

The following question was submitted in advance of the Northern Area Planning Committee meeting 28 January 2015:

Please may I have an update on progress of the three planning issues Cricklade Town Council has asked Wiltshire Council to investigate following questions raised in Public Question Time during the Cricklade Town Council Planning Meeting held on 15 December 2014. All issues relate to Education Plus Ltd, The Old School, High Street, Cricklade. Cricklade Town Council subsequently submitted the questions to Wiltshire Council but has not received a response to them at the time of writing.

- (1) In terms of powers around enforcement will Cricklade Town Council call upon Wiltshire Council to investigate non-compliance of its Condition 2 in respect of planning permission granted to The Old School, High Street, Cricklade application reference N/09/02086/FUL which read:

No development shall take place 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.

REASON: In the interests of road safety and reducing vehicular traffic to the development POLICY: C3, T2

Whilst a Travel Plan was submitted by Education Plus Ltd ref DCSF No 865/6027 it is unclear whether it was approved, implemented or monitored.

Please see below for a response provided by Wiltshire Council:

Condition 2 of planning permission 09/02086/FUL required that a Travel Plan be submitted prior to development commencing on site, a Travel Plan was submitted in April 2010 and subsequently approved. The Council does not actively monitor compliance with the Travel Plan although the applicants are required to do so, and where complaints or queries are received the Council will investigate any potential breaches of the requirements of the Travel Plan. Whilst complaints have been received recently (prompted by the consultation carried out in relation to planning application 14/10081/FUL) about the failure to adhere to the Travel Plan these complaints have not been specific, as such the Council has not been made aware which aspects of the plan have been breached. If further information is forthcoming about the nature of the potential breach(es) then this will be investigated.

- (2) In terms of its powers around enforcement will Cricklade Town Council call upon Wiltshire Council to investigate non-compliance of planning laws by Education Plus Ltd whereby trees have been removed from a conservation area without corresponding permissions being either sought or granted.

The trees in question are detailed in the Tree Report dated 29th April 2010 submitted as part of planning application N/09/02086/FUL. The following trees, deemed healthy in 2010 (Damson T3,T4 and Lilac T6, Damson T7,) no longer exist according to the Arboricultural Impact Assessment by Education Plus Ltd submitted in respect of planning application 14/10081/FUL.

Please see below for a response provided by Wiltshire Council:

The site is within the Cricklade Conservation Area and therefore all trees (over a certain size) require consent to be lopped, topped or felled. Council officers (including the arboricultural consultant) have reviewed all the applications for works to trees at the site. Consent has been granted for the removal of a number of trees within the site in the past (under references 11/01920/TCA; 12/02179/TCA and 12/01888/DDD) . The Council is satisfied that any protected trees that have been removed were removed with the benefit of the appropriate consent. Some smaller trees have been removed without specific consent as they did not benefit from Conservation Area protection due to their size (generally speaking any tree less than 7.5 centimetres in diameter, measured 1.5 metres above the ground is not protected by Conservation area status).

- (3) Please can you ask the Planning department at Wiltshire Council why the owners of Meadowpark School did not apply for Listed Building Consent for the erection of their gazebo (Application Ref 14/10081/FUL) Permission was granted despite Conservation Officers recommendations to refuse. Is LBC not required because the gazebo is classed as a temporary structure?

The owners of the Old School haven't applied for Listed Building Consent for their latest application (14/10081/FUL) as they state "the site isn't in the original curtilage of the property". It is however in the original curtilage to neighboring property Knowle Cottage so surely the LBC regulations should still apply - would you mind asking for clarification from Wilts Council about this 'loophole' ?

Please see below for a response provided by Wiltshire Council:

Planning permission was granted for a gazebo in the grounds of the school under reference 11/01633, the permission is not temporary. Listed Building Consent was not required for the works as it was not attached to any listed structure. Whether the structure is within the curtilage of a listed building is not, in this case, the determining factor. The structure was within the setting of a listed building and within the Conservation Area therefore the impact of the structure upon the historic environment were taken into account when the application was considered.

