

## Northern Area Planning Committee

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### MINUTES OF THE NORTHERN AREA PLANNING COMMITTEE MEETING HELD ON 20 NOVEMBER 2024 AT COUNCIL CHAMBER - COUNCIL OFFICES, MONKTON PARK, CHIPPENHAM, SN15 1ER.

#### **Present:**

Cllr Chuck Berry (Chairman), Cllr Howard Greenman (Vice-Chairman), Cllr David Bowler, Cllr Steve Bucknell, Cllr Clare Cape, Cllr Gavin Grant, Cllr Jacqui Lay, Cllr Martin Smith, Cllr Elizabeth Threlfall and Cllr Ashley O'Neill

#### **Also Present:**

Cllr Nick Dye

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#### 75 **Apologies**

Apologies were received from Cllr Nic Puntis.

#### 76 **Minutes of the Previous Meeting**

On the proposal of the Chairman, seconded by Cllr Martin Smith, it was:

#### **Resolved**

**To approve the minutes of the meeting held on 18 September 2024 as a true and correct record.**

#### 77 **Declarations of Interest**

There were no declarations of interest.

#### 78 **Chairman's Announcements**

There were no Chairman's announcements.

The Vice-Chairman arrived at 14:05.

#### 79 **Public Participation**

The Committee noted the rules on public participation.

#### 80 **Planning Appeals and Updates**

The Committee noted that application PL/2022/04524, land east of Ravensroost Road, Ravenshurst Farm, Minety, Malmesbury, SN16 9RJ had gone to appeal.

Cllr Jacqui Lay reported that application PL/2021/06918, for the erection of 61 dwellings at Widham Farm, Purton had been approved at appeal.

On the proposal of Cllr Elizabeth Threlfall, seconded by Cllr Clare Cape, it was:

### **Resolved**

**To note the appeal report for the period between 6 September and 8 November 2024.**

81 **PL/2024/06709: Land North of Chelworth Road, Cricklade Industrial Estate, Cricklade, SN6 6HE**

#### Public Participation

- Mr Dale Evans spoke in support of the application
- Cllr Mark Clarke, from Cricklade Town Council, spoke in objection to the application

The Conservation and Planning Officer, James Repper, introduced a report which recommended that the application for the retention of hardstanding as a car park, be approved subject to the conditions outlined in the report. Key details were stated to include the principle of development, environmental and highway impacts.

Attention was drawn to the location of the site outside of the Chelworth commercial area defined in Cricklade Neighbourhood Plan. However, the officer noted that, whilst the proposed development was in conflict with Policy B5 of the Neighbourhood Plan, it was not expected to generate any additional traffic to the site and would be used primarily for staff parking. The existing hard standing would be linked to the industrial estate by the creation of a new permeable footpath. The officer explained that the proposals would reduce the landscape impact of the existing hardstanding and help to preserve biodiversity. The additional parking would also have a positive impact on highway safety within the Chelworth commercial area which needed to be factored into the planning balance.

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

Details were sought about the reason for the scale of the development. It was explained that the hardstanding had been installed by a tenant and that the landowner had said that they had not given their permission for the works. The site was planned to be used primarily for staff parking and could also provide overflow parking for customers.

It was noted that the hardstanding had been used as a location to sell cars but was currently vacant.

In response to a query about whether it would be possible to add a condition that a gate be added to restrict usage by heavy goods vehicles (HGVs), the officer confirmed that it would. He also highlighted that the prohibition of overnight parking and HGVs were also stipulated in the conditions attached to the report.

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

The Unitary Division Member, Cllr Nick Dye then spoke in opposition to the application.

In order to begin debate, it was proposed by Cllr Steve Bucknell, seconded by Cllr Ashley O'Neill, that the application be approved for the reasons outlined in the report.

A debate followed where the size and retrospective nature of the application were discussed. In response to queries it was stated that Cricklade Neighbourhood Plan could be accorded full weight in the planning balance.

Other issues raised included the highway impacts and potential for use by HGVs. To address concerns about these issues, Cllr Elizabeth Threlfall proposed an amendment that a lockable, height restricted, gate be installed at the site entrance. The proposed amendment was accepted as a friendly amendment by the proposer and seconder of the original motion, Cllrs Bucknell and O'Neill.

Following a vote, the motion to approve the application was lost. A motion to refuse the application was then moved by Cllr Gavin Grant and seconded by Cllr Clare Cape.

Some members of the Committee questioned whether the proposed development was larger than that required for staff parking, but officers advised the Committee against including size as a reason for refusal.

At the conclusion of the discussion on the proposal, it was then:

### **Resolved**

**That planning permission for the retention of hardstanding as car parking be REFUSED.**

### **Reason**

**The proposed change of use of agricultural land outside the defined boundary of Chelworth Industrial Estate represents development in the open countryside without sufficient justification. This is contrary to the development strategy, the aims and objectives of the Cricklade Neighbourhood Plan, and the principles of sustainable development. As**

**such, the proposal fails to comply with Policy B5 of the Cricklade Neighbourhood Plan.**

82 **PL/2023/07797: Land Off Park Road, Malmesbury, Wilts**

Public Participation

- Mrs Kim Power had a statement read out in objection to the application
- Mr Tom Cole spoke in support of the application

The Conservation and Planning Officer, James Repper, introduced a report which recommended that the reserved matters application for 40 dwellings with associated parking, amenity space, public open space, hard and soft landscaping plus associated works, be approved. Key details were stated to include the scale, design and residential amenity of the proposed development.

The Committee were reminded that outline permission for up to 50 dwellings on the site had been approved by the Inspector, so the principle of development had already been established. There had been no objection from Wiltshire Council's urban design, ecology or landscaping teams. The Conservation and Planning Officer also highlighted that the development would contain 42.5 percent affordable housing, which was agreed as part of the outline permission.

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

In response to a question about the relationship between the subject site and a neighbouring site to the east, which had been granted permission for the erection of 23 dwellings, it was explained that there would be no direct connection between the two sites and that the hedgerow between the two would be maintained.

Details were sought about the emergency access arrangements for the site in the event of a flood. Officers explained that a compacted track through the field to the west of the site, which was also owned by the applicant, would provide vehicular access for the emergency services. The emergency access was not part of the reserved matters application but would be stipulated as part of a discharge of conditions application PL2023/08583 attached to the outline permission. It would not be necessary to add a condition stipulating that the emergency access track was constructed prior to the completion of any dwellings as this matter would be covered as part of Condition 12 of the outline application. A gate with a coded lock would prevent vehicular access along the track by residents and other members of the public.

When questioned further about objections relating to drainage at the site, it was explained that there were no objections from the Lead Local Flood Authority to the application before the Committee. It was confirmed that the applicant had made available the documents relating to both the reserved matters and outline permissions, so that all of the relevant documents relating to drainage were in the public domain. It was noted that discharge of condition applications were not

published until they had been approved and that no request from the public, to access drainage documents for the reserved matters application, had been received.

In response to a query about whether the proposed development could share its emergency access with the approved development to the east of the site, it was noted that both sites were not in the same ownership when the original applications were submitted. The emergency access arrangements had been stipulated by the Inspector at the appeal.

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

As she was unable to attend in person, a statement in objection to the application, written by Mrs Kim Powers, was read out on her behalf by Cllr Gavin Grant.

The Unitary Division Member, Cllr Grant, then spoke in objection to the application. He highlighted comments from the Environment Agency that stated that the primary access to the proposed development via Park Road was known to flood to potentially unsafe depths. He noted that the Environment Agency's advice to the Local Planning Authority was that it sought comments from the emergency services about the emergency access arrangements.

In response to the points made by the public and the Unitary Division Member, it was highlighted that there would be safe pedestrian and cycling exits to the site. It was explained that, in respect of emergency planning, officers had relied on recommendations from the Environment Agency, who had not objected to the application. The emergency services had been invited to comment on the application, although no comments had been received other than the statement by Dorset and Wiltshire Fire and Rescue in the report.

It was explained that it would not be possible for the Committee to defer the application to receive comments from the emergency services, who had already had opportunity to comment if they wished. Furthermore, it would always be requirement to ensure that the access track was available to emergency services and that the only reason this could ever change was if a better access arrangement was put in place.

It was emphasised that the drainage and access arrangements were not part of the reserved matters application, so it would not be possible to refuse the application for those reasons.

In order to bring debate it was proposed by the Chairman, seconded by Cllr Elizabeth Threlfall, that the reserved matters application be approved subject to the conditions outlined in the report.

A debate followed where number of members raised their deep concerns about the flood risks to the site and voiced their strong dissatisfaction with the Inspector's decision to grant outline planning permission.

Comments made emphasised concern about how disabled residents would be able to exit the site in their vehicles, during a flood, if the emergency access was only to be used by the blue light services. Concerns were also raised about the number of properties on the site and that the land was not allocated for development in the Malmesbury Neighbourhood Plan.

In response to concerns about the density of the development, officers advised that, as outline permission had already been granted for up to 50 dwellings on the site, there were no grounds to refuse the reserved matters application for 40 dwellings when there were no objections raised by Wiltshire Council's design team.

It was reiterated that the drainage and emergency access arrangements had already been agreed and were not part of the reserved matters application, so could not form the basis of any refusal.

In response to questions about whether, given the strength of feeling of the Committee about the flood risk, it would be possible to add to the motion that a complaint be submitted to the Inspector, it was stated that the way to make a complaint would be for individual members to do so online. Given that outline permission had been granted, the council would be at significant risk of incurring costs if the reserved matters application was refused on drainage and access grounds, as this would not be able to be defended by officers.

It was queried whether it would be possible to challenge the Inspector's decision after the six-week judicial review period had expired on the principle of the Wednesbury Unreasonableness, that the decision was so outrageous in its defiance of logic or accepted moral standards that no sensible person who had applied his mind to the question to be decided could have arrived at it. The Development Management Team Leader, Adrian Walker, clarified that there was no possibility of challenge beyond the six-week period in this instance. He emphasised that the Committee needed to make a decision on the matters within the reserved matters application, such as the appearance, landscaping, layout, and scale of the proposed development. The principle of development had already been established and permitted, so could not be revisited by the Committee.

In response to a query about whether Core Policy 57 (Ensuring High Quality Design and Place Shaping) of the Wiltshire Core Strategy would provide reasons for refusal, the view of officers was that it would not.

The Committee were also advised that any refusal required sound planning reasons and legal grounds to do so.

Following debate, a vote on the motion to approve the reserved matters application was lost.

Cllr Grant, seconded by the Vice-Chairman, then proposed that the application be deferred pending legal advice regarding the Committee's involvement in the discharge of conditions relating to access and flooding.

Officers advised that there was a possibility that the applicant would be able to appeal for non-determination.

At the conclusion of the discussion on the proposal, it was then:

### **Resolved**

**That the reserved matters application for 40 dwellings with associated parking, amenity space, public open space, hard and soft landscaping plus associated works be DEFERRED.**

### **Reason**

**So that the Committee could receive legal guidance from officers as to its role in relation to the discharge of conditions relating to access and flooding.**

### **83 Urgent Items**

There were no urgent items.

(Duration of meeting: 2.00 - 4.30 pm)

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