

## NORTHERN AREA PLANNING COMMITTEE

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### DRAFT MINUTES OF THE NORTHERN AREA PLANNING COMMITTEE MEETING HELD ON 4 DECEMBER 2013 AT COUNCIL CHAMBER - COUNCIL OFFICES, MONKTON PARK, CHIPPENHAM, SN15 1ER.

#### **Present:**

Cllr Chris Caswill, Cllr Howard Greenman and Cllr Dick Tonge, Cllr Chuck Berry (Substitute), Cllr Bill Douglas, Cllr Mollie Groom, Cllr Chris Hurst, Cllr Peter Hutton (Vice-Chair), Cllr Simon Killane, Cllr Mark Packard, Cllr Sheila Parker, Cllr Toby Sturgis, Cllr Anthony Trotman (Chairman) and Cllr Philip Whalley

#### **Also Present:**

Cllr Chris Caswill, Cllr Dick Tonge

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#### 1 **Apologies**

Apologies were received from Cllr Christine Crisp.

Cllr Christine Crisp was substituted by Cllr Chuck Berry.

#### 2 **Minutes of the previous Meeting**

The minutes of the meeting held on 13 November were presented.

#### **Resolved:**

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

#### 3 **Declarations of Interest**

There were no declarations of interest.

#### 4 **Chairman's Announcements**

There were no Chairman's announcements.

#### 5 **Public Participation and Councillors' Questions**

The Committee noted the rules on public participation.

## 6 **Planning Applications**

Attention was drawn to the late list of observations provided at the meeting and available on the website with the agenda pack, in respect of applications **13/02453/FUL**, **13/04030/FUL**, **N/13/2191/FUL**, **13/01776/OUT** and **13/01856/CAC** as listed in the agenda pack.

## 7 **13/02453/FUL - Woodman's Cottage, Bowden Hill, Lacock, SN15 2PW**

### Public Participation

David Pierce and Tony Gill spoke in support of application.

The officer introduced the report which recommended that planning permission be refused.

He explained that a previous planning application to extend the rear of the property had been refused, and was dismissed on appeal. Attention was drawn to the late observations which detailed the comments of the Inspector in his decision to dismiss the previous application, and in particular the views and issues that the Inspector considered to be relevant in relation to that proposal. Although the proposal before the Committee was for a smaller extension than the previously refused application, its scale and massing did not overcome the previous reasons for refusal and subsequent appeal dismissal.

The Committee then had the chance to ask technical questions of officers and it was confirmed that as the property had already been extended the potential was there to lose the integrity of the original cottage. Removing the conservatory could benefit the character however its loss did not justify the scale of the extension.

Members of the public then addressed the committee as detailed above.

The local member, Cllr Tonge addressed the committee and highlighted the lack of objection from the National Trust, Parish Council and local community. He noted extensions to other properties in the local area being out of character, the remote location of the property and its ability to blend into the countryside.

In the debate that followed Committee members discussed their support for the application. They noted the benefit of removing the conservatory and replacing it with an extension, and felt as there were no objections the local community

and Parish Council interests had been looked after. It would promote the enjoyment of the building.

**Resolved:**

**To DELEGATE to the Area Development Manager to grant permission subject to conditions on materials, design and those necessary for the conservation area, the wording of which to be drafted by officers**

**REASON:**

**When assessed in conjunction with the already extended property, the additional massing is considered appropriate. It is considered appropriate within the setting of Bowden Hill Conservation Area. It therefore complies with the aims of policies C3, HE1 and H8 of the North Wiltshire Local Plan 2011 and Section 7 of the National Planning Policy Framework 2012.**

**8 13/01065/FUL - Sheldon Business park, Sheldon Corner, Chippenham, SN14 0SQ**

Public Participation

Angus Boyd and Cllr Paul Reynolds spoke in objection to the application.

Ben Pierce spoke in support of the application.

The officer introduced the report which recommended that planning permission be granted subject to conditions.

She explained that the application was for a B2, heavy industrial unit. A previous planning application to expand the site into the adjacent grassy area was rejected as it was deemed to be an encroachment on the countryside, however the landscaping in the proposal was all contained within the existing site. The proposed building was similar design to the converted agricultural units currently on the site. Units previously identified as B1 or B2 use had been found to be under B8 occupation and an application to change the use on these had been granted. The site had 77 parking spaces overall which was considered an over provision after the reclassification of buildings. This is now reduced to 69 to allow for better turning space.

There were no technical questions asked.

Members of the public then addressed the Committee as detailed above.

The Local Member, Cllr Greenman spoke in objection to the application, noting it's rural location, significant access concerns and availability of alternative facilities nearby.

In the debate that followed the Committee noted that it was unfair to ask the applicant to address historic issues around highways safety. It was acknowledged that whilst the site management strategy would detail allocation of areas for commercial vehicles, delineated parking spaces, good practice and condition delivery hours it was not possible to govern roadway. The provision of employment in the area was noted.

**Resolved:**

**Planning permission be GRANTED subject to the following conditions:**

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

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

**2. The new commercial building shall not be brought into use until all of the car parking spaces as identified on plan LDC.1620.A.002C have been painted and laid out across the site. The applicant shall write to the Local Planning Authority to arrange a site meeting to demonstrate that the parking spaces have been provided in accordance with the plan in order to discharge the condition.**

**REASON: In the interests of Highway Safety.**

**3. The Business Park shall operate under the submitted Site Management Strategy Document at all times unless authorised by the Local Planning Authority.**

**REASON: In the interests of Highways Safety.**

**4. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match in material, colour and texture those used in the adjacent building (Unit 14).**

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

**5. 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. No machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times nor any time on Sundays or Bank Holidays except in an emergency:**

**0800 to 1800 Mondays to Saturdays inclusive.**

**REASON: In the interests of neighbouring amenity**

**7. The level of noise emitted from the site shall not exceed 45 dBA<sub>Leq</sub> 1hr at any time, as measured by the boundaries of the site.**

**REASON: In the interests of neighbouring amenity**

**8. The unit permitted shall only be used for Class B2 Business Use. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), no change of use shall take place without the prior grant of express planning permission.**

**REASON: In the interest of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions, extensions or enlargements**

**9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or**

without modification), there shall be no additions to, or extensions or enlargements of any building forming part of the development hereby permitted.

**REASON: In the interests of amenity**

**10. There shall be no external storage for the new building as this would interfere with the designated parking areas and bin storage as set out in the Site Management Document.**

**REASON: In the interests of visual amenity and highway safety**

**11. The development hereby permitted shall be carried out in accordance with the following approved plans:**

**Site Location Plan - Received 4 April 2013**

**Proposed Building Plan - Received 4 April 2013**

**Topographical Survey - Received 4 April 2013**

**Revised Site Plan 002D - Received 19 November 2013**

**Site Management Strategy Document - Received 8 October 2013**

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

**9 13/04030/FUL - St Mary's School, Curzon Street, Calne, SN11 0DF**

Public Participation

David Smith, Gillian Rupp, Martin Fine and Cllr Heather Canfer (Calne Town Council) spoke in objection to the application.

The officer introduced the application which recommended that planning permission be granted subject to conditions.

She explained that planning permission for the construction of a sports hall, swimming pool and squash courts had been granted in 1998. The proposal before the Committee was a revision to the existing permission although it was slightly smaller in size. It amended the design and detail to reduce the impact on the listed building and wall and made improvements to the materials and

finish previously agreed. The proposal included the relocation of 20 existing parking spaces to another location with an additional space.

The Committee then had the chance to ask technical questions and it was confirmed that the listed cottage next to the site was owned by the school. The Committee noted that if they refused the application, the school could build a sports hall of a larger size under the 1998 permission. It was confirmed that the access to the school would not change and that the existing swimming pool and proposed sports hall would be used principally by the school.

The public then addressed the Committee as detailed above.

The local member, Cllr Trotman addressed the Committee and spoke in objection to the application.

In the debate that followed the Committee noted the additional and amended conditions seen on the late observations. The need to be mindful of funerals in the cemetery and use of materials with a higher acoustic value was discussed. The need to use shutters/blinds at night was agreed.

**Resolved:**

**To GRANT planning permission subject to the following conditions:**

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

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

- 2) No development shall commence on site until 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: In the interests of visual amenity and the character and appearance of the area.**

- 3) The development hereby permitted shall be carried out in accordance with the following approved plans: 2770D, 2771B, 2003B, 2040A, 2044A, 2041A, 2040A, 2043A, 2201D, 2043A, 2102F, 2001C, 2200G, 2204B dated 20th August 2013, 2103A dated 30th**

**October 2013; 2100 Issue L, 2101 Issue M, 2102 Issue G, 2300 Issue L dated 3rd December 2013**

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

- 4) No part of the development hereby approved shall be first occupied until the parking area for shown on the approved plans for all 102 spaces has been consolidated, surfaced, de-lined and laid out in accordance with the approved details (Highways - Proposed Car Parking Layout, Project 118, Ref 2770, issue D). This area shall be maintained and remain available for this use at all times thereafter.**

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

- 5) The sports hall hereby permitted shall not be occupied at any time other than for purposes ancillary to St Mary's School or wider public under the format of St Mary's Sports Club.**

**REASON: In the interests of highway safety**

- 6) No development shall commence on site until a School Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include details of implementation and monitoring and shall be implemented in accordance with these agreed details. The results of the implementation and monitoring shall be made available to the Local Planning Authority on request, together with any changes to the plan arising from those results. The School Travel Plan shall also demonstrate that the sixth form students shall remain car free.**

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

- 7) Prior to the commencement of the development hereby permitted, details of a construction method statement shall be submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the approved methodology.**

**REASON: To protect the listed wall and the amenity of the area in general.**

- 8) Prior to the first use of the development hereby permitted the high level windows in the south west elevation, facing the cemetery,**



shall be fitted with blinds which shall be closed at all times when dark outside. The blinds shall remain permanently in place unless otherwise approved in writing by the local planning authority.

**REASON:** In the interests of residential amenity.

- 9) Any external plant shall be so sited and designed as to meet a rating level (BS4142:1997) of 35dB at any boundary adjacent to residential properties.

**REASON:** In the interests of residential amenity.

- 10) Prior to the commencement of the development hereby permitted, details of the external lighting scheme shall be submitted to and approved in writing by the local planning authority. Any lighting scheme for the development shall be fully compliant with Zone E2 (Rural) criteria and shall be permanently maintained unless otherwise approved in writing by the local planning authority.

**REASON:** In the interests of residential amenity.

- 11) Any rooms which can involve amplified music/headsets for dance/fitness sessions shall be fully air conditioned so that all windows can be kept closed at all times

**REASON:** To prevent noise escape.

**INFORMATIVE:** The Construction Method Statement conditioned by condition 7 should include, amongst other things, details of the levels, construction in relation to the listed wall, acoustic performance of the materials used and details of how the applicant will deal with construction noise at the time of funerals taking place in conjunction with the funeral operator.

10 **13/02191/FUL - Spittleborough Farm, Swindon Road, Lydiard Tregoze, Royal Wootton Bassett SN4 8ET**

Public participation

Kate Covill and Peter Gantlett spoke in support of the application

Cllr Peter Willis (Lydiard Tregoze Parish Council) spoke in objection to the application.

The officer introduced the application which recommended that planning permission be granted subject to conditions.

He explained that proposed site was agricultural land beside the M4. Under the proposal, solar panels would be grouped in lines and will be 2.5 meters high. The panels would not cover the pipeline running through the site, and two areas of archaeological interest would be left clear. Footpaths running through the site would not be diverted as part of the scheme. The site has good access to the national grid due to close power lines. The proposal included a condition that following 25 years, or cessation of use, the site would be returned to agricultural land. He noted that Highways Agency raised no objection to the development which would include planting on the boundary to screen the M4.

The officer drew attention to the late observations which stated that condition 12 in the original proposal was no longer required.

The Committee then had the opportunity to ask technical questions and it was confirmed that the Highways Department were satisfied with how the panels would be fixed and Sustrans opinion had been sought

Members of the public then addressed the committee as detailed above.

The local member, Cllr Groom then addressed the Committee, explaining that the reasons for call-in had been mitigated where possible.

In the debate that followed, the Committee noted their support for and the need to encourage green energy sources.

**Resolved:**

**To GRANT planning permission subject to 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 Local Planning Authority shall be notified in writing within one month of the event that the solar array hereby approved has started to feed electricity to the Grid. The installation hereby approved shall be permanently removed from the site and the surface reinstated within 25 years and six months of the date of notification and the local planning authority shall be notified in writing of that removal within one month of the event.**

**REASON:** In the interests of amenity and the finite operation of this type of development.

- 3) The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

***Drawing Nos:***

SH-P-001 Rev 00 1:25000 Location Plan  
SH-P-002 Rev 00 1:5000 Existing site  
SH-P-002 Rev 01 1:2500 Existing site  
SH-P-003 Rev 00 1:5000 Proposed site plan  
SH-P-004 Rev 00 1:5000 Existing topography  
SH-P-007 Rev 00 1:1000 Long section North to South  
OR-001 Rev 10 1:50 Solar Mounting & modules twin pile  
OR-002 Rev 10 1:50 Perimeter security deer fencing  
OR-003 Rev 10 1:100 Combined DNO & EPC Switchgear Housing  
OR-004 Rev 10 1:50 Typical site fence & maintenance details  
OR-005 Rev 10 Site welfare & storage/office facilities  
OR-006 Rev 10 1:25 Site security and MET monitoring  
OR-007 Rev 10 1:100 Inverter housing (Type: Central)  
OR-008 Rev 10 1:50 Site storage  
3001 Rev A Conceptual Suds Layout 1 of 2  
3002 Rev A Conceptual Suds Layout 2 of 2

***Documents:***

Planning Statement  
The Proposal  
Design & Access Statement  
Landscape & Visual Impact Assessment  
Heritage Desk-Based Assessment  
Notes/Plan for Glint & Glare Analysis  
Extended Phase 1 Habitat Survey  
Great Crested Newt Survey Report  
Statement of Community Involvement  
Access Appraisal  
Agricultural Assessment  
All above dated 11<sup>th</sup> July 2013

***Revised and additional information:***

2No colour photos of the site as viewed from and near the M4  
31<sup>st</sup> July 2013  
Revised SH-P-004 Rev 02 1:1500 Existing Topography  
24<sup>th</sup> September 2013  
Revised SH-P-005 Rev 02 1:1000 Topographic Survey Sections  
24<sup>th</sup> September 2013  
Additional Noise Report

**27<sup>th</sup> September 2013**

**Revised Flood Risk Assessment incorporating sustainable drainage system**

**11<sup>th</sup> October 2013**

**Additional Ecological and Land Management Plan**

**23<sup>rd</sup> October 2013**

**Amended Construction Management Plan**

**24<sup>th</sup> October 2013**

**Additional ITB9046-SK-004 Construction Access Visibility**

**24<sup>th</sup> October 2013**

**Additional ITB9046-SK-005 Temporary construction access low loader visibility**

**24<sup>th</sup> October 2013**

**Additional SH-P-111 Rev 00 Access Compound & Visibility**

**29<sup>th</sup> October 2013**

**Additional Proposed Connection Arrangement**

**29<sup>th</sup> October 2013**

**Additional copy of letter from Scottish & Southern Energy agreeing to Point of Connection for proposed solar park including 1:10000 drawing of connection**

**29<sup>th</sup> October 2013**

**Revised Landscape Strategy**

**13<sup>th</sup> November 2013**

**Revised SH-P-003 Rev 12 1:2500 Proposed site plan**

**18<sup>th</sup> November 2013**

**Additional Dwg No: OR-101 Rev 00 Cross Section through Access roads  
Dated 27<sup>th</sup> November 2013**

**Additional Dwg No: SH-P-202 Rev 00 Proposed temporary protection of archaeology**

**Dated 28<sup>th</sup> November 2013**

**Additional Tree Report Dated 27<sup>th</sup> November 2013**

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

- 4) Within six months of the commencement on site, a scheme for the Decommissioning and Restoration of the development shall have been submitted to and approved by the Local Planning Authority, the details of which shall include how the land will be restored back to fully agricultural use upon the development no longer being in operation or upon the expiry date of 25 years and six months of from the date of this planning permission whichever is sooner. The Decommissioning and Restoration scheme of this development shall be carried out in accordance with the scheme so agreed.**

**REASON:** To ensure upon the development no longer being in use, the complete removal of all development allowed under this permission and the restoration of the land to its former condition.

- 5) The proposal shall be carried out in accordance with the 'Construction Traffic Management Plan' Dated October 2013 (attached). If there are any departures from the plan, departures will need to be agreed in writing by the LPA prior to actions or works being carried out on site. Deliveries or vehicular movements with HGVs are prohibited before 10am and after 3.30pm (i.e. HGV deliveries only between 10am-3.30pm). This is to avoid the peak hour traffic conditions on the A3102 in this location. The construction traffic access route shall be via roundabout west of the site on A3102 and shall result in left turn in only movements.

**REASON:** In the interests of Highway safety.

- 6) No development shall commence on site until full construction details of both access points for both the construction phase (in accordance with drawing 'Construction Access Visibility ITB9046-SK-004 dated 18.10.13) and operation phase has been submitted and approved in writing by the LPA. The access points shall be properly consolidated and surfaced (not loose stone or gravel) for a minimum of the first 10m. A scheme for discharge of surface water from both sites (including surface water from access) and piping of the ditches shall be provided. The development shall not be first commenced until the access has been constructed in accordance with the approved details. The access shall be maintained as such thereafter.

**REASON:** To ensure that the development can be adequately drained.

- 7) No part of the development shall commence until the parking area (temporary construction compound), passing bay, turning area and wheel washing facilities, shown on the Access, Compound and Visibility SH-P-111 dated 10.10.13 and Proposed Site Plan SH-P-003 11 (dated 30.10.13) have been constructed and laid out in accordance with the approved details. This area shall be maintained and remain available for this use at all times thereafter.

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

- 8) No development shall commence on site until visibility splays have been provided at both access points and have been provided between the edge of the carriageway and a line extending from a point 2.4 metres back from the edge of the carriageway, measured along the centre line of the access, to the points on the edge of the carriageway 215 metres either side of the entrance from the centre of the access. Such splays shall thereafter be permanently maintained free from obstruction to vision above a height of 1m above the level of the adjacent carriageway. (In accordance with drawing 'Construction Access Visibility ITB9046-SK-004 dated 18.10.13)

**REASON:** In the interests of highway safety.

- 9) A condition survey of the highway network relating to the access routes to the site shall be carried prior to the commencement of the works, the survey shall be carried out by the applicant in conjunction with the highway authority, in compliance with Section 59 of the Highways Act, to ensure that as a result of the proposal the existing condition of the highway network is maintained. If as a result of the construction phase damage to the highway network has been identified, within 3 months of the identification the damage, the works shall be remedied.

**REASON:** In the interests of maintaining the existing condition of the highway network.

- 10) No materials, goods, plant, machinery, equipment, finished or unfinished products/parts of any description, skips, crates, containers, waste or any other item whatsoever shall be placed, stacked, deposited or stored outside any building on the site.

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

- 11) There shall be no external lighting (outside the construction phase) of any kind erected on the site unless otherwise agreed in writing in the form of a separate planning permission in that regard.

**REASON:** In the interests of visual amenity in the open countryside.

- 12) Prior to commencement of the development an Ecological Monitoring and Management Plan shall be submitted to and approved in Prior to the commencement of the development, a

**Construction Environmental Management writing by the Local Planning Authority. The plans shall include the following elements:**

- **Maintain the root protection area around the existing and proposed trees to be planted in accordance with the Landscape Strategy received 13.11.2013.**
- **Fill in hedgerows 'gappy' hedgerows with native species and maintain a buffer zone of 5m around hedgerows**
- **Establishment of the native tree planting as shown on submitted Landscape Strategy**
- **Create at least one replacement pond within the site to create a new wetland habitat**
- **Maintain a minimum of a 5m buffer for all watercourses and maintain management to prevent encroachment and maintain/enlarge open sections. Avoid damage to water vole populations/burrows/habitats by preventing screening vegetation on the southern or both banks of the watercourses.**
- **Sow appropriate and species rich seed mixes for over-wintering birds**
- **Submit pre-commencement habitat manipulation details so as to prevent damage reptile populations and loss of supporting habitats**
- **Features to be installed for the benefits of protected/BAP fauna**

**The development shall be carried out in accordance with the agreed Construction Environmental Management Plan and all elements of the approved plan shall be implemented unless otherwise agreed in writing by the Local Planning Authority.**

**REASON: To protect and enhance the biodiversity across the site.**

**13) Prior to the commencement of the development an Ecological Monitoring and Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include the following elements:**

- **Management of existing and proposed trees**
- **Management of hedgerows at a height no less than 3m high**
- **Management of retained/restored/created grassland**
- **Features to be installed for the benefits of protected/BAP fauna**
- **Ecological Monitoring to inform future management at the site.**

**The development shall be carried out in accordance with the agreed Construction Environmental Management Plan and all elements of the**

**approved plan shall be implemented unless otherwise agreed in writing by the Local Planning Authority.**

**REASON: To protect and enhance the biodiversity across the site.**

**14) All soft landscaping compromised in the approved details and strategy of the Landscape Strategy and Mitigation Proposals received on 13.11.2013 shall be carried out in the first planting and seeding season following the completion of the development whichever is 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 landscaping shall be carried out in accordance with the approved details prior to the completion of the solar park 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.**

**15) 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 a Tree Protection Plan showing the exact position of each existing and proposed trees and their protective fencing in accordance with British Standard 5837: 2012: "Trees in Relation to Design, Demolition and Construction - Recommendations"; has been submitted to and approved in writing by the Local Planning Authority, and;**

**The protective fencing shall be erected in accordance with the approved details. 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 shall be cut down, uprooted or destroyed, nor shall any retained tree/s be topped or lopped other than in accordance with the approved plans and particulars. Any topping or lopping approval 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 practise.**



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 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.

16) No development approved by this permission shall be commenced until a detailed surface water run-off limitation scheme, together with supporting calculations has been submitted to and approved in writing by the local planning authority . The submitted details shall clarify the intended future ownership and maintenance of all drainage works serving the site. The approved scheme shall be implemented and maintained in accordance with the approved programme and details.

**REASON:** To prevent any increased risk of surface water flooding associated with the installation of the solar farm development.

**CONDITION NOTE:** *It is recommended that the developer investigates and specifies appropriate Sustainable Drainage Systems (SuDs) for surface water management on the site, in order to prevent the possibility of the rate of run-off exceeding the existing greenfield rate and to reduce any pollution risks associated with potential soil erosion during/immediately after construction. These techniques involve controlling any sources of increased surface water and include:*

*a) Interception and reuse; b) Porous paving/surfaces; c) Infiltration techniques; d) Detention/attenuation and e) Wetlands.*

#### **INFORMATIVES**

1) The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise

**the carrying out of any work on land outside their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence.**

**If you intend carrying out works in the vicinity of the site boundary, you are also advised that it may be expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996.**

- 2) The applicant should note that there may be badger setts in the vicinity of the site, and as a consequence compliance with certain requirements and provisions of the Badgers Act 1991 may be necessary. If this is the case the applicant is advised to contact Natural England who is responsible for issuing licences relating to development on the site of badger setts.**
- 3) The applicant should note that under the terms of the Wildlife and Countryside Act (1981) and the Habitats Regulations (2010) it is an offence to disturb or harm any protected species, or to damage or disturb their habitat or roosting place. Please note that this consent does not override the statutory protection afforded to any such species. In the event that your proposals could potentially affect a protected species you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works. Please see Natural England's website for further information on protected species.**
- 4) There must be no interruption to the existing surface water and/or land drainage arrangements of the surrounding land as a result of the operations on the site. Provisions must be made to ensure that all existing drainage systems continue to operate effectively.**

**11 13/01776/OUT - Langley Park, Chippenham, SN15 1GE**

Public participation

Jo Davis spoke in support of the application.

Tim Woodward spoke in objection to the application.

The officer introduced the proposal, drawing attention to the recommendation in the late observations which recommended that permission be delegated to the

Area Development manager to grant subject to a section 106 agreement and conditions

He corrected an error in the report, confirming that 115 dwellings were proposed. He highlighted that zoning will be used to control the type of buildings to be constructed in each area.

The Committee then had the opportunity to ask technical questions and it was confirmed that a condition would protect the zones proposed, and any changes to them would have to be approved by the Committee. Attention was drawn to an error in condition 35 of the report, and it was clarified that the supermarket could sell 20 per cent comparison goods. Conditions would control parking in the supermarket car park and ensure access from Langley Park to the train station.

Concern over traffic flow problems, which would be partially alleviated by the new link road and the installation of traffic signals at the Little George Roundabout. The Retail Impact Assessment indicated that the development would have no adverse impact on Chippenham town centre.

Queries over the heads of terms for the Section 106 agreement confirmed that as there was no impact on the town centre there was no justification for a contribution in that area. Had it been possible to get more money for education it would have been asked for. The 30% affordable housing was in line with the current local plan policy and to ask for any increase would weigh on the viability of the proposal. The Committee noted the need to show the funding required by the Chippenham Transport Strategy within the Section 106 proposal. Although the parking was not owned by Wiltshire Council the applicants were happy for a condition which would allow its use by town centre visitors.

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

The local member, Cllr Caswill addressed the Committee. He urged the Committee to defer the application. He noted that the development was crucial for Chippenham, and supported the demolition of the majority of the existing buildings. Social housing was a vital issue, and he praised the extensive public consultation. He highlighted the need to ring-fence funding for the pedestrian lift at the railway station. He noted concerns regarding the impact of the development on the town centre, additional traffic and highways issues, the lack of open space, the effect on near-by housing and the loss of the White House.

In the debate that followed the benefits of the development to the community were noted. The proposal included a significant contribution to public openspace; and many of the highways issues were pre-existing and would not be resolved by the applicant.

**Resolved:**

In respect of 13/01776/OUT:

To DELEGATE to the Area Development Manager to grant planning permission subject to the signing of a Section 106 agreement which should be approved by the Head of Sustainable Transport and the Head of New Housing; and

To DELEGATE to the Area Development Manager to alter, remove and add additional planning conditions prior to the issuing of the decision notice

The heads of terms for the planning obligation under section 106 of the Town and Country Planning Act 1990 are as follows:

**Affordable Housing**

30% on site affordable housing (70:30 social rented/shared equity provision)

**Highways Contributions**

£1.4m offsite highways work including junction improvements to Little George roundabout and a new junction at Pew Hill or works to be undertaken by the applicant /developer under section 278 agreement

£100,000 financial contribution to Wiltshire Council to deliver a DDA compliant lift on the northern side of the existing public foot/cycle bridge across the railway. Financial provision offered for a five year period and refundable to the applicant/developer if the works are not carried out in this time.

£100,000 financial contribution to improvements to Old Road to encourage foot and cycle connectivity into the town centre or works to be undertaken by the applicant/developer under a Section 278 agreement

Delivery of a new vehicle access through the application site to the boundary of the northern station car park to reduce traffic movements along Old Road. The details and final alignment of this route will be the subject of a future reserved matters application.

Secure a possible future landing point on the northern side of the railway within the application site for a new foot/cycle link across the railway line. The desired route is subject to external funding being identified and secured to deliver any foot/cycle bridge. The exact location of the landing point will be the subject of a future reserved matters application.

**Public Transport**

£200,000 financial contribution to subsidise a new public transport route through the development site for a 3-4 year period.

**Provision of bus stops along proposed internal link road.**

**Public Open Space**

**£250,000 financial contribution to off-site public open space improvements (£50,000 allocated to Built Leisure Facilities (Halls, Bowls, Artificial Turf etc) and £200,000 allocated to off-site open space and play facilities**

**Education**

**£310,000 financial contribution to education to be split between secondary and primary education**

**And subject to the following conditions:**

- 1) Application for approval of the reserved matters specified in Condition 3 below, accompanied by detailed plans and full particulars, must be made to the Local Planning Authority before the expiration of three years from the date of this permission.**
- 2) The development hereby permitted must be begun not later than the expiration of two years from the final approval of reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.**
- 3) Details of the following reserved matters shall be submitted to and approved in writing by the Local Planning Authority for each plot before any part of the development of that plot is commenced and shall be implemented as approved:**
  - (a) Layout,**
  - (b) Scale,**
  - (c) Appearance**
  - (d) Access**
  - (e) Landscaping**
- 4) The development hereby permitted shall not be carried out except in broad accordance with the details shown on the submitted plans and documents, as detailed below:**

**Parameter Plan: Landscape – SK28-23 C**  
**Parameter Plan: Movement – SK28-22- D**  
**Parameter Plan Building Height – SK28 -21- D**  
**Parameter Plan Land Use – SK28-20 –D**  
**Master Plan- SK28-3 REV F**  
**Highway Plans- IMA 12 066 015 Rev F**  
**IMA 12 066 028**  
**IMA 12 066 029**  
**Technical Documents-**  
**Planning Statement**

**Design & Access Statement  
Transport Assessment  
Environment Statement  
Drainage Statement**

- 5) No development shall commence on any plot of the development until full details of the colour, finish and texture of all new materials to be used on all external surfaces, for all buildings within that phase, together with samples of the facing materials and roof treatments have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.**
- 6) No development shall take place on any phase of the development until details of the construction of all walls, fences and other means of enclosure for that phase of development has been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented and complete prior to the first occupation of the unit.**
- 7) The landscaping scheme for each plot of development, as required by condition 3 shall include:**
  - a) indications of all existing trees and hedgerows on the phase of development;**
  - b) details of any trees to be retained, together with measures for their protection in the course of development;**
  - c) all species, planting sizes and planting densities, spread of all trees and hedgerows within or overhanging the site, in relation to the proposed buildings, roads, and other works;**
  - d) finished levels and contours;**
  - e) means of enclosure;**
  - f) car park layouts;**
  - g) other vehicle and pedestrian access and circulation areas;**
  - h) hard surfacing materials;**
  - i) minor artefacts and structures (e.g. furniture, bin and cycle stores and other storage units, signs, lighting etc);**
  - j) proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc);**
  - k) details for the intended treatment of all boundaries of the phase of development**

The above details shall be provided prior to the first occupation of any part of the plot to which the above details relate.

- 8) Any trees or plants removed, dying, being severely damaged or becoming seriously diseased within 5 years of planting shall be**

replaced in the following planting season by trees or plants of a size and species similar to those originally required to be planted;

- 9) The development shall comply with the following requirements:
- i. the hotel shall not exceed 3530 sq ms.
  - ii. the buildings to be used for B1 & B2 use shall not exceed 3901 sq ms.
  - iii. the buildings to be used for D2 use shall not exceed 2787 sq ms.
  - iv. The building to be used for food retail purposes shall not exceed 3530 sqms net sales area
  - v. The buildings used for A1 shall not exceed ?? sqms
  - vi. Max number of residential units shall not exceed 115 units.
- 10) Prior to the first occupation of any building within the site, details and locations of the proposed signage for the footpaths and cycleways within the site directing people to the Town Centre and Railway Station shall be provided to and approved in writing by the Council. These signs shall be installed in accordance with the approved details and within 6 months of the first occupation of any building on site.
- 11) Prior to the removal of the building on Hathaway Retail Park shown for demolition on plan SK28-3 REV F full details of the colour, finish and texture of all new materials to be used on all external surfaces, together with samples of the facing materials and roof treatments have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.
- 12) The retail store shall not be occupied until the building on Hathaway retail park shown for demolition has been demolished, all resulting materials and waste removed from the site and the new access provided.
- 13) Prior to the occupation of the food retail unit the new access into the existing northern surface level railway car park shown on Parameters Plan- Movement (SK28-22D) shall have been provided. The access shall thereafter be retained and made available for use by the general public.
- 14) No retained tree as shown on the Tree Survey plan within the Supplementary Arboricultural Report received by the Local Planning Authority on 2 August 2011 shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned in any manner, be it branches, stems or roots, other than in accordance with the approved plans and particulars, without the prior written approval

of the Local Planning Authority. All tree works shall be carried out in accordance with BS5837:2005 (Recommendations for Tree Work) and should be carried out before the commencement of any works.

- 15) No development, shall commence unless and until a combined ecological and landscaping management scheme has been submitted to and agreed in writing by the Local Planning Authority. The scheme must include all aspects of environmental enhancements and landscaping and details of species to be planted, timing of works, programme of implementation and future management with monitoring if deemed necessary by the Local Planning Authority. The agreed scheme shall be implemented in the first planting season following the first occupation of the development and shall be thereafter retained.
- 16) No development shall take place until a scheme of highways improvement in accordance with Drawing Numbers IMA 12 066 015 Rev F, IMA 12 066 028 & IMA 12 066 029 including the approval of necessary departures from standard, has been fully implemented and is constructed and open to traffic.
- 17) No building in each plot shall be first occupied until access, loading areas, car and cycle parking serving it have been provided in accordance with the approved plans for that plot and shall be thereafter retained.
- 18) The development hereby permitted in each plot shall not be first occupied until a scheme for the provision of adequate water supplies and fire hydrants, necessary for fire fighting purposes at the site, has been submitted to, and approved in writing by, the Local Planning Authority. The development shall not then be occupied until the scheme has been implemented.
- 19) No development shall take place on any plot of the development, until a Construction Method Statement for that plot has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
  - i. the parking of vehicles of site operatives and visitors;
  - ii. loading and unloading of plant and materials;
  - iii. storage of plant and materials used in constructing the development;
  - iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
  - v. wheel cleaning facilities;
  - vi. measures to control the emission of dust and dirt during construction;



- vii. a scheme for recycling/disposing of waste resulting from demolition and construction works;
- viii. measures to control noise during construction;
- ix. a signage strategy for construction traffic.

**20) No building hereby permitted shall be occupied until foul and surface water drainage works have been implemented for that building in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system, and the results of the assessment provided to the Local Planning Authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:**

- i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii. include a timetable for its implementation; and
- iii. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

**21) No external construction works or related deliveries shall take place outside 0700 to 1800 hours on Mondays to Fridays or 0700 to 1300 hours on Saturdays not at any time on Sundays or Bank and National Holidays except in an emergency.**

**22) Development shall not commence on any plot approved under condition 3 of this permission until that plot has been subject to a detailed scheme for investigation and recording of contamination of the land and risks to the development, its future uses and surrounding environment. A detailed written report on the findings including proposals and a programme for the remediation of any contaminated areas and protective measures to be incorporated into the buildings shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include proposals for the disposal of surface water during remediation. The remediation works shall be carried out and a validation report shall be submitted to and approved in writing by the Local Planning Authority in accordance with the approved proposals and programme. If during the course of the development further evidence of any type relating to other contamination is revealed, work at the location will cease until such contamination is**

investigated and remediation measures, approved in writing by the Local Planning Authority have been implemented.

**23) Prior to the first occupation of any building on site, other than site clearance and demolition, full details of all site access arrangements shall have been completed in accordance with details, which shall have been submitted to, and approved in writing by the Local Planning Authority beforehand.**

**24) No artificial lighting shall be installed unless full and precise details of the lighting scheme have been submitted to and approved in writing by the Local Planning Authority. This shall include:**

- i. A statement setting out why a lighting scheme is required, and the frequency and length of use in terms of hours of illumination throughout the year.**
- ii. A site survey showing the area to be lit relative to the surrounding area, the existing landscape features and proposed landscaping features to mitigate the impacts of the proposed lighting.**
- iii. Details of the make and catalogue number of any luminaires/floodlights.**
- iv. Size, type and number of lamps fitted within any luminaire or floodlight.**
- v. The mounting height of the luminaires/floodlights specified.**
- vi. The location and orientation of the luminaires/floodlights.**
- vii. A technical report prepared by either a qualified lighting engineer or the lighting company setting out the type of lights, performance, height and spacing of lighting columns. The light levels to be achieved over the intended area, at the site boundary and for 25 metres outside it.**
- viii. The lighting shall be constructed and installed in full accordance with the approved details and shall thereafter be maintained in full accordance with the approved details.**

**25) No development of the food retail unit shall take place until full details of all proposed fixed plant installed on the building and/or site (and including all mitigation measures screening) has been submitted to and agreed in writing by the Local Planning Authority. Such details shall include confirmation that the plant will not exceed -5dB below the lowest background noise level and that noise rating not exceed 37dB when measured at the nearest residential properties. Development shall be carried out in complete accordance with such details so agreed and shall remain in that condition thereafter.**

- 26) Prior to the first use or occupation of the food retail unit development hereby permitted details of the method of managing public access to the whole site outside the hours of opening of the superstore, shall be submitted to and approved in writing, by the local planning authority. The approved management plan shall be implemented prior to the first use of the development hereby permitted and permanently maintained thereafter.**
- 27) No development shall commence on the food retail until a scheme to restrict shopping trolleys leaving the site has been submitted to and approved by the Local Planning Authority. The development shall not be first brought into use until the approved scheme has been brought into operation. The approved scheme shall be maintained in operation in accordance with the approved details.**
- 28) No development shall take place on the food retail unit until details of secure covered cycle parking for both customers and staff (together with associated changing and shower facilities for staff) 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.**
- 29) Prior to the first occupation of the food retail unit the highway works, bus stop facilities and on-site pedestrian and cycle routes, including the link to the northern surface level railway station car park, shall be complete and in accordance with those general details shown on plan number SK28-3 REV F and full details of such highways works, which shall have first be submitted to and approved in writing by the local planning authority.**
- 30) The food retail store shall not be opened for trade until the site access road and its associated footways, have been provided in accordance with the approved plan number IMA 12 066 015 Rev F.**
- 31) The food retail store shall not be opened for trade until the car park circulatory aisles, the car parking spaces, the disabled spaces and the parent and child spaces have been provided, surfaced and marked out in accordance with the a parking plan that shall be submitted to and approved in writing by the Local Planning Authority. These vehicle parking spaces shall thereafter be retained at all times for their designated users.**
- 32) The food retail store shall not be opened for trade until the store service road and its associated service yard have been provided in accordance with details to be submitted to and approved in writing with the Local Planning Authority.**

- 33) Unless otherwise agreed in writing, at no time shall the service yard of the food retail unit be used for outside storage or any other purpose other the parking and manoeuvring of delivery lorries.**
- 34) Unless otherwise agreed in the form of a separate planning permission in that regard, at no time shall the food retail unit hereby permitted be subdivided into a larger number of units.**
- 35) The gross internal floor space of the food retail store hereby permitted shall not exceed 8800 square metres. The net retail sales area (defined by the National Retail Planning Forum, and reproduced in Appendix A of the PPS4 Practice Guide 2009) to be used for the sale of convenience goods at the food retail store shall not exceed 3530 square metres. There shall be no sale of comparison goods.**
- 36) The unit hereby approved shall be used for food retail purposes only and for no other purpose of the schedule of the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order (without modification).**
- 37) The non food retail development forming plot 'Non Food Retail' as identified on plan number SK28-20 REV D shall not be subdivided so as to result in any retail units less than 929sqm**
- 38) The non food retail development forming plot 'Non Food Retail' as identified on plan number SK28-20 REV D shall not be used other than for the sale of DIY/hardware items; garden products and plants; furniture; carpets and other floor coverings; electrical and gas goods; pets and pet products; camping equipment and goods that are ancillary and related to the main goods sold, provided that the ancillary goods comprise no more than 10% of the net sales floorspace of the individual unit and for no other purpose (including any other purpose in Class A1 of the Schedule of the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order without modification), unless the local planning authority gives written consent to any variation.**
- 39) The introduction of mezzanine floors shall not be permitted without the prior written approval of the local planning authority.**
- 40) The non food retail development forming plot 'Non Food Retail' as identified on plan number SK28-20 REV D, to which this planning permission relates, shall not be implemented if any part of the**

development for which planning permission was granted pursuant to planning application reference no *N/10/04067/OUT* is begun.

- 41)The residential development shall not be first occupied until the estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, car parking and street furniture have all been constructed and laid out in accordance with the approved details, unless an alternative timetable is agreed in the approved details.
- 42)Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting or modifying that Order), no windows or dormer windows, other than those expressly authorised by the reserved matters application, shall be constructed within the roofs of the dwellings hereby approved.
- 43)Prior to the occupation of any dwellings on the site, access for pedestrian and cycle users between the site and Tugela Road and Hawthorn Road shall be provided in accordance with details which shall first have been submitted to and approved by the local planning authority. The details for Hawthorn Road shall include for the provision of a vehicle turning facility at the end of the existing road, and shall show measures to restrict movement of motorised vehicles to or from the development site. The works shall be undertaken in accordance with the approved details.
- 44)The detailed design of the permitted foodstore shall make provision to accommodate a landing platform for a bridge for non motorised users crossing between the site and the south side of the railway. The design shall identify the route which potential future users of the bridge may use as a right of way between the prospectively maintainable highway and the bridge.

In respect of 13/01856/CAC:

To DELEGATE to the Area Development Manager to grant Conservation Area Consent subject to the completion of a Section 106 agreement.

12 **Urgent Items**

There were no urgent items.

(Duration of meeting: 6.00 - 9.40 pm)

The Officer who has produced these minutes is Eleanor Slack, of Democratic Services, direct line 01225 718255, e-mail [eleanor.slack@wiltshire.gov.uk](mailto:eleanor.slack@wiltshire.gov.uk)

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