

## NORTHERN AREA PLANNING COMMITTEE

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### MINUTES OF THE NORTHERN AREA PLANNING COMMITTEE MEETING HELD ON 6 JUNE 2012 AT COUNCIL CHAMBER - COUNCIL OFFICES, MONKTON PARK, CHIPPENHAM.

#### Present:

Cllr Peter Colmer, Cllr Christine Crisp, Cllr Peter Davis, Cllr Bill Douglas (Substitute), Cllr Alan Hill (Vice-Chair, in the Chair), Cllr Peter Hutton, Cllr Howard Marshall (Substitute), Cllr Judy Rooke (Substitute) and Cllr Toby Sturgis

#### Also Present:

Cllr Howard Greenman and Cllr Carole Soden.

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#### 42 Apologies

Apologies were received from:

Cllr Simon Killane  
Cllr Mark Packard  
Cllr Peter Doyle  
Cllr Desna Allen  
Cllr Tony Trotman

Substitutes:

Cllr Killane was substituted by Cllr Bill Douglas.  
Cllr Packard was substituted by Cllr Judy Rooke.  
Cllr Allen was substituted by Cllr Howard Marshall.

#### 43 Minutes of the Previous Meeting

The minutes of the meeting held on **16 May 2012** were presented.

#### Resolved:

**Subject to altering the Refusal reason of Minute 40(c) from:**

***The proposed development would prejudice the use and enjoyment of the bridleway contrary to Section 130 of the Highways Act. In the absence of any specific development plan policy applicable in this instance, this is considered to be a significant material consideration.***

To:

***The proposed development would prejudice the use and enjoyment of the bridleway due to the sudden noise and perception of danger contrary to Section 130 of the Highways Act and Policy T5 of the North Wiltshire Local Plan 2011 and the National Planning Policy Framework which seeks to protect and enhance public rights of way.***

To APPROVE as a correct record and sign the minutes.

44 **Declarations of Interest**

Cllr Howard Marshall and Cllr Alan Hill declared a personal interest in Minute 48(c) – 12/00889/FUL: *Land Adjacent to 8 Tern Close, Calne* – by virtue of being Calne Town Councillors where the application had come before the Town Planning Committee.

Cllrs Marshall and Hill declared the interest would not prejudice their decisions and would consider the matter with an open mind in debate and vote.

45 **Chairman's Announcements**

There were no announcements.

46 **Public Participation and Councillors' Questions**

The committee noted the rules on public participation.

47 **Planning Appeals**

The Committee noted the contents of the Appeals update.

48 **Planning Applications**

Attention was drawn to the late list of observations provided at the meeting, and attached to these minutes, with regards to applications **7a** and **7c** as listed in the agenda pack.

48 a) **11/02688/FUL - Land at Abbey View Farm, Malmesbury, SN16 9DA**

Public Participation

Mr Mark Willis, agent, spoke in support of the application.

The Planning Officer presented their report which recommended Refusal. Attention was drawn to the location and design of the proposed application, and emphasis on the consideration of the functional and in particular the financial tests regarding the proposed business was highlighted.

The Committee then had the opportunity to ask technical questions of the officers. The size of the dwelling, the viability of the proposed business arrangements, and the possibility of tying the dwelling to the agricultural building legally were raised. It was clarified that there is no specific policy regarding the size of an agricultural workers' dwelling, but that the scale was seen as generally appropriate.

Members of the public then had the opportunity to address the Committee with their views, as detailed above.

Cllr Howard Greenman, Wiltshire Councillor, was permitted to address the Committee by the Chair, and spoke in support of the application.

A debate followed, where the development of the site was discussed, along with concerns regarding the business model and subsequent need for an agricultural workers' dwelling.

It was,

**Resolved:**

**That Planning Permission be REFUSED for the following reason:**

- 1. The proposed dwelling cannot be justified in connection with the essential need for a rural worker to live permanently adjacent to Abbey View Farm. Therefore, the erection of a dwelling in the open countryside, outside the framework boundary of any established settlement, would be contrary to policy H4 of the North Wiltshire Local Plan 2011 and guidance contained within the National Planning Policy Framework.**
- 2. No Section 106 Agreement has been secured therefore the proposed development does not include or bring forward adequate provision for public open space as is required by policies C2 and CF3 of the adopted North Wiltshire Local Plan 2011 and supporting guidance contained within the North Wiltshire Open Space Study 2004.**

**Informatives**

- 1. This decision relates to documents/plans submitted with the application, listed below.**

- 2215/01 – Location plan, date stamped 5<sup>th</sup> August 2011
- 2215/02A – Plans and elevations as proposed, date stamped 16<sup>th</sup> November 2011

2. The applicant is advised that planning permission is required for the retention of the storage units and is unlikely to be granted.

48 b) **12/00715/FUL - 4 Kent End, Ashton Keynes, SN6 6PF**

Public Participation

Mr Michael Fowler, agent, spoke in support of the application.

Cllr Ian Woods, Chairman, Ashton Keynes Parish Council, spoke in objection to the application.

The Planning Officer introduced their report, which recommended that planning permission be granted. Attention was drawn to the location within the conservation boundary and the materials being in keeping with the area and the proposed extensions still being subservient to the main property.

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

Members of the public then had the opportunity to address the Committee with their views, as detailed above.

The Local Member, Cllr Carole Soden, then addressed the Committee. Cllr Soden supported the application in principle, so long as the objections of the Parish Council were noted and their suggestions in the event of approval adopted.

A debate followed, wherein the types of materials in the construction of the extension to the proposed annex was discussed, along with the possibility of ensuring the annex remained formally tied to the main property.

It was,

**Resolved:**

**To DELEGATE for approval as per officer recommendation, subject to a S106 agreement to tie the annex to the main house and prohibit separate sale/rental for the following reason:**

**The proposed development is considered to be acceptable and would be in keeping with the character and appearance of the area, and will have no adverse impact on the amenities currently enjoyed by the neighbouring residents or on the character or**

appearance of this part of the Ashton Keynes Conservation Area. The proposal would not be subject to an unacceptable risk of flooding or materially increase the risk of flooding elsewhere and is in accordance with Policies C3, HE1 and H8 of the adopted North Wiltshire Local Plan (2011).

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 of the materials to be used on the walls and roof of the proposed development, including details of the proposed solar slates 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.

**POLICIES:** C3, HE1 and H8 of the North Wiltshire Local Plan 2011.

3. No works shall commence on site until details of the proposed rooflights (including size, manufacturer and model number) have been submitted to and approved in writing by the Local Planning Authority. The new rooflights shall be of a design which, when installed, do not project forward of the general roof surface.

**REASON:** In the interests of preserving the character and appearance of the listed building and its setting.

**POLICIES:** C3, HE1 and H8 of the North Wiltshire Local Plan 2011.

4. No works shall commence on site until details of all new external window and door joinery and/or metal framed glazing have been submitted to and approved in writing by the local planning authority. The submitted details shall include depth of reveal, details of heads, sills and lintels, elevations at a scale of not less than 1:10 and horizontal/vertical frame sections (including sections through glazing bars) at not less than 1:2. The works shall be carried out in accordance with the approved details.

**REASON:** in the interests of preserving the character and appearance of this part of the Ashton Keynes Conservation Area.

**POLICIES:** C3, HE1 and H8 of the North Wiltshire Local Plan 2011.

5. No development shall commence on site until details of the finish to external timber, including any paint or stain to be used on the potting

shed, machinery store and greenhouse have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the development being first brought into use / occupied.

**REASON:** In the interests of visual amenity and the character and appearance of this part of the Ashton Keynes Conservation Area.

**POLICIES:** C3, HE1 and H8 of the North Wiltshire Local Plan 2011.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by 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/extensions or external alterations to any building forming part of the development hereby permitted.

**REASON:** In the interests 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 external alterations.

**POLICIES:** C3, HE1 and H8 of the North Wiltshire Local Plan 2011.

7. The extension (building) hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 4 Kent End, Ashton Keynes.

**REASON:** The additional accommodation is sited in a position where the Local Planning Authority, having regard to the reasonable standards of residential amenity, access, and planning policies pertaining to the area, would not permit a wholly separate dwelling.

**POLICIES:** C3, HE1 and H8 of the North Wiltshire Local Plan 2011.

8. The development hereby permitted shall be implemented in accordance with the submitted plans and documents listed below. No variation from the approved plans should be made without the prior approval of the local planning authority. Amendments may require the submission of a further application.

- 120106-08 A – Design scheme, date stamped 2<sup>nd</sup> May 2012
- 120106-09 A – Site plan block plan and garden buildings, date stamped 2<sup>nd</sup> May 2012
- 120106-01 – Location plan, date stamped 9<sup>th</sup> March 2012

**REASON:** To ensure that the development is implemented as approved.

9. No part of the development hereby approved shall be first brought into use until the parking area shown on the approved plans has been consolidated, surfaced 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.

**POLICY:** C3 of the North Wiltshire Local Plan 2011.

**48 c) 12/00889/FUL - Land Adjacent to 8 Tern Close, Calne, SN11 8NG**

Public Participation

Mrs Evelyn Dean spoke in objection to the application.

Mrs Wheel spoke in objection to the application.

Mr Nick Puntis, agent, spoke in support of the application.

The Planning Officer introduced their report which recommended refusal. It was highlighted that it was a material consideration that there remains extant planning permission for a single dwelling on the site. It was also a material consideration that an appeal for erection of a pair of semi-detached dwellings on the site had been dismissed. It was noted that the plans had been reduced since the appeal decision, and that the main issue remained whether the impact on neighbouring properties was overbearing.

The Committee then had the opportunity to ask technical questions of the officers. An enquiry was made to the planning solicitor as to whether the existence of a covenant on the land prohibiting new buildings would have an impact on the Committee's previously granted permission. The solicitor clarified that any covenant would be a civil matter, and should not be taken into account when considering current proposal before the Committee, and further that the deadline for challenging the previously granted permission had passed.

Members of the public then had the opportunity to address the Committee with their views, as detailed above.

The Local Member, Cllr Howard Marshall, then expressed reservations regarding the application, but considered it may have been a better option than the design that was already approved and could be constructed at any time.

A debate followed, where the views of the Town Council were discussed. It was clarified the Town Council had not been consulted regarding the plans as revised since the report was concluded. The scale of the proposed property and impact on the amenity of the neighbouring properties was debated.

It was,

**Resolved:**

**That Planning Permission be REFUSED for the following reason:**

- 1. The proposed development would by virtue of its scale, bulk and form result in a cramped form of development which would be detrimental to the open nature of Tern Close and out of character in the locality adversely affecting the visual amenity of the street scene. As such the proposal would be contrary to Policy C3 of the adopted North Wiltshire Local Plan**
  
- 2. The proposed development by reason of its siting would be overbearing resulting in an unacceptable and oppressive outlook for the occupiers of Number 8 Tern Close which would be detrimental to the amenities of the occupiers of this property. As such the proposal would be contrary to Policy C3 of the adopted North Wiltshire Local Plan 2011**

**Informative**

- 1. This decision relates to documents/plans submitted with the application, listed below.**

<b>Plan Ref: Dwg No: 2011 -31- 1 Rev c</b>	<b>Dated: 24<sup>th</sup> May 201</b>
<b>Dwg No: 2011 -31- 2 Rev c</b>	<b>24<sup>th</sup> May 2012</b>
<b>Dwg No: 2011 -31- 3 Rev c</b>	<b>24<sup>th</sup> May 2012</b>
<b>Dwg No: 2011-31- 5 Rev B</b>	<b>22nd March 2012</b>
<b>Revised Dwg No: 2011 - 31 - 4 Rev C</b>	<b>10<sup>th</sup> May 2012</b>
<b>Revised Dwg No: 2011 - 31 - 4 Rev C1</b>	<b>10<sup>th</sup> May 2012</b>

**49 Urgent Items**

There were no urgent items.

(Duration of meeting: 6.00 - 7.25 pm)

The Officer who has produced these minutes is Kieran Elliott, of Democratic Services, direct line (01225) 718504, e-mail [kieran.elliott@wiltshire.gov.uk](mailto:kieran.elliott@wiltshire.gov.uk)

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