

Minutes of the Development Control Committee Meeting held on Wednesday, 23rd April 2008 in the Council Chamber, Level –1, Monkton Park, Chippenham, commencing at 6:00pm

Present

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

Councillors K.A. Banks, C. Crisp, J.P. Doubell, S.K. Doubell, G.R. Greenaway, J.M. Hartless, I.J. Henderson, J.R. Henning, E. Marston, S.D. Meadows, J.A. Phillips, R.F. Sanderson, T.R. Sturgis, and A.J. Trotman.

Other Members Present

Councillors J. Lay, C. Reid, and R.L. Tonge

County/Town/Parish Council Representatives

Councillor O. Gibbs Wootton Bassett Town Council

Councillor J. Bowen Malmesbury Town Council

Officers Present

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

D114. Apologies for Absence

Apologies were received from Councillors H.T. Jones, C. Wannell, J.B. Whincup, and Mr G. Yates of Lydiard Tregoz Parish Council.

D115. 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. Hartless	Conservative
C. Wannell	I.J. Henderson	Conservative
J.B. Whincup	S.K. Doubell	Liberal Democrat



D116. Public Question Time/Receipt of Petitions

Two public questions were received:

1. The following question was received from Mr Geoff Yates of Lydiard Tregoz Parish Council (he was not able to attend the meeting so the question was read out on his behalf):

“When the Local Plan 2011 was in draft form, before being officially adopted, it was common practice for planners to refer to this plan when considering a planning application, and for them to use the policies before the plan was officially adopted. Since this plan and the Wiltshire and Swindon Structure Plan will be replaced by the Regional Spatial Strategy when it is published later this year I should like to ask if officers are referring to and sometimes using the R.S.S. when determining planning applications prior to the R.S.S. being officially adopted later this year?”

Response:

“Planning applications will continue to be determined in accordance with the RPG10 (effectively the current Regional Spatial Strategy), the Structure Plan and North Wiltshire Local Plan 2011 for as long as they constitute parts of the Development Plan. Material considerations also need to be taken into account and this will include, where relevant, the policies of the Draft Regional Spatial Strategy. On some occasions the weight attached to the policies may be sufficient to outweigh the policies of the Development Plan.”

*John Simmonds
Principal Planning Officer*

2. The following question was received from Cllr Owen Gibbs, Chair of Brinkworth Parish Council:

“Brinkworth Parish Council requires to know how the section 106 agreement works, regarding the 'open spaces payment' on new developments. With one new house having now been completed (next to Peartree House, The Street, Brinkworth), how does North Wiltshire District Council activate this agreement, also the amount available to be able to put into a local project within the village.”

Response:

“Smaller scale developments with a POS condition attached usually make the required payment upon occupation of the dwellings. Our monitoring process will identify outstanding payments ,although there may be some time lag before payment is received.

When the payment is received , officers at the District Council would allocate the funds according to the needs and requirements identified in the North Wiltshire Open Spaces Study and Strategy.

Where there is an excess of financial contributions in any particular Town/Parish after consideration has been given to the Open Spaces Study, officers would contact the relevant Town or Parish Council, to identify what the current POS requirements are and how a project can be initiated.

If the payment is to be passed to the Parish/Town Council then an audit trail will be needed i.e copies of the project proposal/plan and invoices for work undertaken. The normal time period for expenditure of the contribution is five years therefore giving time for money to accrue for larger projects."

*Michael Hasted
Senior Regeneration Officer*

D117. Minutes

The Minutes of the Meeting held on 2nd April 2008 (circulated with the Agenda) were considered.

Resolved that the Minutes of the Meeting held on 2nd April 2008 be confirmed as a correct record.

D118. Chairman's Announcements

The Chairman made the following announcements:

Agenda Item 7(b) 3 (08/00338/FUL – Land at Lanes End, Gastard, Corsham) this application has been withdrawn by the applicant and will not be considered at this meeting.

Open Forum:

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

D119. Declarations of Interest

Name	Application /Item	Type of Interest	Nature of Interest	Action
Cllr J. R. Henning	Item 7(b) 4 - Site Adj 30 Avon Rise, Luckington – 08/00423/FUL and Item 7(b) 8 - Grassed Area Adj, 16 Easton Square, Sherston – 08/00474/FUL	Personal	Shareholder of Westlea Housing Association (the agent)	Remained in the chamber during the consideration of the item.
Cllr J. A. Phillips	Item 7(b) 4 - Site Adj 30 Avon Rise, Luckington – 08/00423/FUL and Item 7(b) 8 - Grassed Area Adj, 16 Easton Square, Sherston – 08/00474/FUL	Personal	Shareholder of Westlea Housing Association (the agent)	Remained in the chamber during the consideration of the item.

Cllr A.J. Trotman	Item 7(b)1 - Calne Local Centre, Calne – 07/01622/FUL	Personal	Member of Calne Town Council	Remained in the chamber during the consideration of the item but did not vote.
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D120. Development Control Items

(a) **Withdrawn Items**

Item 7(b) 3 was withdrawn by the applicant prior to the meeting.

(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.

1. 07/01622/FUL – 13 Dwellings and Associated Works – Calne Local Centre, Calne

No representations were received.

Resolved that authority be delegated to the Development Control Manager to GRANT permission subject to relevant conditions and suitably modified legal agreements.

2. 08/00314/FUL – Cycleway, fire engine access, secure cycle shelters and additional car parking – Sheldon School, Hardenhuish Lane, Chippenham

No representations were received.

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

4. 08/00423/FUL – Demolition of Eight Garages and Construction of Two New Dwellings with Associated External Works – Land adjacent 30 Avon Rise, Luckington, Chippenham

No representations were received.

Issues discussed included:

- It is possible the garages are not currently used because they are so small; and
- The argument that no parking will be lost because the area has already been fenced-off by the applicant is invalid.

Resolved that:

- (1) The application be REFUSED on grounds including, but not limited to, the following reason:
 - The proposal would result in the loss of the opportunity to provide off-street car parking spaces for use by local residents in an area where parking difficulties and related highway problems are already experienced, contrary to policy C3 vii and viii of the NWLP 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.

5. 08/00430/FUL – Erection of Extension – 6 Hornbury Close, Minety, Malmesbury

No representations were received.

Issues discussed included:

- This extension constitutes overcrowding in a rural area; and
- The development will contribute to Minety's unresolved flooding issues.

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

6. 08/00468/FUL – Construction of four supported living units in one block to the front of Cote House with associated staff accommodation – Cote House, 24 Rowden Hill, Chippenham

Representations were received from Mr C. Dawe and Mr N. Fox in objection to the application, and from Mr G. Spencer on behalf of the Applicant.

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

7. 08/00473/FUL – Construction of two independent living units to rear garden (revision to 06/3000/FUL) – Cote House, 24 Rowden Hill, Chippenham

Representations were received from Mr C. Dawe and Mr N. Fox in objection to the application, and from Mr G. Spencer on behalf of the applicant.

Resolved that the applicant be invited to enter an Agreement (to vary the existing Agreement approved

under 06/3000FUL to apply to this application) following completion of which the Development Control Manager be authorised to GRANT Planning Permission subject to the conditions.

8. 08/00474/FUL – Erection of pair of semi-detached properties with access (revision of 07/02060/FUL) – Land Adjoining 16 Easton Square, Sherston, Malmesbury

No representations were received.

Resolved that the Development Control Manager be authorised to GRANT permission subject to the conditions set out in the Agenda and the completion of an Agreement in respect of the following matters:

- (i) To ensure that 50% of the residential units to be provided are affordable units;
- (ii) To ensure that the affordable residential unit is occupied in perpetuity by people who have a local housing need;
- (iii) The development to include a financial contribution to Public Open Space or local community facilities.

9. 08/00477/FUL – First Floor and Two Storey Side Extension, Erection of Conservatory and Conversion of Garage – 3 Cooper Close, Reeds Farm, Malmesbury

Representations were received from Councillor J. Bowen of Malmesbury Town Council and from Mr C. Curtis, applicant.

Issues discussed included:

- Whether the extension would block the light and reduce the privacy of neighbours at No. 3;
- The house is set back and down from the road, reducing the extension's impact on neighbouring properties; and
- Extensions are common in the area, and worse ones have historically been approved here.

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

10. 08/00445/S73A – Separation of annexe type accommodation from dwelling (removal of condition 04 of 04/00124/COU) – “Garden House”, 46a High Street, Corsham

A representation was received from Mr A. Howard, agent.

Issues discussed included:

- Whether the ancillary building has improved or diminished the character of the area;
- Wiltshire County Council Highways objections due to the lack of parking provision; and
- The very poor quality of the plans submitted.

Resolved that consideration of the application be DEFERRED to request the submission of clearer plans.

11. 08/00493/FUL – Erection of dwelling with associated garage, landscaping and vehicular access – Land at rear of 48 & 49 Morestone Road, Wootton Bassett

Representations were received from Cllr O. Gibbs of Wootton Bassett Town Council and from Mrs Coulson, application.

Resolved that Planning Permission be REFUSED for the following reasons:

1. The proposed development is considered to represent a form of development in depth, which would represent an unacceptable departure from the prevailing pattern of development, which is characterised by existing properties displaying a strong and consistent relationship with Morstone Road. As such the proposal is considered to be contrary to the provisions of policy C3 of the adopted North Wiltshire Local plan 2011.

2. By reason of its close proximity to existing properties at Elm Park and Morstone Road, the proposed dwelling and access drive are considered likely to result in an unacceptable adverse impact upon the amenities of residents, contrary to the provisions of Policy C3 of the adopted North Wiltshire Local Plan 2011.

12. 08/00532/COU – Change of Use of Public Toilets to A Shop (A1) Financial Professional Services Office (A2) – Station Road, Wootton Bassett

A representation was received from Cllr O. Gibbs of Wootton Bassett Town Council.

Issues discussed included:

- Streetlighting in the area.

Resolved that:

1. Planning Permission be GRANTED subject to the conditions set out in the Agenda.
2. The Assets, Design and Regeneration Team be requested to consider the provision of improved lighting of adjoining land.

13. 08/00551/COU - Extension to residential curtilage – Splash Cottage, Norton, Malmesbury

A representation was received from Mr D. Pearce, agent.

Issues discussed included:

- The possible effect of the proposal on the open countryside.

Resolved that Planning Permission be REFUSED for the following reason:

The proposed garden extension would be contrary to Policy C3 and NE15 of the North Wiltshire Local Plan 2011, in that the garden extension would encroach into open countryside and would therefore harm the rural character of this area.

14. 08/00601/S73A – To amend condition 11 on planning approval 06/03236/FUL to include retention of new front boundary wall at its height 600mm above internal ground level – White Lodge Farm Buildings, Filands, Malmesbury

Representations were received from Cllr J. Bowen of Malmesbury Town Council and from Mr Rea, agent.

Issues discussed included:

- The reasons why conditions were imposed on the original application; and
- Importance of employment in the area.

Resolved that Planning Permission be REFUSED for the following reason:

Non compliance with condition 11 of 06/03236/FUL and retention of the existing 600mm high wall would lead to the resulting development and associated deliveries, notably the parking and display of

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vehicles, being overly visible in the countryside contrary to policy C3 and NE15 of North Wiltshire Local Plan 2011.

The meeting started at 6.00pm and finished at 7.50pm.

There were **14** members of the public present.