

Northern Area Planning Committee

MINUTES OF THE NORTHERN AREA PLANNING COMMITTEE MEETING HELD ON 18 SEPTEMBER 2024 AT COUNCIL CHAMBER - COUNCIL OFFICES, MONKTON PARK, CHIPPENHAM, SN15 1ER.

Present:

Cllr Chuck Berry (Chairman), Cllr Steve Bucknell, Cllr Clare Cape, Cllr Gavin Grant, Cllr Jacqui Lay, Cllr Nic Puntis, Cllr Mike Sankey, Cllr Martin Smith, Cllr Elizabeth Threlfall and Cllr Ruth Hopkinson (Substitute)

Also Present:

Cllr Peter Hutton

In the absence of the Chairman Cllr Chuck Berry, who was unable to chair until Agenda item 6 (number 71 as per the minutes), and in the absence of Vice-Chair Cllr Howard Greenman, who had given apologies, it was:

Resolved

To elect Cllr Nic Puntis as Chairman for this meeting of the Northern Area Planning Committee, and only until Cllr Chuck Berry was able to sit as Chair.

66 **Apologies**

Apologies were received from:

Cllr Howard Greenman

Cllr David Bowler (Substituted by Cllr Ruth Hopkinson)

67 **Minutes of the Previous Meeting**

The minutes of the last meeting of the Committee held on 21 August 2024 were considered for approval by the committee.

Resolved

To approve the minutes of the previous meeting held on 21 August 2024 as a true and correct record.

68 **Declarations of Interest**

There were no declarations of interest.

69 **Chairman's Announcements**

There were no Chairman's announcements.

70 **Public Participation**

The Committee noted the rules on public participation.

71 **Planning Appeals and Updates**

Councillor Chuck Berry in the Chair.

The Chairman invited Adrian Walker, Development Management Team Leader, to update the Committee on the pending and determined appeals as per the appeals report included within the Agenda Pack.

Following which, it was:

Resolved:

The Committee noted the appeals report for the period 9 August to 6 September 2024.

For Councillors to receive an update on land supply and windfall housing statistics.

72 **PL/2023/05471: Land South West of Park Road, Malmesbury, Wiltshire**

Public Participation

Mr James Durant spoke in support of the application.

Officers from the Development Management Area Team introduced the report which recommended that the Committee approve planning permission, subject to conditions, for a Reserved Matters Application of all reserved matters comprising of the erection of 23 dwellings together with associated infrastructure and landscaping following Outline Planning Permission ref 20/08341/OUT.

The main issues which were considered material in the determination of the application were:

- Principle of development
- Scale, design, impacts on the character and the appearance of the area
- Residential amenity/living conditions

Members of the Committee then had the opportunity to ask technical questions to the officer. The following was clarified:

That the road next to the proposed site was a public road and was included on the map to show access to the highway.

As the application was deferred, Councillors agreed not to repeat all the information discussed previously, and welcomed the additional information and clarification provided by Officers and the Applicant.

During debate, a motion to approve subject to conditions was proposed by Cllr Gavin Grant and seconded by Cllr Ruth Hopkinson, following which it was:

Resolved

To Approve the application 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:

Application Form & Certificate Received 5th July 2023

As per the plans schedule, received on 2nd July 2024 Plans Ref:

Drawing Number Drawing Description

897 – 100 Rev A Site Layout

897 - 150 Site Location Plan

897 – 101 Rev B Boundary Treatments Plan

897 – 102 Rev A Wall Materials Plan

897 – 103 Rev B Roof Materials Plan

897 – 104 Rev A Tenure Plan

897 – 105 Rev A Ownership Plan

897 – 107 Rev A PV Panel and Air Source Heat Pump Locations Plan

897 – 005 Plots 6 7 8 and 9 - Affordable 1 and 2 Bed - Floorplans

897 – 006 Plots 6 7 8 and 9 - Affordable 1 and 2 Bed - Elevations

897 – 007 Plots 13 and 14 - Affordable 3 Bed - Floorplans

897 - 008 Plots 13 and 14 - Affordable 3 Bed - Elevations

897 – 009 Plots 10 11 and 12 - Affordable 2 Bed - Floorplans

897 - 010 Plots 10 11 and 12 - Affordable 2 Bed - Elevations

897 – 011 Plot 15 - Type B - Floorplans

897 – 012 Plot 15 - Type B - Elevations

897 – 013 Plots 16 and 22 - Type D - Floorplans

897 – 014 Plots 16 and 22 - Type D - Elevations

897 – 015 Plot 1 - Type D Bay - Floorplans

897 – 016 Plot 1 - Type D Bay - Elevations

897 – 017 Plots 20 and 21 - Type K and KV1 - Floorplans

897 – 018 Plots 20 and 21 - Type K and KV1 - Elevations

897 – 019 Plots 2 3 4 and 5 - Type OM 3 bed - Floorplans

897 – 020 Plots 2 3 4 and 5 - Type OM 3 bed - Elevations

897 – 021 Plot 18 - Type BV1 - Floorplans

897 – 022 Plot 18 - Type BV1 - Elevations

897 – 023 Plot 19 - Type BV1 - Floorplans

**897 – 024 Plot 19 - Type BV1 - Elevations
897 – 025 Plot 17 and 23 - Type DV1 - Floorplans
897 – 026 Plot 17 and 23 - Type DV1 - Elevations
897 – 050 Single Garage Floorplan and Elevations
897 – 051 Double Garage Floorplan and Elevations
897 – 250 Site Section
897 Material Finishes Schedule
23_271_101_B Soft Landscaping Plan**

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

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

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

4. No development shall continue on-site beyond slab level until the exact details and samples of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, in the interests of visual amenity and the character and appearance of the area.

5. Prior to development above slab level a final Sustainable Energy Strategy, explaining the low carbon approach of the scheme taken in the technical design stages shall be submitted to and approved in writing by the Local Planning Authority. This shall include but not necessarily be limited to consideration of operational energy/carbon, embodied carbon, climate change adaptation and sustainable transport. The development shall be carried out in accordance with the agreed details.

REASON: To ensure that the objectives of sustainable development set out in

policies CP41, CP55, CP57 and CP60 of the Wiltshire Core Strategy are achieved.

6. No development above slab level shall occur until final details of the air source heat pumps and roof-mounted solar PV has been submitted to and approved in writing by the local planning authority. Details shall include, but not necessarily be limited to location, number, dimensions and manufacturer's details. The development shall be carried out in accordance with the approved details.

REASON: In order to define the terms of the permission and in order to support and encourage sustainable construction in accordance with policies CP41 and CP57 of the Wiltshire Core Strategy.

7. No development above slab level shall occur until final details of the electric vehicle charge points has been submitted to and approved in writing by the local planning authority. Details shall include, but not necessarily be limited to location and manufacturer's details. The development shall be carried out in accordance with the approved details.

REASON: In order to define the terms of the permission and in order to support and encourage sustainable construction in accordance with policies CP41, CP55, CP57 and CP60 of the Wiltshire Core Strategy. - No development above slab level shall occur until final details of the cycle parking has been submitted to and approved in writing by the local planning authority. Details shall include location and building elevations. The development shall be carried out in accordance with the approved details. **REASON:** To ensure that the objectives of sustainable development set out in policies CP41, CP55, CP57 and CP60 of the Wiltshire Core Strategy are achieved.

8. The dwellings shall be constructed to meet, as a minimum, the higher Building Regulations standard Part G for water consumption limited to 110 litres per person per day using the fittings approach.

REASON: The site is in an area of serious water stress requiring water efficiency opportunities to be maximised, to mitigate the impacts of climate change, in the interests of sustainability and to use natural resources prudently in accordance with the National Planning Policy Framework.

73 **PL/2022/06908: Phase 6, Land at Hunters Moon, Chippenham**

Public Participation

Mrs Janet Morgan spoke in objection of the application.

Mr Mike Gover, Mr Max Thurgood and Mr Nick Paterson-Neild spoke in support of the application.

Officers from the Development Management Area Team introduced the report

which recommended that the Committee approve planning permission, subject to conditions, for the erection of 56 dwellings, associated parking, public open space, landscaping access, drainage works and associated infrastructure.

The main issues which were considered material in the determination of the application were:

- Relationship to adjoining properties
- Environmental / highway impact

Members of the Committee then had the opportunity to ask technical questions to the officer, where the following was clarified:

- That originally, the land for the proposed application was designated as hybrid for mostly commercial and partly residential use and was now residential and should the application be approved, the housing would form part of the Council's land supply pipeline and would be included in figures when the development begins.
- That the S106 did provide for community assets including early years, but that the area was considered sustainable regarding major amenities.
- Regarding Section 7.7 of the officers' report, that the underlined paragraph was included to avoid erasing comments made even if they were subsequently deemed incorrect.

Debate

During debate, Councillors considered local resident's submissions on the application. Councillors discussed potential flooding and drainage problems, including delegating these considerations to officers. Councillors raised potential issues with the enforcement of the proposed conditions should it be necessary.

During debate, a motion to approve subject to conditions was proposed by Cllr Chuck Berry and seconded by Cllr Sankey, following which it was:

Resolved

That information relating to drainage be published and communicated to Councillors

That the application be approved subject to the first completion of a S106 agreement requiring the following –

- **Affordable housing – 40% Affordable housing 'AH' units on site including 22 AHs with tenure split of 14 no. Affordable Rent and 8 no. Shared**

Ownership with the submitted mix of AH.

- **Education – financial contributions towards local education provision.
Early Years: £122,654.00.**
- **Highways – £7,200 financial contribution towards the original Transport Assessment / the provision and implementation of a Travel Plan. This amount would be indexed up from 2017 to 2023.**
- **Waste Collection Facilities - £5,656**
- **Public Open Space - LAP will be 100 sqm and the off-site contribution of £33,120 to cover the shortfall. In addition, a requirement for 2,616m² of sports pitches which equates to an off-site contribution of £26,160.**
- **A monitoring fee for the S106**

And subject to the following planning conditions:

1. Time Limit

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. List of Approved Plans and Documents

The development hereby permitted shall be carried out in accordance with the list of approved plans and documents set out at Annex A to this decision notice.

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

3. Noise Mitigation Measures

Prior to the first occupation of the development hereby approved, the following noise mitigation measures shall be implemented in accordance with the 'summary of mitigation measures' plan (ref RA00761 - Fig 1 - v2). These shall include:

Noise mitigation measures shall be implemented in accordance with the 'summary of mitigation measures' plan (ref RA00761 - Fig 1 - v2). These shall include:

- A 2.5 metre high acoustic fence along part of the A350 boundary prior to occupation of plots 43-49
- A 2.5 metre high acoustic fence along part of the Easton Lane boundary prior to occupation of plots 1-7 and 36-40
- A 2 metre high recon stone along the north-western boundary of plot 32 prior to occupation of such plot
- Mechanical ventilation (Zehnder ComfoAir 185 WM wholehouse ventilation system, or equal and approved) prior to occupation of plots 7, 9-10 and 30-36)
- Plot 40 will be finished with glazing with performance of 26dB Rw+Ctr required

Prior to the first occupation of the relevant each dwellings hereby approved, a written report confirming the technical specification and site schematics of the proposed mechanical ventilation system to protect future occupiers from A350 road traffic noise at Plots: 39,44,50,51,54,57,59, and to protect future occupiers from potential commercial/industrial noise at Plots: 7, 11, 12, 32, 33, 34, 35, 36, 37 and 40, shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented in full prior to future occupation and maintained for the lifetime of the development.

REASON: To protect the amenity of future residents, in accordance with Core Policy 57.

4. Arboricultural Works

No demolition, site clearance or development shall commence on site, and; no equipment, machinery or materials shall be brought on to site for the purpose of development, until tree protection measures have been put in place in full accordance with the details set out in the 'Arboricultural Impact Assessment' (the Assessment) by Treework Environmental Practice dated 22th March 2024.

The protective fencing shall be erected in accordance with the approved details in the Assessment. The protective fencing shall remain in place for the entire development phase and until all equipment, machinery and surplus materials have been removed from the site. Such fencing shall not be removed or breached during construction operations.

No retained tree/s specified in the Assessment shall be cut down, uprooted or destroyed, nor shall any retained tree/s be topped or lopped other than in accordance with the approved Assessment, plans and particulars. Any agreed topping or lopping shall be carried out in

accordance British Standard 3998: 2010 “Tree Work – Recommendations” or arboricultural techniques where it can be demonstrated to be in the interest of good arboricultural practice.

If any retained tree is removed, uprooted, destroyed or dies, another tree shall be planted at the same place, at a size and species and planted at such time, that must be agreed in writing with the Local Planning Authority.

No fires shall be lit within 15 metres of the furthest extent of the canopy of any retained trees or hedgerows or adjoining land and no concrete, oil, cement, bitumen or other chemicals shall be mixed or stored within 10 metres of the trunk of any tree or group of trees to be retained on the site or adjoining land.

[In this condition “retained tree” means an existing tree which is to be retained in accordance with the approved Assessment, plans and particulars; and paragraphs above shall have effect until the expiration of five years from the first occupation or the completion of the development, whichever is the later].

REASON: To enable the Local Planning Authority to ensure the retention of trees on the site in the interests of visual amenity.

5. Implementation of Landscaping Scheme

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

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

6. 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; and**
- h) measures for the protection of the natural environment.**
- i) hours of construction, including deliveries;**

has been submitted to, and approved in writing by, the Local Planning Authority.

The approved Statement shall be complied with in full throughout the construction period.

The development shall not be carried out otherwise than in accordance with the approved construction method statement.

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

7. Construction Environment Management Plan

Prior to the commencement of works, including demolition, ground works/excavation, site clearance, vegetation clearance and boundary treatment works, a Construction Environmental Management Plan (CEMP) shall be submitted to the local planning authority for approval in writing. The Plan shall provide details of the avoidance, mitigation and protective measures to be implemented before and during the construction phase, including but not necessarily limited to, the following:

- a. Identification of ecological protection areas/buffer zones and tree root protection areas and details of physical means of protection, e.g. exclusion fencing.**
- b. Working method statements for protected/priority species, such as nesting birds and reptiles.**
- c. Mitigation strategies already agreed with the local planning authority prior to determination, such as for great crested newts, dormice or bats;**

this should comprise the pre-construction/construction related elements of strategies only.

d. Work schedules for activities with specific timing requirements in order to avoid/reduce potential harm to ecological receptors; including details of when a licensed ecologist and/or ecological clerk of works (ECoW) shall be present on site.

e. Key personnel, responsibilities and contact details (including Site Manager and ecologist/ECoW).

f. Timeframe for provision of compliance report to the local planning authority; to be completed by the ecologist/ECoW and to include photographic evidence.

Development shall be carried out in strict accordance with the approved CEMP.

REASON: To ensure adequate protection and mitigation for ecological receptors prior to and during construction, and that works are undertaken in line with current best practice and industry standards and are supervised by a suitably licensed and competent professional ecological consultant where applicable.

8. Details of secure covered cycle parking

No development shall commence on site until details of secure covered cycle parking have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be provided in accordance with the approved details and made available for use prior to the first occupation of the development hereby permitted and shall be retained for use at all times thereafter.

REASON: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than the private car.

9. Construction of roads, footpaths, turning and parking spaces

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 properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway. For the avoidance of doubt, the surface of the site access onto Haystack Avenue shall be finished with block paving to define the areas of Haystack Avenue and into the side road. The proposed footpath links to Haystack Avenue and the eastern side of the site and any unadopted visitors parking spaces shall be maintained by a management company and maintained as such thereafter.

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

10. Completion of access, turning area and parking spaces

No individual dwelling hereby permitted shall be first occupied until the access, turning area and parking spaces serving that dwelling 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.

11. Details of highway works adjacent to plot 54

Prior to the commencement of plot 54, a revised swept path analysis in the vicinity of plot 54 shall be 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 first occupation of the plot 54.

REASON: In the interests of highway safety.

12. Drainage details

Prior to the commencement of proposed development hereby approved, following drainage details shall be submitted to and approved in writing by the Local Planning Authority:

(i) calculations which demonstrate that the proposed drainage design provides a sufficient level of water treatment to prevent pollution of the receiving watercourse.

(ii) a construction management plan which demonstrates how pollution to groundwater and local watercourses will be mitigated, and how flood risk to people and property will be mitigated.

(iii) Clear arrangements for the ownership and ongoing maintenance of the proposed drainage system (including SuDS features).

(iv) Calculations and drawings for the drainage system design showing conveyance routes are designed to convey without flooding the critical 1 in 30 year + climate change rainfall event.

(v) Calculations and drawings for the drainage system design showing attenuation features are designed to attenuate without flooding the critical 1 in 100 year rainfall event + climate change.

(vi) Calculations include an allowance for increased surface water runoff, as a result of urban creep, in accordance with LASOO guidance.

(vii) Hydraulic Models set the MADD factor / additional storage volume factor to 0m³ / ha in order to prevent an overestimation of storage capacity in the proposed drainage network.

(viii) As a result of the discharge to the surface water sewer, the applicant shall confirm the above hydraulic parameters are met when considering a surcharged outfall.

(ix) provide additional blue-green SuDS features in accordance with national and local development requirements. It is expected this shall predominantly include additional filter strips around the site

(x) Notwithstanding the submitted a flood routing plan entitled “Phase 6 Flood Exceedance”, the applicant shall provide a plan displaying detailed overland exceedance routes, including individual plots, to demonstrate flood risk to people and property is mitigated across the extent of the Phase 6 area, not just along highways

REASON: To ensure satisfactory drainage of the site.

13. No external lighting

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 Institution of Lighting Professionals in their publication “The Reduction of Obtrusive Light” Guidance Note 01/21 (reference GN01/21), 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.

14. Waste Management

No development shall commence on site until details of the storage of refuse, including details of location, size, means of enclosure and materials, have been submitted to and approved in writing by the Local Planning Authority. No individual unit within the development shall not be first occupied. until the approved refuse storage has been completed and made available for use in accordance with the approved details and it shall be subsequently maintained in accordance with the approved details thereafter.

REASON: In the interests of public health and safety.

15. Permitted Development Rights Removed (Means of Enclosure)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order

revoking or reenacting or amending that Order with or without modification), no gates, fences, walls or other means of enclosure, other than those shown on the approved plans, shall be erected or placed forward of any wall of the dwelling(s) (including a rear or side wall) which fronts onto a highway, carriageway or footpath.

REASON: In the interests of visual amenity.

16. Permitted Development Rights removed (No garage conversion into habitable accommodation)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.3) (England) Order 2020 (or any Order revoking or reenacting or amending that Order with or without modification), the garage(s) hereby permitted shall not be converted to habitable accommodation.

REASON: To secure the retention of adequate parking provision, in the interests of highway safety.

17. Detailed elevation of plot 14 and 15

Notwithstanding submitted drawing, BSP670-1.PL-01 Oagstone Brick, the first-floor window on the side north elevation of plot 14 and 15 shall be obscure glazed to level 3 with restricted opening, and it shall be retained as such thereafter.

REASON: To safeguard the amenity of the neighbouring properties.

74 **Urgent Items**

There were no urgent items.

(Duration of meeting: 14.00 – 16.30pm)

The Officer who has produced these minutes is Max Hirst of Democratic Services, e-mail committee@wiltshire.gov.uk

Press enquiries to Communications, direct line 01225 713114 or email communications@wiltshire.gov.uk