

Strategic Planning Committee

MINUTES OF THE STRATEGIC PLANNING COMMITTEE MEETING HELD ON 27 MAY 2020 AT ONLINE MEETING.

Present:

Cllr Fleur de Rhé-Philippe MBE (Chairman), Cllr Derek Brown OBE (Vice-Chairman), Cllr Andrew Bryant, Cllr Ernie Clark, Cllr Andrew Davis, Cllr Stewart Dobson, Cllr Sarah Gibson, Cllr Carole King, Cllr Christopher Newbury, Cllr Tony Trotman and Cllr Fred Westmoreland

Also Present:

Cllr Allison Bucknell, Cllr Gavin Grant. Cllr Toby Sturgis

19 **Apologies**

There were no apologies for the meeting.

20 **Minutes of the Previous Meeting**

The Committee considered the minutes of the last meeting, as detailed on pages 5-20 of the agenda.

The Chairman moved that the minutes be approved and signed as a true and correct record. Councillor Derek Brown seconded the motion.

Members were asked if there were any objections to the motion, there being none, it was:

Resolved:

To approve and sign as a correct record the minutes of the previous meeting held on 13 May 2020.

21 **Declarations of Interest**

There were no declarations of Interest made at the meeting.

22 **Chairman's Announcements**

Should the committee need to take a short break the broadcast would continue with a holding slide.

23 **Public Participation**

At the beginning of the meeting the Chairman confirmed with each Member of

the Committee that they could see and hear all relevant materials. The [procedure](#) for the meeting was set out on Pages 15-18 of the agenda. For the benefit of those listening the Chairman summarised how each planning application to be determined would be debated.

24 **Planning Appeals and Updates**

The Head of Development Management, Mike Wilmott, briefed the Committee on the update report attached to the agenda.

Resolved:

The Appeals Update report was noted.

25 **Planning Applications**

Mike Wilmott, Head of Development Management, provided a summary of the current situation of the 5-year housing land supply for Wiltshire, which was relevant to both applications to be determined.

Government had set an objective to significantly boost the supply of new homes and expected Local Planning Authorities (LPAs) to meet the requirement and need for each area, which was what the Wiltshire Core Strategy 2006 – 2026 (WCS) and supplementary planning documents sought to do.

However, sites identified in the WCS did not always come forward as quickly as anticipated or desired. To ensure the supply of new homes LPAs were required to identify a supply of specific developable sites to provide a minimum of a 5-year land supply.

Until recently the calculation of housing land supply was based on the Housing Market Area with three housing market areas, Eastern, Southern & North & West, as identified in the WCS.

The local plan in the context of WCS was five years old in January 2020, so now the LPA was required to calculate the housing land supply across the whole of the Wiltshire Council area.

During a February 2020 appeal a Planning Inspector determined the land supply was less than 5 years (4.42-4.62 years equating to approximately 800 houses).

The housing supply had fallen short due to some large sites allocated in the WCS which had yet to obtain planning permission to be built. There were 4 sites which together were identified in the development plan to deliver over 5000 new homes. However, three of those were held up on developers not yet completing S106 agreements and one not having reached the planning stage yet.

Government advice through the National Planning Policy Framework was that therefore the 'tilted balance' then applied. This did not mean that every application received had to be approved or that existing policies had no weight, but that a different balancing of policies and factors had to be applied. The council would need to restore the 5-year housing land supply, including through consideration of applications on sites which under other circumstances may not be considered suitable.

It was explained that it was not considered probable that the 5-year housing land supply situation would be resolved in the short term without additional approvals. It was also explained that the items were before the Committee for determination because the 5-year housing land supply situation was a strategic issue for the council area as a whole.

26 **19/11569/OUT: Land south of Filands, Malmesbury**

Public Statements

Helen King – Objection

Andy Dawson, Jess & Ed Phillips, Jo English, Graeme Young Hay & Simon Blake, Kay O'Neil – Objection

Roy Poulton – Objection

Malmesbury TC - Objection

The Committee then received a presentation from Mike Wilmott, Head of Development Management, which set out the main issues in respect of the application. The purpose of the report was to assess the merits of the proposal against the policies of the development plan and other material considerations, and to consider the recommendation that the application was approved subject to conditions and prior completion of a S106.

The Outline application (all matters reserved except means of access only in relation to a new point of access into the site) proposed a residential development, including the construction of up to 71 dwellings (40% affordable), the creation of new vehicular access with footways and cycleways and ancillary road infrastructure, public open spaces, children's play area, landscape planting, surface water attenuation and associated infrastructure.

The application was a resubmission of a previous application for the same scheme (16/07288/OUT). Following refusal in 2016 the applicants subsequently appealed but withdrew the appeal in 2017.

Key points included that the site was outside of the Malmesbury limits of development and land to the south had been identified for a primary school, and the status of the neighbourhood plan. In the context of a shortfall in housing land supply, Officers considered that the proposal did not have adverse impacts that significantly and demonstrably outweighed the benefits, including the provision of new homes including new affordable homes. It was noted that Malmesbury had been identified in the WCs as a market town settlement that had potential for development.

The Chairman then invited Members to ask any technical questions of the Officer. Details were sought on site allocations, reviewing core policies of the council, that there was not a specific level of community engagement set out for applicants, and details of local speed limits.

Public statements which had been submitted in accordance with the procedure as detailed above were read. All other statements submitted within the deadline were also available in the agenda supplement online along with the presentation to the meeting.

The Local Member, Councillor Gavin Grant, then spoke in objection to the application, noting the history of refused applications on the site and its unsuitability for development, that approval was recommended only because of government changes, that Malmesbury had over delivered on its housing requirements and should not be punished for being early in creating a Neighbourhood Plan and that all parishes with neighbourhood plans would be negatively affected, and there were concerns regarding road safety and school places, and that the council was only slightly below the required housing land supply level.

The Head of Development Management then responded to the points raised by noting that lots of the Neighbourhood plans in Wilts were not affected by the government decision due to when they were approved and whether they allocated land for new homes. It was reiterated that the guidance the Local Planning Authority (LPA) were faced with did put the onus of providing the proof and evidence onto the Council, and they had not been able to demonstrate the 5-year housing land supply, and by definition the council had to face the fact that it would have to have unplanned developments in areas where people had not chosen to have it. A deficit of 0.38yrs equated to at least 800 houses, and it was not a case of getting one of the large strategic sites over the line.

The LPA had to apply the government guidance and consider what was the harm if this application was approved, and Malmesbury was a large market town with good infrastructure.

The Chairman then moved a motion to approve the application in line with the officer's recommendations. This was seconded by Councillor Derek Brown OBE.

A debate followed where it was noted there had been no comments from the Health authority. The application was an Outline application and reserved matters would come forward if this was approved. The issues put forward in the local resident letters would be of consideration, along with the lack of the 5-year housing land supply which was also a material consideration.

The possibility of an appeal against refusal was discussed. It was noted that an inspector would make a decision based on the evidence in front of them at that particular time, and it may be the case that the LPA had narrowed the gap in housing land availability, however it could also be the case that government

increased the amount of housing that was required as a result of any revision of the method of calculating the figures for local housing need

At the conclusion of debate each Member was asked in turn to confirm that they had been able to hear and where possible see all relevant materials and to indicate their vote.

When each Member had voted, the Democratic Services Officer announced the decision as follows:

Resolved:

That authority be delegated to the Head of Development Management to GRANT planning permission, subject to conditions listed below and subject to the prior completion of a S106 legal agreement covering the areas outlined below in the Heads of Terms, within six months of the date of the resolution of this Committee.

In the event of failure to complete, sign and seal the required section 106 agreement within the defined timeframe to then delegate authority to the Area Development Manager to REFUSE planning permission for the following reason:

The proposal does not provide for the delivery of the necessary infrastructure (e.g. affordable housing, education provision, recreation provision, open space, waste and recycling) required to mitigate the direct impacts of the development and fails to comply with Core Policy 3 of the Wiltshire Core Strategy, Regulation 122 of the Community Infrastructure Levy Regulations 2010 and paragraph 56 of the National Planning Policy Framework.

Heads of Terms for Section 106 legal agreement to secure the following:

- **40% Affordable Housing 60% of the units (17 units) being for Affordable Rented housing, and 40% of the units (11 units) being provided for shared ownership.**
- **£6,000 000 for a Right of Way conversion order to convert Malms8 to a shared use path where it crosses the site.**
- **Off-site contribution of £19,759.30 to upgrade the sports pitches at the Red Bull Football Ground, Malmesbury Cricket Club and Malmesbury Victoria Football Club.**
- **Open space and landscape management provision**
- **£6,461.00 Waste Contribution**
- **Education (subject to indexation);**
- **Early years - £17,522 per place: £122,654**
- **Primary Schools £18,758 per place: £356,402**
- **Secondary Schools £22,940 per place: £298,220**

CONDITIONS

1. The development hereby permitted shall be begun either before the expiration of one year from the date of this permission, or before the expiration of one year from the date of approval of the last of the reserved matters to be approved, whichever is the later.

REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. No development shall commence on site until details of the following matters (in respect of which approval is expressly reserved) have been submitted to, and approved in writing by, the Local Planning Authority:
 - (a) The scale of the development;
 - (b) The layout of the development,
 - (c) The external appearance of the development;
 - (d) The landscaping of the site;

The development shall be carried out in accordance with the approved details.

REASON: The application was made for outline planning permission and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 4(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended).

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

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

4. The development hereby permitted shall be carried out in accordance with the following approved plans unless otherwise varied by details submitted to and approved in writing by the local planning authority in accordance with the conditions of this planning permission:

Boundary Plan BMD.15.019.DR.001.P2 received 4th December 2019
Illustrative Masterplan BMD.15.019.DR.002.P2 4th December 2019
Proposed Site Access Arrangement with Share Use Footway drawing I
TB11080-GA-014 received 26th March 2020

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

5. Notwithstanding the details set out in the description of development, the development hereby approved shall comprise no more than 71 dwellings.

REASON: The maximum number of dwellings is required to be stated in order to ensure the development can be provided in an acceptable manner to ensure high quality design is delivered.

- 6. No development shall take place until full details of the proposed site levels (above ordnance datum), together with the finished floor slab levels of the proposed buildings and structures (including roads and footpaths), in relation to existing ground levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.**

REASON: To ensure the finished levels are acceptable in the interests of visual amenity.

- 7. The first reserved matters application shall include, a Landscape and Ecological Management Plan (LEMP) shall be submitted to, and approved in writing by, the Local Planning Authority. The content of the LEMP shall include, but not necessarily be limited to, the following information:**
 - a. Description and evaluation of features to be managed;**
 - b. Landscape and ecological trends and constraints on site that might influence management;**
 - c. Aims and objectives of management, including long term objectives to ensure management in perpetuity on land outlined in red on boundary plan**
 - d. 15.019.DR.001.P2;**
 - e. Appropriate management options for achieving aims and objectives as set out in points**
 - i. a)-c) above;**
 - f. Prescriptions for management actions for the site outlined in red on 15.019.DR.001.P2**
 - g. Preparation of a work schedule (including an annual work plan capable of being rolled forward over a 5 year period;**
 - h. Details of the body or organisation responsible for implementation of the plan;**
 - i. Ongoing monitoring and remedial measures which shall include measurable targets;**
 - j. Details of how the aims and objectives of the LEMP will be communicated to future occupiers of the development.**

The LEMP shall also include 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 plan shall also set out (where the results from monitoring show that the conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented. A report shall be submitted to the local planning authority

annually detailing the works undertaken and performance against the targets set.

The LEMP shall be implemented in full in accordance with the approved details.

REASON: The matter is required to be agreed in writing with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure adequate protection, mitigation and compensation for protected species and priority species.

8. No development shall commence on site (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include, but not necessarily be limited to, the following:

- a) Risk assessment of potentially damaging construction activities
- b) Identification of 'biodiversity and tree protection zones'
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements
- d) The location and timing of sensitive works to avoid harm to biodiversity features
- e) The times during construction when specialists ecologists need to be present on site to oversee works
- f) Responsible persons and lines of communication
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person(s)
- h) Use of protective fences, exclusion barriers and warning signs.
- i) Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

A report prepared by a competent person(s), certifying that the required mitigation and/or compensation measures identified in the CEMP have been completed to their satisfaction, shall be submitted to the Local Planning Authority every three months from the start of the development until the completion of the final planting.

REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure adequate protection, mitigation and compensation for protected species, priority species and priority habitats.

9. Prior to the submission of the first reserved matters application a written programme of archaeological investigation including a timeframe for onsite work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved in writing by the Local Planning Authority. The programme shall be carried out in accordance with the approved timeframe.

REASON: To enable the investigation of the presence of heritage assets at the site, incorporation of any mitigation measures and recording of any matters of archaeological interest.

10. All soft landscaping comprised in the approved details of landscaping, as required by the reserved matters applications and details required by conditions within this decision notice shall be carried out in the first planting and seeding season within or following the completion of each phase, first occupation of the building(s) or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

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

11. No development shall commence on site (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;
 - h. measures for the protection of the natural environment.
 - i. hours of construction, including deliveries; and
 - j. drainage arrangements during the construction works;
 - k. vehicle routing for construction vehicles.

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: To minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase.

12. No 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 verification report and signed statement should be submitted to and approved in writing of the Local Planning Authority.

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.

13. No development shall commence on site until a scheme of Ultra Low Energy Vehicle infrastructure has been submitted to the LPA. The scheme

must be approved by the LPA prior to implementation and thereafter be permanently retained.

REASON: Development proposals will need to demonstrate that measures can be taken to effectively mitigate emission levels in order to protect public health, environmental quality and amenity.

14. No part of the development hereby permitted shall be occupied until the ghost priority right hand turn lane junction, footways, 3M cycleway across site frontage and secondary access has been completed in accordance with the details shown on the approved plans.(drawing ITB11080-GA-014).The visibility splays shown on the approved plans have been provided with no obstruction to visibility at or above a height of 0.6 above the nearside carriageway level. The visibility splays shall be maintained free of obstruction at all times thereafter.

REASON: In the interests of highway safety.

- 15.No development shall commence on 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 in writing by the Local Planning Authority.

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

- 16.By the occupation of the 10th dwelling a Residential Travel Plan will be 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.

- 17.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.

18. No development shall commence on site until full details of a cycleway/shared use path' across the whole site frontage from the site entrance in an easterly direction to the roundabout of the B4014/ A429, have been submitted to and approved in writing by the Local Planning Authority. The footway improvement scheme shall provide a 3m width and shall upgrade the existing surface. The scheme shall be provided in accordance with the details approved in writing by the Local Planning Authority.

REASON: In the interests of highway safety.

19. No development shall commence on site until full details of the route and design of the up-graded MALMS8 (where it crosses the site) has been submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure the route of the PROW is maintained as part of the development.

20. No development shall commence on site until a scheme for the discharge of surface water from the site /phase, including SuDS (sustainable drainage systems) and all third-party approvals, has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority and the sewerage undertaker. Scheme details shall include any required off-site capacity improvements needed to allow the site/phase to be served, and to include a programme allowing sufficient time for the delivery of any required improvements.

REASON: To comply with Core Policy 67: Flood Risk within the Wiltshire Core

Strategy and to ensure that the development can be adequately drained without increasing flood risk to others.

21. Prior to the installation of any lighting a 'Lighting Design Strategy for Biodiversity' shall be submitted to and approved in writing by the local planning authority. The strategy will cover both construction and operation phase and shall:

1. Identify those features/ routes that are important to light sensitive/ nocturnal species such as bats, badgers and hedgehog and to be retained within dark corridors.

2.

Show full details of proposed construction and operational lighting, including lux plots to show there is no lighting impact to the features/ routes identified. Lux plots should be presented on a scaled site drawing and the light levels must be shown at ground level and at 2m above the ground (horseshoe bats fly typically within this range). The light levels should also be shown as "from new", not as normally calculated levels after some months or years of use.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other lighting be installed without prior consent from the local planning authority.

REASON: As required by Core Policy 50 to ensure the long-term functioning of wildlife corridors and Core Policy 52 the retention and green infrastructure.

22. No demolition, site clearance or development shall commence on site until an Arboricultural Method Statement (AMS) prepared by an arboricultural consultant providing comprehensive details of construction works in relation to trees has been submitted to, and approved in writing by, the Local Planning Authority. All works shall subsequently be carried out in strict accordance with the approved details. In particular, the method statement must provide the following:

- A specification for protective fencing to trees during both demolition and construction phases which complies with BS5837:2013 and a plan indicating the alignment of the protective fencing;**
- A specification for scaffolding and ground protection within tree protection zones in accordance with British Standard 5837: 2012;**
- A schedule of tree works conforming to British Standard 3998: 2010;**
- Details of general arboricultural matters such as the area for storage of materials, concrete mixing and use of fires;**
- Plans and particulars showing the siting of the service and piping infrastructure;**
- A full specification for the construction of any arboriculturally sensitive structures and sections through them, including the installation of boundary treatment works, the method of construction of the access driveway including details of the no-dig specification and extent of the areas of the driveway to be constructed using a no-dig specification;**
- Details of the works requiring arboricultural supervision to be carried out by the developer's arboricultural consultant, including details of the frequency of supervisory visits and procedure for notifying the Local Planning Authority of the findings of the supervisory visits; and**
- Details of all other activities, which have implications for trees on or adjacent to the site. Subsequently and until the completion of all site works, site visits should be carried out on a monthly basis by the developer's arboricultural consultant. A report detailing the results of site supervision and any necessary remedial works undertaken or required should then be submitted to the Local Planning Authority. Any approved remedial works shall**

subsequently be carried out under strict supervision by the arboricultural consultant following that approval.

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 order that the Local Planning Authority may be satisfied that the trees to be retained on and adjacent to the site will not be damaged during the construction works and to ensure that as far as possible the work is carried out in accordance with current best practice and section 197 of the Town & Country Planning Act 1990.

INFORMATIVE

The provision of the (1) right hand turn lane (2) upgraded Malmesbury 8 'footpath improvement scheme' , shared use path , crossing point and carriageway widening will be subject to a S278 Agreement under the Highways Act 1980. Full construction details will be required to be approved. Please note that until detailed drawings are provided the extent and specification of the works cannot be finally agreed.

INFORMATIVE: The applicant is advised to contact Wessex Water directly regarding sewers adoption.

27 **20/02387/OUT: Land at Pound Farm, South View, Lyneham, Wiltshire**

Public Statements

Stephanie Palmer – Objection

Michael & Susan Hunt - Objection

Richard Marshall - Objection

Tina Goodhart – Support

Lyneham and Bradenstoke Parish Council – Objection

The Committee received a presentation from Mike Wilmott, Head of Development Management, which set out the main issues in respect of the application. The purpose of the report was to assess the merits of the proposal against the policies of the development plan and other material considerations, and to consider the recommendation that the application was approved subject to conditions and completion of a S106 within six months of the date of the resolution.

The Outline application (all matters reserved except means of access only in relation to a new point of access into the site) proposed a residential development of up to 50 dwellings (of which 40% would be affordable) and provision of land for D2 use; including the creation of new vehicular access, public open space, landscape planting, pumping station, surface water attenuation and associated infrastructure.

Key points included the position of the nearby housing developments; Pound Close and Webs Court, and proposed footpath links, and the Old Vicarage which was a listed building. The proposed development would have a less than substantial impact on the setting of the old vicarage. The 5-year housing land supply situation was a material consideration.

Lyneham was designated a large village in the WCS, the site was adjacent to the set limits of development. In the context of a shortfall in housing land supply, Officers considered that the proposal did not have adverse impacts that significantly and demonstrably outweighed the benefits, including the provision of new homes including new affordable homes.

The Chairman invited Members to ask any technical questions of the Officer. Details were sought on the extent of the application.

Public statements which had been submitted in accordance with the procedure as detailed above were read. All other statements submitted within the deadline were also available in the agenda supplement online along with the presentation to the meeting.

The Local Member, Councillor Allison Bucknell, then spoke in objection to the application, noting the proposed development was to be built on a greenfield area in Lyneham, stating that the balance of relevant considerations had not been applied correctly, that there was a lack of need for such housing in Lyneham and that a lack of housing in the south of the county should not negatively impact the north, that the village lacked sufficient facilities, noting concerns regarding doctors, dentists and schooling.

The Head of Development Management then responded to the points raised, noting there were issues with housing delivery across all areas of Wiltshire, not just the south of the county. There was no neighbourhood plan for Lyneham and the council needed to look at developments on a case by case basis; Lyneham had more facilities than other villages of its scale and that a development of this size was acceptable here in the circumstances outlined in the report whereas a larger scale development might not be appropriate due to the settlement hierarchy of the WCS.

The Chairman then moved a motion to approve the application in line with the officer's recommendations. This was seconded by Councillor Derek Brown.

A debate followed where it was noted that the application should be considered as it was presented, and any previous applications or future developments should not be given any consideration. Members discussed the submitted letters of objection and support for the development.

At the conclusion of debate each Member was asked in turn to confirm that they had been able to hear and where possible see all relevant materials and to indicate their vote.

When each Member had voted, the Democratic Services Officer announced the decision as follows:

Resolved:

That authority be delegated to the Head of Development Management to GRANT planning permission, subject to conditions listed below and completion of a S106 legal agreement covering the areas outlined below in the Heads of Terms, within six months of the date of the resolution of this Committee.

In the event of failure to complete, sign and seal the required section 106 agreement within the defined timeframe to then delegate authority to the Area Development Manager to REFUSE planning permission for the following reason:

The proposal does not provide for the delivery of the necessary infrastructure (e.g. affordable housing, education provision, recreation provision, open space, waste and recycling) required to mitigate the direct impacts of the development and fails to comply with Core Policy 3 of the Wiltshire Core Strategy, Regulation 122 of the Community Infrastructure Levy Regulations 2010 and paragraph 56 of the National Planning Policy Framework.

Heads of Terms for Section 106 legal agreement to secure the following:

- **40% affordable housing - 60% of the units (12 units) being for Affordable Rented housing, and 40% of the units (8 units) being provided for shared ownership.**
- **Primary school contributions (£262,612)**
- **Secondary school contributions (£229,400)**

Regarding education payments *(Please note however, that the cost multiplier quoted applies for 2018/19 and is due to be updated shortly for the 2019/20 financial year, and the new figure will apply to S106s signed in that financial year as per our S106 Methodology).

- **Off-site sports pitch contribution (£13,915) The Wiltshire Playing Pitch Strategy (adopted Feb 2017) has Ballards Ash (Rugby Ground) at RWB as the nearest beneficiary, it is the nearest Rugby Club to Lyneham and therefore is relevant to the development. The project would be for general pitch and changing upgrading.**
- **Open space - 3,120m2 POs including 270m2 equipped play required (or off-site contribution of £39,420.00 in lieu of providing play on site). If POS provided on site The POS would need to be secured and managed in perpetuity, Wiltshire Council would not adopt the on-site POS.**

Open space management

- **Waste and recycling contribution £4,550.**
- **£6,000 towards a TRO to move the speed limit.**

1 OUTLINE PLANNING PERMISSION COMMENCEMENT

The development hereby permitted shall be begun either before the expiration of one year from the date of this permission, or before the expiration of one year from the date of approval of the last of the reserved matters to be approved, whichever is the later.

REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2 APPROVAL OF CERTAIN RESERVED MATTERS

No development shall commence on site until details of the following matters (in respect of which approval is expressly reserved) have been submitted to, and approved in writing by, the Local Planning Authority:

- (a) The scale of the development;**
- (b) The layout of the development,**
- (c) The external appearance of the development;**
- (d) The landscaping of the site;**

The development shall be carried out in accordance with the approved details.

REASON: The application was made for outline planning permission and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 4(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended).

3 RESERVED MATTERS TO BE SUBMITTED

An application for the approval of all of the reserved matters shall be made to the Local Planning Authority before the expiration of one year from the date of this permission.

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

4 APPROVED PLANS

The development hereby permitted shall be carried out in accordance with the following approved plans and documents unless otherwise varied by details submitted to and approved in writing by the local planning authority in accordance with the conditions of this planning permission:

Site Location Plan 1275.01

Site Survey Plan 1275.02

Design and Access Statement and principles in the Illustrative Site Layout 1275.03

Heritage Desk Based Assessment CR0097_01

Transport Assessment TW/IN/BB/ITB10092-010A R

Travel Plan TW/IN/BB/ITB10092-011A R
Sustainability and Energy Statement by Daedalus
Landscape and Visual Appraisal by Enderby associates
Arboricultural Impact Assessment and Method Statement
PoundFarm_AIA_AMS_062019
Flood Risk Assessment TRS/GLE/E4389/15900
Ecology Appraisal 5633 EcoAp dv5/JoC/HG
All received 13th March 2020
Air Quality Impact Assessment 01.0048.005/AQ v1 received 26th March 2020
REASON: For the avoidance of doubt and in the interests of proper planning.

5 RESTRICTION ON DEVELOPMENT

Notwithstanding the details set out in the description of development, the development hereby approved shall comprise no more than 50 dwellings and a D2 use building.

REASON: The maximum number of dwellings is required to be stated in order to ensure the development can be provided in an acceptable manner to ensure high quality design is delivered.

6 UNIT HEIGHT

Notwithstanding the details set out in the description of development, the dwellings and D2 use building shall be no greater than two storeys in height.

REASON: Restricting height is required in order to ensure the development can be provided in an acceptable manner to ensure high quality design is delivered.

7 BUNGALOWS

The first reserved matters application shall contain a minimum of six no. two or three-bedroom bungalows.

REASON: To define the scope of the development based on the design and access statement.

8 SITE LEVELS

No development shall take place until full details of the proposed site levels (above ordnance datum), together with the finished floor slab levels of the proposed buildings and structures (including roads and footpaths), in relation to existing ground levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

REASON: To ensure the finished levels are acceptable in the interests of visual amenity.

9 LANDSCAPE AND ECOLOGICAL MANAGEMENT PLAN (LEMP)

The first reserved matters application shall include, a Landscape and Ecological Management Plan (LEMP) in accordance with the measures outlined in the Ecological Assessment shall be submitted to, and approved in writing by, the Local Planning Authority. The content of the

LEMP shall include, but not necessarily be limited to, the following information:

- a) Description and evaluation of features to be managed;**
- b) Landscape and ecological trends and constraints on site that might influence management;**
- c) Aims and objectives of management, including long term objectives to ensure management in perpetuity on land outlined in red on the Site Location Plan 1275.01**
- d) Appropriate management options for achieving aims and objectives as set out in points a)-c) above ;**
- e) Prescriptions for management actions for the site outlined in red on the Site Location Plan 1275.01**
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a 5 year period;**
- g) Details of the body or organisation responsible for implementation of the plan;**
- h) Ongoing monitoring and remedial measures which shall include measurable targets;**
- i) Details of how the aims and objectives of the LEMP will be communicated to future occupiers of the development.**

The LEMP shall also include 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 plan shall also set out (where the results from monitoring show that the conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented. A report shall be submitted to the local planning authority annually detailing the works undertaken and performance against the targets set .

The LEMP shall be implemented in full in accordance with the approved details.

REASON: The matter is required to be agreed in writing with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure adequate protection, mitigation and compensation for protected species and priority species.

10 ECOLOGY CEMP

No development shall commence on site (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include, but not necessarily be limited to, the following:

- a) Risk assessment of potentially damaging construction activities**
- b) Identification of 'biodiversity and tree protection zones'**
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements**
- d) The location and timing of sensitive works to avoid harm to biodiversity**

features

e) The times during construction when specialists ecologists need to be present on site to oversee works

f) Responsible persons and lines of communication

g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person(s)

h) Use of protective fences, exclusion barriers and warning signs.

i) Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

A report prepared by a competent person(s), certifying that the required mitigation and/or compensation measures identified in the CEMP have been completed to their satisfaction, shall be submitted to the Local Planning Authority every three months from the start of the development until the completion of the final planting.

REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure adequate protection, mitigation and compensation for protected species, priority species and priority habitats.

11 ARCHAEOLOGY

Prior to the submission of the first reserved matters application a written programme of archaeological investigation including a timeframe for on site work and off site work such as the analysis, publishing and archiving of the results, has been submitted to and approved in writing by the Local Planning Authority. The programme shall be carried out in accordance with the approved timeframe.

REASON: To enable the investigation of the presence of heritage assets at the site, incorporation of any mitigation measures and recording of any matters of archaeological interest.

12 LANDSCAPING IMPLEMENTATION

All soft landscaping comprised in the approved details of landscaping, as required by the reserved matters applications and details required by conditions within this decision notice shall be carried out in the first planting and seeding season within or following the completion of each phase, 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.

13 CONSTRUCTION METHOD STATEMENT

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

- a) the parking of vehicles of site operatives and visitors;
- b) loading and unloading of plant and materials;
- c) storage of plant and materials used in constructing the development;
- d) 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;
- h) measures for the protection of the natural environment.
- i) hours of construction, including deliveries; and
- j) drainage arrangements during the construction works;
- k) vehicle routing for construction vehicles.

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: 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.

14 ACCESS

Prior to first occupation of any dwelling hereby permitted the access shall be provided with visibility with nothing to exceed the height of 600mm above carriageway level between the carriageway edge, and a line drawn from a point 2.4 metres back along the centre line of the access from the carriageway edge, to points on the nearside carriageway edge 90 metres to the east, and 59 metres to the west.

REASON: In the interests of highway safety.

15 A3201 UPGRADE

Prior to first occupation the street lighting of the A3102 shall have been upgraded to BS5489-1;2013 BS EN123202-2 2003 for a distance of 60 metres to either side of the access position, in accordance with details to be first submitted to and approved by the Local Planning Authority.

REASON: In the interests of safe and convenient operation of the site access during the hours of darkness.

16 TRAVEL PLAN

No part of the development shall be occupied prior to the implementation of the Framework Travel Plan, (or implementation of those parts capable

of being implemented prior to occupation). Those parts identified for implementation after occupation shall be implemented in accordance with the timetable contained therein.

REASON: In the interests of reducing the amount of private car movements to and from the development.

17 LYNE4

Prior to occupation of the 20th dwelling footpath LYNE4 shall be planed off, resurfaced and street lit between the development and The Green, including new dropped kerbs where it crosses Pound Close, in accordance with details to be first submitted to and approved by the Local Planning Authority.

REASON: In the interests of improving pedestrian accessibility to and from the development.

18 DROPPED KERBS

Prior to first occupation new sets of dropped kerbs shall be provided at the end of Farthing Lane and at 2 locations on Pound Close in accordance with details to be first submitted to and approved by the Local Planning Authority.

REASON: In the interests of improving pedestrian accessibility to and from the development.

19 LYNE57

Prior to occupation of the 20th dwelling footpath LYNE57 shall have been planed off and resurfaced between the point where it joins LYNE4, to the point where it connects with the proposed pedestrian link to Pound Close near 71 Pound Close, in accordance with details to be first submitted to and approved by the Local Planning Authority.

REASON: In the interests of improving pedestrian accessibility to and from the development.

20 ACCESS LINK

Prior to occupation of the 30th dwelling a 3.5 metre wide bollarded, emergency, pedestrian and cycle access link shall have been provided between the development and Webbs Court in accordance with details to be first submitted to and approved by the Local Planning Authority.

REASON: In the interests of improving emergency, pedestrian and cycle accessibility to and from the development.

21 ULTRA LOW ENERGY VEHICLE INFRASTRUCTURE

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

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

CONTAMINATED LAND

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
 - o human health,
 - o property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - o adjoining land,
 - o groundwater and surface waters,
 - o ecological systems,
 - o 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

23 SURFACE WATER DISCHARGE

No development shall commence on site until a scheme for the discharge of surface water from the site /phase, including SuDS (sustainable drainage systems) and all third party approvals (as necessary), has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority and the sewerage undertaker . Scheme details shall include any required off-site capacity improvements needed to allow the site/phase to be served, and to include a programme allowing sufficient time for the delivery of any required improvements.

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

24 ECOLOGLY & LIGHTING

Reserved matters applications shall be in accordance with the mitigation measures set out in Ecological Assessment (Aspect Ecology, 2019), each reserved matter application shall be accompanied by a 'Lighting Design Strategy for Biodiversity'. The strategy will cover both construction and operation phase and shall:

1. Identify those features/ routes that are important to light sensitive/ nocturnal species such as bats, badgers and hedgehog and to be retained within dark corridors.
2. Show full details of proposed construction and operational lighting, including lux plots to show there is no lighting impact to the features/ routes identified. Lux plots should be presented on a scaled site drawing and the light levels must be shown at ground level and at 2m above the ground (horseshoe bats fly typically within this range). The light levels should also be shown as "from new", not as normally

calculated levels after some months or years of use.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other lighting be installed without prior consent from the local planning authority.

REASON: As required by Core Policy 50 to ensure the long-term functioning of wildlife corridors and Core Policy 52 the retention and green infrastructure.

25 ARBORICULTURAL METHOD STATEMENT

No demolition, site clearance or development shall commence on site until an Arboricultural Method Statement (AMS) prepared by an arboricultural consultant providing comprehensive details of construction works in relation to trees has been submitted to, and approved in writing by, the Local Planning Authority. All works shall subsequently be carried out in strict accordance with the approved details. In particular, the method statement must provide the following:

" A specification for protective fencing to trees during both demolition and construction phases which complies with BS5837:2013 and a plan indicating the alignment of the protective fencing;

" A specification for scaffolding and ground protection within tree protection zones in accordance with British Standard 5837: 2012;

" A schedule of tree works conforming to British Standard 3998: 2010;

" Details of general arboricultural matters such as the area for storage of materials, concrete mixing and use of fires;

" Plans and particulars showing the siting of the service and piping infrastructure;

" A full specification for the construction of any arboriculturally sensitive structures and sections through them, including the installation of boundary treatment works, the method of construction of the access driveway including

details of the no-dig specification and extent of the areas of the driveway to be constructed using a no-dig specification;

" Details of the works requiring arboricultural supervision to be carried out by the developer's arboricultural consultant, including details of the frequency of supervisory visits and procedure for notifying the Local Planning Authority of the findings of the supervisory visits; and

" Details of all other activities, which have implications for trees on or adjacent to the site.

" Subsequently and until the completion of all site works, site visits should be carried out on a monthly basis by the developer's arboricultural consultant. A report detailing the results of site supervision and any necessary remedial works undertaken or required should then be submitted to the Local Planning Authority. Any approved remedial works

shall subsequently be carried out under strict supervision by the arboricultural consultant following that approval.

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 order that the Local Planning Authority may be satisfied that the trees to be retained on and adjacent to the site will not be damaged during the construction works and to ensure that as far as possible the work is carried out in accordance with current best practice and section 197 of the Town & Country Planning Act 1990.

26 **INFORMATIVE:** You are advised to contact Wessex Water directly regarding sewers adoption.

28 **Urgent Items**

(Duration of meeting: 10.30 am - 1.00 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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