

Draft Minutes of the Development Control Committee Meeting held on Wednesday, 3rd September 2008 in the Council Chamber, Level –1, Monkton Park, Chippenham, commencing at 6:00pm

Present

Councillor J.P.S.S. Thomson (Chairman)

Councillors C. Crisp, J.P. Doubell, S.K. Doubell, G.R. Greenaway, J.R. Henning, E. Marston, S.D. Meadows, R.L. Miles, J.A. Phillips, J.A.Scott, T.R. Sturgis, A.J. Trotman and C. Wannell

County/Town/Parish Council Representatives

Councillor O. Gibbs Brinkworth Parish Council
Councillor P. Davis Corsham Town Council
Councillor M. Dixon Kington Langley Parish Council
Councillor C. Dash Yatton Keynell Parish Council

Other Councillors Present

Councillors R.B. MacGregor and V.A. Vines

Officers Present

S. Canter (Development Services Administration Manager), J. Densham (Democratic Services Assistant), L. Pullin (Democratic Services Officer), B. Taylor (Principal Planning Officer), P. Taylor (Assistant Solicitor), and T. Smith (Senior Planning Officer)

D25. Apologies for Absence

Apologies were received from Councillors K.A. Banks, H.T. Jones, and R. F. Sanderson and from Hullavington Parish Council and Councillor G. Yates from Lydiard Tregoz Parish Council.

D26. Membership

The Committee were notified of the following changes of membership for one meeting only:

Councillor to be Replaced	Replacement	Political Group
H.T. Jones	J.A. Scott	Conservative
R.F. Sanderson	R.L. Miles	Conservative



D27. Public Question Time/Receipt of Petitions

The following public question was read out on behalf of Councillor G. Yates of Lydiard Tregoz Parish Council (who was not able to be present at the meeting):

In the past when all applications were considered by the committee meetings often went on until after 11 pm and it was therefore sensible to have a limit on the time allocated for objectors to make their points. Now that meetings finish much earlier, sometimes at 7 pm, would it not be more sensible to allow speakers a little more time, at the discretion of the Chair, especially on the more important applications which can affect the lives of scores of voters? The present system gives objectors the same rights of addressing the meeting whether the application is for a conservatory or for hundreds of houses, and it seems grossly unfair and undemocratic that objectors should be faced with a stopwatch on a screen when they have important points to make on a major issue which will affect their future living standards.

*Objectors to planning applications are already disadvantaged, with a limited time to speak and then having no opportunity to challenge any comments which may have been made by officers after they have spoken. This contrasts with the rights of developers who usually have considerable resources and expertise and very importantly, **the right of appeal if their application is refused.***

I would therefore like to ask that the time limit imposed on objectors should not be arbitrarily fixed but should be made more flexible at the discretion of the Chair depending upon the scale and importance of each individual application.

The Chairman stated that a written answer would be provided to Councillor Yates and that a copy of the question would be forwarded to those working on the public speaking protocols for the new Unitary authority to take into consideration

D28. Minutes

The minutes of the meeting held on Wednesday 30th July 2008 (circulated with the Agenda) were considered.

Resolved that the Minutes of the Development Control Committee held on 30th July 2008 be confirmed as a correct record subject to the following amendments:

1. Pages 1 and 8 – correct spelling and replace Lye Parish Council with Leigh Parish Council.
2. Page 5 – Application 4 – 08/00826/FUL - Whitehall Garden Centre, Corsham Road, Lacock, Chippenham – Amend second bullet point to read “Specific traffic calming details at Notton were requested, along with modelling of the traffic lights”

3. Page 6 – Application 5 – 08/00681/FUL - Callow Park, Callow Hill, Brinkworth – Amend resolution to read as follows:
 - (1) The application be REFUSED on grounds including, but not limited to, the following reason:
 - Due to its siting and design the extension will fail to respect the local character and distinctiveness of the area and have an adverse effect on the amenity of nearby houses, contrary to Policy C3 of the North Wiltshire Local Plan 2011.
 - (2) That authority be delegated to the Development Control Manager to amend the Council’s case in the event of an appeal against refusal, if so advised by any consultant appointed to present evidence on the Council’s behalf, and/or on Counsel’s advice.

D29. Chairman’s Announcements

The Chairman made the following announcements:

Agenda Item 7(b) 5 (08/01010/FUL – Land at Rowden Lane, Chippenham) would be brought forward and dealt with as the first application as the recommendation had been changed to a deferral of the application to allow for appropriate notification of the application.

Open Forum - The standard announcement concerning the procedure for the Open Forum was taken as read.

D30. Declarations of Interest

The following declarations of interest were made.

Name	Application /Item	Type of Interest	Nature of Interest	Action
Cllr S.K. Doubell	Item 7(b) 8 – John Coles Park, Tennis Courts, Chippenham	Personal	Chippenham Town Councillor	Remained in the Chamber but did not speak or vote
Cllr J.R. Henning	Item 7(b) 1 – Pound Mead, Corsham – 08/00522/FUL	Personal	Shareholder of Westlea Housing Association	Remained in the Chamber during the consideration of the item
Cllr R.L. Miles	Item 7(b) 1 – Pound Mead, Corsham – 08/00522/FUL	Personal	Shareholder of Westlea Housing Association	Remained in the Chamber during the consideration of the item

Cllr J.A. Phillips	Item 7(b) 1 – Pound Mead, Corsham – 08/00522/FUL	Personal	Shareholder of Westlea Housing Association	Remained in the Chamber during the consideration of the item
Cllr J.A. Phillips	Item 7(b) 8 – John Coles Park, Tennis Courts, Chippenham	Personal	Chippenham Town Councillor	Remained in the Chamber but did not speak or vote

Admin Note:

The following Members indicated that they would not take part in the consideration of Item 7 (b) 11 (08/01605/FUL) – Chippenham Sports Club, Bristol Road, Chippenham, as they had previously voted to provide financial support for the proposed Air Hall as members of the Council Chippenham Area (3) Committee or the Executive: Councillors C. Crisp, J.P. Doubell, S.K. Doubell, J.R. Henning, S.D. Meadows, J. A Phillips and J.A. Scott.

D31. Development Control Items

(a) **Withdrawn Items**

No items were withdrawn.

(b) **Planning Applications**

Note: In making the following decisions, the Committee took into account observations by Local Councils and interested parties received subsequent to the preparation of the Agenda and given in the Additional Information Schedule circulated at the meeting. A copy of the Additional Information Schedule is kept in the official Minute Book.

5. 08/01010/FUL – Amendment to Already Approved House Types to Residential Development at Rowden Lane. Plots 4-8, 19, 20, 23, 24, 28, 29, 35 and 36, House Type 5 - Land at Rowden Lane, Chippenham

Resolved that consideration of the application be DEFERRED for one cycle to enable further consultation.

1. 08/00522/FUL – Erection of 24 Houses and 35 Flats – Land at Pound Mead, Corsham

Representations were received from Ms C. Turner and Ms S. Armstrong in objection to the application and from Cllr P. Davis of Corsham Town Council and from Mr A. Keal, Agent.

Issues discussed during consideration of this item included:

- The views of the Development Control Viewing Panel; and

- Concerns about the 3 storey elements to the proposals.

Resolved that

- (1) The application be REFUSED on grounds including, but not limited to, the following reason:
 - By reason of the intensity and poor appearance of the development, together with the scale, massing and extent of the three storey elements of the proposal, it is considered that the proposed development would fail to respect the character of the locality, thereby being contrary to the provisions of Policy C3 of the adopted North Wiltshire Local Plan 2011.
- (2) That authority be delegated to the Development Control Manager to amend the Council's case in the event of an appeal against refusal, if so advised by any consultant appointed to present evidence on the Council's behalf, and/or on Counsel's advice.

2. 08/00294/FUL – Erection of 4 Employment Units, Associated Access Road, Construction of Attenuation Pond and Use of Land as Open Space (Revision to Reserved Matters 05/00612/REM Resulting in a Total of Six Employment Units) Great Middle Green Farm, Dauntsey

A representation was received from Mr Collins in objection to the application.

Issues discussed during consideration of this item included:

- The history of planning applications on the site;
- That part of the site is on a flood plain;
- The public open space provision;
- The possible overloading of existing services; and
- The views of the Environment Agency and of an Inspector at a previous appeal.

Resolved that

- (1) The application be REFUSED on grounds including, but not limited to, the following reason:
 - The proposed surface water attenuation pond would result in the unacceptable encroachment of the area proposed for public open space and

associated village green. The proposed development is therefore contrary to Policies C3 and CF3 of the adopted North Wiltshire Local Plan 2011.

- (2) That authority be delegated to the Development Control Manager to amend the Council's case in the event of an appeal against refusal, if so advised by any consultant appointed to present evidence on the Council's behalf, and/or on Counsel's advice.

3. 08/01116/FUL – Demolition of Hall and Erection of Dwelling, Seagry and Startley Village Hall, Chippenham

Representations were received from Mr J. Clark and Mr S. Jevons in support of the application and from Mr I Rea, the Agent.

Issues discussed during consideration of this item included:

- The community's requirements for a new village hall facility; and
- The aspirations of the Community Plan for the area.

Resolved that the grant of Planning Permission be delegated to the Development Control Manager subject to a legal agreement to ensure that the proceeds from the sale of the site are to be used for the provision of a replacement village hall for the following reason:

Reason: The application is acceptable as significant weight was given to material considerations including the aspirations of the Community Plan and statements of support for community facilities expressed in Planning Policy Statement 7.

and 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 Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in accordance with the documents (including plans) incorporated into this decision, and subsequently approved pursuant to this decision (if applicable), unless otherwise approved in writing by the local planning authority.

Reason: To ensure that the development is implemented in accordance with this decision in the interests of public amenity.

3. Prior to the commencement of the development hereby permitted, details of materials to be used externally shall be submitted to, and approved in writing by, the local planning authority. The development shall be built in the materials approved.

Reason: In the interests of visual amenity.

4. The development hereby permitted shall not be commenced until details of the landscaping of the site, including wherever appropriate the retention of existing trees, have been submitted to, and approved in writing by, the local planning authority.

The approved landscaping scheme shall be implemented within one year of either the first occupation or use of the development, whether in whole or in part, or its substantial completion, whichever is the sooner, and shall be maintained thereafter for a period of not less than five years. The maintenance shall include the replacement of any tree or shrub which is removed, destroyed or dies by a tree or shrub of the same size and species as that which it replaces, unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of amenity.

5. Prior to the use or occupation of the development hereby permitted, details of the layout and construction of areas for the parking of vehicles and means of access thereto shall be submitted to, and approved in writing by, the local planning authority. Such areas shall thereafter be kept available for the parking of vehicles and access thereto at all times.

Reason: In the interests of highway safety and convenient access.

4. 08/01284/FUL – Extension - Rookery Farmhouse, Hankerton, Malmesbury

Representations were received from Mr Fitchett in objection to the application.

Issues discussed during consideration of this item included:

- The view that the proposal may have an overbearing visual impact on the neighbouring property; and
- The possibility of a condition to ensure that suitable materials would be used for the extension.

Resolved that Planning Permission be GRANTED for the following reason:

Reason: The proposal is an appropriate design that does not adversely affect the appearance of the dwelling or the surroundings and does not have a significant adverse impact on the residential amenities of the neighbouring property. .

and 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 Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in accordance with the documents (including plans) incorporated into this decision, and subsequently approved pursuant to this decision (if applicable), unless otherwise approved in writing by the local planning authority.

Reason: To ensure that the development is implemented in accordance with this decision in the interests of public amenity.

3. Prior to the commencement of the development hereby permitted, details of materials to be used externally shall be submitted to, and approved in writing by, the local planning authority. The development shall be built in the materials approved.

Reason: In the interests of visual amenity.

6. 08/01430/FUL – Proposed New Dwelling Including Demolition of Existing Dwelling on Site - Well Corner, Stoppers Hill, Brinkworth

Representations were received from Mr J. Florence in objection to the application and from Cllr O. Gibbs of Brinkworth Parish Council.

Resolved that Planning Permission be GRANTED subject to the conditions set out in the Agenda.

7. 08/01437/FUL – Demolish Existing Dwelling and Erect 2 Detached Houses/Garages with Access, Parking, Turning and Garaging - Glenhavon, Plough Lane, Kington Langley

Representations were received from Ms L. Reynolds in objection to the application and from Cllr M Dixson of Kington Langley Parish Council.

Issues discussed during consideration of this item included:

- The history of applications on the site;
- The possible impact on the neighbouring properties;
- The views of Kington Langley Parish Council; and
- The view that the proposal would leave to overdevelopment.

Resolved that

- (1) The application be REFUSED on grounds including, but not limited to, the following reason:
 - The proposed dwellings due to their size and layout are considered to be overdevelopment having an adverse impact on the appearance of the area and amenities of neighbouring residential properties contrary to Policy C3(i) of the North Wiltshire Local Plan 2011.
- (2) That authority be delegated to the Development Control Manager to amend the Council's case in the event of an appeal against refusal, if so advised by any consultant appointed to present evidence on the Council's behalf, and/or on Counsel's advice.

8. 08/01473/FUL – Erection of Log Cabin for Use as Tennis Hut/Changing Facilities - Tennis Courts, John Coles Park, Chippenham

Representations were received from Mr Burnett in objection to the application and from Mr A Douglas, the Applicant.

Issues discussed during consideration of this item included:

- Parking issues;
- The possibility of re-siting the proposed tennis hut;
- That the proposed hut was close to neighbouring properties; and
- The possible risk of fire damage as the hut is proposed to be built from wood.

Resolved that Planning Permission be GRANTED subject to the conditions set out in the Agenda.

Admin Note:

On being made aware that the proposed log cabin had received grant funding from the Chippenham Area 3 Committee, those members who were also on that Area Committee indicated that they would not vote on this application.

9. 08/01569/FUL – Erection of Chimney Flue - 3 John Aubrey Close, Yatton Keynell

A representation was received from Cllr C. Dash of Yatton Keynell Parish Council.

Issues discussed during consideration of this item included:

- The visual impact of the proposal on neighbouring properties.

Resolved that consideration of the application be DEFERRED in order to negotiate a revised scheme with the Applicant.

10. 08/01600/COU – Change of Use from A1 Shop to A3 Restaurant - 13 Church Street, Calne

Representations were received from Ms H. Lloyd in objection to the application and from Mr R Merrick, the Applicant.

Issues discussed during consideration of this item included:

- The views of Calne Town Council;
- That the restaurant would not be able to operate a takeaway facility without further Planning Permission; and

- The possibility of providing soundproofing for the residents of the flat above the property.

Resolved that Planning Permission be GRANTED subject to the conditions set out in the Agenda, with an amendment to condition 3 to read as follows:

3. Prior to the first use or occupation of the development hereby permitted, details of the method of fumes extraction for the cooking unit, shall be submitted to and approved in writing by the local planning authority. The agreed system shall be implemented prior to the first use or occupation of the approved development and permanently maintained thereafter.

And subject to the following additional condition:

Prior to the first use of the premises a scheme for noise attenuation designed to protect the amenities of residential occupiers in units within the same building shall be submitted to and approved in writing by the local planning authority. Such measures as agreed shall be implemented prior to the first use of the premises for A3 use and shall be maintained thereafter.

Reason: To protect the amenities of residential occupiers of the building. It should be noted that No 13 Church Street is a listed building and attention is drawn to Informative 2 detailed below.

11. 08/01605/FUL – Erection of Air Hall for Indoor Sports Use - Chippenham Sports Club, Bristol Road, Chippenham

Representations were received from Mr R. Giles and Mr Pickering in objection to the application and from Mr B. Corke on behalf of the Applicant.

Issues discussed during consideration of this item included:

- Concern over the proposed hours of operation of the air hall; and
- That the Environmental Health Department had considered the noise impact assessment and not raised any concerns.

Resolved that Planning Permission be GRANTED subject to the conditions set out in the Agenda with an amendment to condition 4 to read as follows:

4. The use hereby permitted shall not be open to customers before 09.00 hours nor after 22.00 hours Monday to Friday and not before 10.00 hours nor after 19.00 hours on Saturday and Sunday.

Reason: in the interests of the amenity of the area.

12. 08/01461/FUL – Erection of Detached Dwelling (Revision to 07/01409/FUL) - Land Adjoining 9 Ruxley Close, Wootton Bassett

A representation was received from Mrs Lewis in objection to the application.

Issues discussed during consideration of this item included:

- Concern over possible graffiti problems.

Resolved the Applicant be invited to enter an Agreement in respect of the following matters:

- i) To ensure that a financial contribution is made towards public open space provision;

following completion of which the Development Control Manager be authorised to GRANT Planning Permission subject to the conditions set out in the Agenda.

13. &14. 08/01612/LBC and 08/01613/FUL – Proposed Demolition of Existing Out-Building Adjacent to Main House and Re-Build Extension on same Footprint - Dove House, Little Somerford

Issues discussed during consideration of this item included:

- The history of applications on the site; and
- The possible impact on the Listed Building.

Resolved that

- (1) In respect of 08/01612/LBC the application be delegated to PERMIT Listed Building Consent subject to conditions for the following reason:

Reason: The negotiated scheme preserves and enhances the curtilage listed barn and the setting of the listed building.

- (2) In respect of 08/01613/FUL the application be delegated to PERMIT Planning Permission

subject to conditions and a legal agreement tying the extension to the main dwelling for the following reason:

Reason: The negotiated scheme preserves and enhances the cartilage listed barn, the setting of the listed building and character of the conservation area.

15. 08/01421/FUL – Extensions to Two Adjoining Commercial Buildings - Bulk Hardware, Parsonage Way, Chippenham

Issues discussed during consideration of this item included:

- That no objections had been received from Wiltshire County Council Highways Authority.

Resolved that Planning Permission be GRANTED subject to the conditions set out in the Agenda and the following additional condition:

The area allocated for parking on the submitted plan shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

Reason: In the interests of amenity and road safety.

The meeting started at 6.00pm and finished at 8.35pm.

There were 73 members of the public present.