

NORTHERN AREA PLANNING COMMITTEE

MINUTES OF THE NORTHERN AREA PLANNING COMMITTEE MEETING HELD ON 13 JUNE 2018 AT COUNCIL CHAMBER - COUNCIL OFFICES, MONKTON PARK, CHIPPENHAM, SN15 1ER.

Present:

Cllr Tony Trotman (Chairman), Cllr Chuck Berry, 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 Philip Whalley (Substitute)

Also Present:

Cllr John Thomson

12 **Apologies**

Apologies were received from Baroness Scott Bob local division member

Cllr Peter Hutton was substituted by Cllr Philip Whalley

13 **Minutes of the Previous Meeting**

The minutes of the meeting held on 16 May 2018 were presented.

Resolved:

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

14 **Declarations of Interest**

The minutes of the meeting held on 16 May 2018 were presented.

Resolved:

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

15 **Chairman's Announcements**

There were no Chairman's announcements.

16 **Public Participation**

The Committee noted the rules on public participation.

17 **Planning Appeals and Updates**

The Committee noted the contents of the appeals update.

18 **Planning Applications**

Attention was drawn to the late list of observations provided at the meeting and attached to these minutes.

19 **18/03570/FUL - Land Adjacent to Nettleton Baptist Chapel, Nettleton**

Richard Lay, spoke in objection to the application.

Chris Engley-Duffy, spoke in objection to the application.

Susan Leonard, spoke in support of the application.

Emma Madge, spoke in support of the application

Ian Madge, the applicant, spoke in support of the application.

Cllr Jenny Minney, Nettleton Parish Council, spoke in relation the application.

The Planning Officer, Lee Burman, introduced a report which recommended that the application be refused.

Key issues highlighted included: that the application was the resubmission of an application previously refused; the changes to the application following its resubmission were limited to the offer of entering a S106 agreement to restrict further development at the site; the location of the land outside the settlement boundary within an Area of Outstanding Natural Beauty; the application of relevant core policies; that the officer's view was that an exception to those policies could not be justified; the planning history on the farm associated with the application; the size and nature of the proposals; the difference between low cost and affordable housing as defined by policy.

Members of the Committee then had the opportunity to ask technical questions of the officer which focused on: the availability of agricultural residence on the farm connected to the application.

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

Councillor Toby Sturgis spoke on behalf of the local Division Member, Baroness Jane Scott, who was unable to attend, outlining her views on the proposal.

At the start of the debate a proposal was moved by Councillor Toby Sturgis and seconded by Councillor Christine Crisp that the application be refused for reasons set out in the report.

During the debate the main points raised were: that, currently, national and local policy did not support a development on this site; the supply of dwellings in small villages; and the policies that restrict the growth of small villages.

At the conclusion of the debate, the meeting unanimously;

Resolved:

- 1. The proposed development, by reason of its location outside of any defined settlement boundary and not being considered to meet the criteria of infill development contained within WCS Core Policy 2, the proposal is contrary to the settlement, delivery and community area strategies and is unacceptable in principle. The proposal fails to accord with Core Policies 1, 2, 10 and 48 of the adopted WCS (Jan 2015), Saved Policy H4 of the North Wiltshire Local Plan 2011 and Paragraphs 14, 17 and 55 of the NPPF (March 2012).**
- 2. By reason of the location of the application site within the open countryside and AONB, the proposed development would result in the consolidation of the existing loose knit pattern of development and would alter the visual appearance and prevailing rural character of the area. It is not considered that the proposal would integrate effectively into the immediate setting and it would not conserve or enhance the AONB which is afforded great weight. Consequently the proposal is considered contrary to Core Policy 51 (ii, vi and ix) and 57 (i, iii, vi) of the WCS (Jan 2015) and NPPF (March 2012) Paragraph 115 and Section 7.**
- 3. The proposal, located remote from a range of services, employment opportunities and being unlikely to be well served by public transport, is contrary to the key aims of local and national sustainable transport policy guidance which seeks to reduce growth in the length and number of motorised journeys. New development should be located and designed to reduce the need to travel by private car and should encourage the use of sustainable transport alternatives. The proposal is contrary to Core Policy 60 of the adopted WCS (Jan 2015) and Paragraph 34 of the NPPF (March 2012).**

20 **17/12507/FUL - Common Road, Ashley**

Dr Chris Bateman, spoke in objection to the application.

Pete Sladden, spoke in objection to the application.

Juliana Beardsmore, the applicant, spoke in support of the application.

Councillor Roger Budgen, St Paul Without Parish Council, spoke in objection to the application.

The Planning Officer, Victoria Griffin, introduced a report which recommended that the permission be granted subject to the conditions listed in the report. The meeting's attention was drawn to additional consultation views and the

proposed revision to condition thirteen as outlined on the late observations circulated in the supplement.

Key issues highlighted included: the location of the proposals and the character of the area; the design of the proposal and the current development on the site; the elevation of the site and its access to the highway; the height of the proposals relative to houses in the area; the relationship between the extant permission and the proposed development; the layout of the proposals and the possible landscaping on the site; the mix of materials proposed and the siting of windows and openings and relationship to neighbouring properties and impact on amenities; that the slab levels can be checked, as part of the relevant proposed condition; the views of the drainage engineer; and that boundary treatment and landscaping could be conditioned.

Members of the Committee then had the opportunity to ask technical questions of the officer which focused on: the application of CP1, 2 and 57, and the provisions of the Malmesbury Neighbourhood Plan; clarification that permitted development rights were recommended for removal permitted in the proposed conditions; that an alternative ridge height would require permission; whether there was a similarly designed residential property in the area.

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

Councillor John Thomson, Division Member, spoke in objection to the application.

At the start of the debate a proposal to refuse the application was moved by Councillor Gavin Grant and seconded by Councillor Brian Mathew for the reason that the application is contrary to CP57 criteria (i) &(iii) in that the development did not contribute to a sense of place; was wholly out of character with the existing development in the locality; did not correspond to existing pattern of development and topography of the area; and would be contrary to the relevant tasks of the Malmesbury Neighbourhood Plan and the guidance contained in National Planning Policy Framework.

During the debate the main points raised were: the impact of the proposals on the character of the area; the application of the inspector's decision; the impact of the proposals on the streetscene;

The meeting sought advice from the Area Team Leader (North), Lee Burman, on the wording of the proposal.

At the conclusion of the debate, the meeting unanimously;

Resolved:

That the application be refused for the following reason:-

The proposed development by virtue of its scale, mass, form, layout and use of materials would constitute an incongruous feature in the street scene, out of character with the design and appearance of neighbouring residential properties. The proposals would be contrary to Wiltshire Core Strategy (Jan 2015) Core policy CP57 sub sections (i) & (iii); Malmesbury Neighbourhood Plan Vol II (Made Feb 2015) Tasks 8.14, 8.16, 8.17, 8.19, 8.20; and paras 17, 60 & 64 of the National Planning Policy Framework.

21 **17/07724/FUL - SW Logistics, Braydon Lane, Chelworth Industrial Estate, Cricklade**

Councillor Chris Hodgson, Cricklade Town Council, spoke in relation to the application.

The Planning Officer, Lee Burman, introduced the report which recommended that the permission be granted subject to the conditions listed in the report.

Key issues highlighted included: the location of the site and its current use; the boundaries and treatments on the site; the relationship of the site in relation to that owned and used by the business; the access arrangements to the site; that the site falls outside but adjacent the development boundary for the settlement of Cricklade but within the area of the existing industrial estate identified in the neighbourhood plan; that unplanned employment sites are able to come forward to expand existing facilities under WCS Cor Policy Cp34 subject to a range of criteria and other development plan policies; the local concerns about the impact of the proposals in particular in relation to highways, but that the views of highways officer was that the application would not present a severe cumulative impact and was therefore permissible; that a full flood risk assessment had been submitted and considered by the drainage engineers.

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

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

At the start of the debate a proposal was moved by Councillor Chuck Berry and seconded by Councillor Howard Greenman to grant permission in accordance with the officer's recommendation.

During the debate the main points raised were: the conditions in relation to traffic; that the site must be considered on its own merits; the economic impact of the application; and the impact of the proposals on traffic movements.

At the conclusion of the debate, the meeting unanimously;

Resolved

That permission be granted subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

Design and Access Statement
Existing Site location Plan
Elevation and Section Proposed TA 16 071 36 REV A
All Received 08/08/2017

Site Location Plans; TA 16 071 20 REV A
Received 5/9/2017

Proposed Site Access Arrangements T344/1
PFA Consulting Transport Statement December 2017
Received 15/02/2018
(TA Addendum Statement Received 05/04/2018)

Site Location Plan Proposed TA 16 071 30 REV A
GF Warehouse and Ground & first Floor Office Proposed Plans TA 16 071 35 REV B
Site Plan TA 16 071 31 REV A
Received 20/04/2018

Flood Risk Assessment BR-533-0005 REV A May 2018
Received 14/05/2018

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

3. The development hereby permitted shall not, at any time, be subdivided into a larger number of units.

REASON: To enable the Local Planning Authority to consider individually whether planning permission should be granted for additional units on the site.

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), the site shall be used solely for purposes within Class(es) B8 Warehouse and B1 Ancillary Office of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as

amended)(or in any provisions equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification).

REASON: The proposed use is acceptable but the Local Planning Authority wish to consider any future proposal for a change of use, other than a use within the same class(es), having regard to the circumstances of the case.

- 5. The development hereby permitted shall not be brought into use until a plan showing the precise location of any areas of open storage and specifying a maximum height of open storage within such area(s) has been submitted to and approved in writing by the Local Planning Authority. No materials, goods, plants, machinery, equipment, finished or unfinished products/parts of any description, skips, crates, containers, waste or any other item whatsoever shall be placed, stacked, deposited or stored on the site outside the approved storage area, or above the height agreed as part of this condition.**

REASON: In the interests of the appearance of the site and the amenities of the area.

- 6. The B8 Warehouse use hereby permitted shall only take place between the hours of [06:00 hours in the morning and 18:00 hours in the evening) from Mondays to Saturdays. The use shall not take place at any time on Sundays and Bank or Public Holidays.**

REASON: To ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

- 7. No development shall commence on site 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 120metres in both directions from the centre of the access in accordance with the approved plans (Proposed Site Arrangements, numbered T344/1). Such splays shall thereafter be permanently maintained free from obstruction to vision above a height of 1m above the level of the adjacent carriageway.**

REASON: In the interests of highway safety.

- 8. No part of the development hereby approved shall be first brought into use until the parking area 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.

- 9.** No part of the development hereby permitted shall be first brought into use until the access (Proposed Site Arrangements, numbered T344/1), 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.

- 10.** No development shall commence on site until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include details of implementation and monitoring and shall be implemented in accordance with these agreed details. The results of the implementation and monitoring shall be made available to the Local Planning Authority on request, together with any changes to the plan arising from those results.

REASON: In the interests of road safety and reducing vehicular traffic to the development.

- 11.** 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 residential amenity.

- 12.** 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 residential amenity and the environment and air quality.

- 13.** No development shall commence on 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 (including asbestos) 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;

This 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.

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 must be produced. 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.

- 14. The construction of the Warehouse Building hereby permitted shall not commence on site until a scheme for the discharge of surface water from the site (including surface water from the access/driveway), incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first brought into use until surface water drainage has been constructed in accordance with the approved scheme.**

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

- 15.** The construction of the Warehouse Building hereby permitted shall not commence 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. The development hereby approved shall not be first brought into use until the approved sewerage details have been fully implemented in accordance with the approved plans.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure that the proposal is provided with a satisfactory means of drainage and does not increase the risk of flooding or pose a risk to public health or the environment.

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

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

- 17.** No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication "Guidance Notes for the Reduction of Obtrusive Light" (ILE, 2005)", have been submitted to and approved in writing by the Local Planning Authority. The approved lighting shall be installed and shall be maintained in accordance with the approved details and no additional external lighting shall be installed.

REASON: In the interests of the amenities of the area and to minimise unnecessary light spillage above and outside the development site.

INFORMATIVES TO APPLICANT:

- 18. 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.**
- 19. 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.**
- 20. 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.**
- 21. 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.**

22 Urgent Items

There were no urgent items.

(Duration of meeting: 3.00 - 4.43 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