

NORTHERN AREA PLANNING COMMITTEE

DRAFT MINUTES OF THE NORTHERN AREA PLANNING COMMITTEE MEETING HELD ON 29 NOVEMBER 2017 AT COUNCIL CHAMBER - COUNCIL OFFICES, MONKTON PARK, CHIPPENHAM, SN15 1ER.

Present:

Cllr Tony Trotman (Chairman), Cllr Peter Hutton (Vice-Chairman),
Cllr Christine Crisp, Cllr Howard Greenman, Cllr Gavin Grant, Cllr Mollie Groom,
Cllr Chris Hurst, Cllr Toby Sturgis, Cllr Brian Mathew and Cllr Jacqui Lay (Substitute)

Also Present:

Cllr John Thomson

113 Apologies

Apologies were received from Councillors Chuck Berry and Ashley O'Neill

Cllr Chuck Berry was substituted by Cllr Jacqui Lay.

114 Minutes of the Previous Meeting

The minutes of the meeting held on 1 November 2017 were presented.

Resolved:

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

115 Declarations of Interest

There were no declarations of interest.

116 Chairman's Announcements

There were no Chairman's announcements.

117 Public Participation

The Committee noted the rules on public participation.

118 **Planning Appeals and Updates**

The Committee noted the contents of the appeals update.

119 **Planning Applications**

Attention was drawn to the late list of observations provided at the meeting, in respect of application 17/09431/FUL and as listed in the agenda supplement.

120 **17/09119/FUL- Land adjacent Ashley, Common Road, Malmesbury**

Public participation:

Peter Sladden and Alan Hopkins spoke in objection to the application
Chris Beardsmore, applicant, spoke in favour of the application
Cllr Roger Budgens from St Pauls Malmesbury Without Parish Council spoke in objection to the application.

The Senior Planning Officer, Mark Staincliffe, introduced the report which recommended permission be given subject to conditions.

Matters highlighted in the course of the presentation and discussion included: that the planning application was for the erection of a single dwelling to the front of the site; that this application was a resubmission following a previous application for the demolition of Ashley and the construction of two detached dwellings; that the previous application was refused by the planning authority and subsequently dismissed at appeal by an inspector; that the application under consideration did not seek consent to demolish the existing dwelling; that finished floor levels and ridge lines would be required as part of any condition for permission prior to commencement; and the concerns raised by the public and the local parish.

For ease of reference the relevant sections of the appeal decision were published within the report and included: the planning history of the site; that the principle of residential development had been accepted and endorsed in the planning inspector's decision; the elevation of the site above the road and the topography in relation to nearby buildings; the inspectors views on the materials proposed in the previous application and their relevancy to the new proposal.

The views of the highways officer were outlined and it was confirmed that revised plans were submitted to address issues regarding access, parking and the ability for vehicles to enter and leave the site in a forward gear.

Members of the Committee then had the opportunity to ask technical questions of the officer, seeking clarification regarding the application of the plans to what could be seen from the ground; that permitted development rights could not be withdrawn from the adjacent property as it was outside the remit of the application; the distance between the two properties; how materials would be considered by officers under the proposed conditions.

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

The local member, Councillor John Thomson then spoke in objection to the application.

In the debate that followed, Councillor Peter Hutton proposed, subsequently seconded by Councillor Christine Crisp, that the Officer's recommendation of approval subject to conditions be approved.

Councillor Toby Sturgis proposed, and following advice from officers on wording, that condition seven be amended to read as follows:

No development shall commence on site until details of the proposed ground floor slab and roof ridge height levels have been submitted to and approved in writing by the Local Planning Authority. The submissions to include details as to site survey specifying site spot levels and finished floor levels.

The amendment was subsequently accepted by Councillors Hutton and Crisp, and thereby incorporated into their original motion.

At the conclusion of the debate, and having been put to the vote, the motion was not passed.

Councillor Gavin Grant proposed, subsequently seconded by Councillor Brian Mathew, that consideration of the application be deferred to enable for information regarding the slab and pitch heights to be provided to the Committee.

In response to the motion, the meeting debated whether the provisions of condition seven, as amended, by the previous proposal, would be sufficient to address these concerns.

The Development Management Team Leader, Lee Burman stated that he had no reason to doubt the veracity of the plans, the issues raised should be able to be addressed by condition, and that he did not recommend deferring consideration.

At the conclusion of the debate, and having been put to the vote, the motion was not passed.

Councillor Tony Trotman proposed, subsequently seconded by Councillor Peter Hutton, that the Officer's recommendation of approval subject to conditions be approved, including the amendment to condition seven as drafted in the earlier discussion.

Having been put to the vote, the motion was passed, and the meeting;

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 the exact 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: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, in the interests of visual amenity and the character and appearance of the area

- 3 No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include
 - a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
 - means of enclosure;
 - all hard and soft surfacing materials;

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

- 4 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.

- 5 No part of the development hereby permitted shall be occupied until the access, turning area and parking spaces have been completed in accordance with the details shown on the approved plans. The areas shall be maintained for those purposes at all times thereafter.

REASON: In the interests of highway safety.

- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), no window, dormer window or rooflight, other than those shown on the approved plans, shall be inserted in the development hereby permitted.

REASON: In the interests of residential amenity and privacy and to ensure that should accommodation be provided within the roof space the property has sufficient off street parking to accord with the Council's parking standards.

- 7 No development shall commence on site until details of the proposed ground floor slab and roof ridge height levels have been submitted to and approved in writing by the Local Planning Authority. The submissions to include details as to site survey specifying site spot levels and finished floor levels.

The development shall be carried out in accordance with the approved levels details.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and] the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, in the interests of visual amenity.

- 8 The dwelling hereby approved shall achieve a level of energy performance at or equivalent to Level 4 of the Code for Sustainable Homes. No dwelling shall be occupied until evidence has been issued and submitted to, and approved in writing by, the local planning authority certifying that this level or equivalent has been achieved.

REASON: To ensure that the objectives of sustainable development equal or equivalent to those set out in Policy CP41 of the Wiltshire Core Strategy are achieved.

- 9 No development shall commence on site (including any works of demolition), until a Construction Method Statement, which shall include the following:**
- a) the parking of vehicles of site operatives and visitors;**
 - b) loading and unloading of plant and materials;**
 - c) storage of plant and materials used in constructing the development;**
 - d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;**
 - e) wheel washing facilities;**
 - f) measures to control the emission of dust and dirt during construction;**
 - g) hours of construction, including deliveries;**

has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be complied with in full throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase.

- 10 Before the development hereby permitted is first occupied all windows at first floor in the Northern elevation shall be glazed with obscure glass only and the windows shall be maintained with obscure glazing in perpetuity.**

REASON: In the interests of residential amenity and privacy.

- 11 The development hereby permitted shall be carried out in accordance with the following approved plans:**
Site Location Plan
P010.H
P011.A

P020.C
P030.C
P060.A

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

- 12 No development shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the access/driveway), incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until surface water drainage has been constructed in accordance with the approved scheme.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure that the development can be adequately drained.

INFORMATIVE TO APPLICANT:

The applicant should note that the grant of planning permission does not include any separate permission which may be needed to erect a structure in the vicinity of a public sewer. Such permission should be sought direct from Thames Water Utilities Ltd / Wessex Water Services Ltd. Buildings are not normally allowed within 3.0 metres of a Public Sewer although this may vary depending on the size, depth, strategic importance, available access and the ground conditions appertaining to the sewer in question.

INFORMATIVE TO APPLICANT:

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.

INFORMATIVE TO APPLICANT:

Please note that Council offices do not have the facility to receive material samples. Please deliver material samples to site and inform the Planning Officer where they are to be found.

INFORMATIVE TO APPLICANT:

Any alterations to the approved plans, brought about by compliance

with Building Regulations or any other reason must first be agreed in writing with the Local Planning Authority before commencement of work.

121 17/09431/FUL - Land adjacent Benson House, Market Place, Box

Public participation:

Andrew Clegg, Patricia Simpson and Lorraine Simson spoke in objection to the application

Tony Phillips, agent for the applicant, spoke in favour of the application

Sheila Parker, resident of Box, spoke in favour of the application.

Cllr Sheila Parker from Box Parish Council spoke in objection to the application.

The Senior Planning Officer, Chris Marsh, introduced the report which recommended permission be give subject to conditions.

Matters highlighted in the course of the presentation and discussion included: the location of the proposals within the site; the orientation and the topography of the site; the relationship with other buildings in the area; the summary statement proposed which states how building works would be designed and constructed potential for further intrusive groundworks controlled by condition to protect existing trees; the views of the senior conservation officer; the concerns of residents regarding privacy; the views of the drainage officer and the approach taken to reduce the risk of flooding; whether the designs made best use of the site and the impact of the proposals in a conservation area.

Members of the Committee then had the opportunity to ask technical questions of the officer, seeking clarification regarding the impact of the proposals on private access arrangements, and that these were a civil matter and not a material planning consideration;

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

The local member, Councillor Brian Mathew then spoke in relation to the application.

In the debate that followed, Councillor Peter Hutton proposed, subsequently seconded by Councillor Jacqui Lay, that the Officer's recommendation of approval subject to conditions be approved.

Following advice from officers with regard to scope and wording, it was agreed to include an amendment to condition 9 relating to the design of windows to further protect the interests of residential amenity and privacy.

The amendment was subsequently accepted by Councillors Hutton and Lay, and thereby incorporated into their original motion.

At the conclusion of the debate, and having been put to the vote, the meeting;

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

VL.2017/28/01 - Site Plan + Block Plans

VL.2017/28/03 - Site Layout Proposed

VL.2017/28/04 - Proposed House (first floor plan and elevations)

Received 27 September 2017

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

- 3 No development shall commence on site until the exact details and samples of the materials to be used for the external walls, including fascia boards, etc, 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: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, in the interests of visual amenity and the character and appearance of the area.

- 4 No external stonework shall be constructed on site, until details of the reconfigured stone boundary wall, including type, dressing, coursing and bedding of the natural stone, type of pointing and mortar mix, have been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until the wall has been constructed in full accordance with the approved details.**

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

- 5** 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 tree/s and their protective fencing or ground protection 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 and ground protection shall be erected in accordance with the approved details. The protective fencing and ground protection 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: The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to enable the Local Planning Authority to ensure the retention of trees on the site in the interests of visual amenity.

- 6** No part of the development hereby approved shall be first

occupied 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.

- 7 Notwithstanding the approved plans, no gates shall be installed as part of the development hereby approved.

REASON: In the interests of highway safety, in order to provide safe and convenient vehicular access at all times.

- 8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (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.

- 9 Both the ground floor and first floor windows in the West elevation of the development hereby approved shall be glazed with obscure glass only [to an obscurity level of no less than level 3] and permanently fixed shut prior to the first occupation of the development hereby permitted and shall be permanently maintained in perpetuity.

REASON: In the interests of residential amenity and privacy.

- 10 No development shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the access/driveway), incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until surface water drainage has been constructed in accordance with the approved scheme.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure that the development can be adequately drained.

- 11 Notwithstanding the approved details, no foundation works, underpinning or other groundworks shall be undertaken in associated with the development hereby permitted without the prior written approval of the Local Planning Authority.

REASON: In the interests of protected trees.

- 12 **INFORMATIVE TO APPLICANT:**
Any alterations to the approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the Local Planning Authority before commencement of work.

- 13 **INFORMATIVE TO APPLICANT:**
The applicant should note that the grant of planning permission does not include any separate permission which may be needed to erect a structure in the vicinity of a public sewer. Such permission should be sought direct from Thames Water Utilities Ltd / Wessex Water Services Ltd. Buildings are not normally allowed within 3.0 metres of a Public Sewer although this may vary depending on the size, depth, strategic importance, available access and the ground conditions appertaining to the sewer in question.

- 14 **INFORMATIVE TO APPLICANT:**
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.

- 15 **INFORMATIVE TO APPLICANT:**
Please note that Council offices do not have the facility to receive material samples. Please deliver material samples to site and inform the Planning Officer where they are to be found.

- 16 **INFORMATIVE TO APPLICANT:**
The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. If the development is determined to be liable for CIL, a Liability

Notice will be issued notifying you of the amount of CIL payment due. If an Additional Information Form has not already been submitted, please submit it now so that we can determine the CIL liability. In addition, you may be able to claim exemption or relief, in which case, please submit the relevant form so that we can determine your eligibility. The CIL Commencement Notice and Assumption of Liability must be submitted to Wiltshire Council prior to commencement of development. Should development commence prior to the CIL Liability Notice being issued by the local planning authority, any CIL exemption or relief will not apply and full payment will be required in full and with immediate effect. Should you require further information or to download the CIL forms please refer to the Council's Website www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy.

122 Urgent Items

There were no urgent items.

(Duration of meeting: 3.00 - 5.04 pm)

The Officer who has produced these minutes is of Democratic Services, direct line ,
e-mail committee@wiltshire.gov.uk

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