Cllr Baroness Jane Scott OBE, Division Member, spoke to the application with the main points focusing on: parking issues.

At the start of the debate a proposal was moved by Councillor Gavin Grant and seconded by Councillor Howard Greenman to grant planning permission as detailed in the report. During the debate the main points raised were: parking issues on the highway.

Resolved:

That planning permission is 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:

3010/38/P4A – Proposed Floor Plans
3010/38/P5A – Proposed Elevations
Received 8 May 2018

3010/38/P0 – Location Plan
3010/38/P3 – Proposed Site, Block & Roof Plan
Received 7 March 2018

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

3. 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), no garages, sheds, greenhouses and other ancillary domestic outbuildings shall be erected anywhere on the site on the approved plans.

REASON: To safeguard the character and appearance of the area.

4. 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), there shall be no modification of the first floor configuration as shown on the approved plans at any time.

REASON: In the interests of residential amenity and privacy.

5. **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.

6. 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.

7. 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.

8. INFORMATIVE TO APPLICANT

The applicant is requested to note that the land immediately in front of the property, beyond its boundary wall (as defined by the red-line of the submitted location and block plan), is regarded as highway verge and is not part of this properties private curtilage.

11 **Urgent Items**

There were no urgent items.

(Duration of meeting: 3.00 - 5.10 pm)

The Officer who has produced these minutes is Stuart Figini of Democratic Services, direct line 01225 718221, e-mail stuart.figini@wiltshire.gov.uk

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