

NORTHERN AREA PLANNING COMMITTEE

MINUTES OF THE NORTHERN AREA PLANNING COMMITTEE MEETING HELD ON 4 SEPTEMBER 2019 AT COUNCIL CHAMBER - COUNCIL OFFICES, MONKTON PARK, CHIPPENHAM, SN15 1ER.

Present:

Cllr Tony Trotman (Chairman), Cllr Peter Hutton (Vice-Chairman), Cllr Chuck Berry, Cllr Christine Crisp, Cllr Gavin Grant, Cllr Howard Greenman, Cllr Chris Hurst, Cllr Toby Sturgis, Cllr Brian Mathew, Cllr Ashley O'Neill and Cllr Philip Whalley (Substitute)

60 Apologies

Apologies were received from Cllr Mollie Groom.

Cllr Mollie Groom was substituted by Cllr Philip Whalley.

61 Minutes of the Previous Meeting

The minutes of the meeting held on 07 July 2019 were presented.

Resolved:

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

62 Declarations of Interest

Cllr Chris Hurst declared an interest in agenda item no. 7d (family members have attended or currently attend Lea and Garston Primary School and/or Malmesbury Primary School). He declared he would participate in the debate and vote for each item with an open mind.

Cllr Philip Whalley declared an interest in agenda item no. 7c (been in contact with public about this application). He declared he would participate in the debate and vote for each item with an open mind.

Cllr Toby Sturgis declared an interest in agenda item no. 7d (had business with the applicant and his predecessors and most recently has been in discussions with the applicant about the use of land in Great Somerford). He declared he would participate in the debate and vote for each item with an open mind.

63 **Chairman's Announcements**

There were no Chairman's announcements.

64 **Public Participation**

The Committee noted the rules on public participation.

65 **Planning Appeals and Updates**

The Committee noted the contents of the appeals update.

66 **Planning Applications**

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

The Committee then considered the following applications:

67 **19/03152/OUT - Peacock Grove, Corsham**

Public participation

Gail Seviour, local resident, spoke in objection to the application.

Alex Fogwill, local resident, spoke in objection to the application.

Hilary Evans, of Evans Planning & Design, spoke in objection to the application.

Chris Beaver, the agent, spoke in support to the application.

Neville Farmer, Corsham Town Council, spoke in objection to the application.

The Planning Officer, Paul Galpin, introduced a report which recommended that authority is delegated to the Head of Development Management to grant outline planning permission, subject to conditions and completion of the Unilateral Undertaking within six months (or otherwise to refuse the application), for the erection of up to 27 dwellings following the demolition of 2 no. existing dwellings and attached domestic garage, and associated access and landscaping works.

Key issues highlighted included: principle of development; impact on local highways; impact on site drainage and flooding; impact on ecology; impact on landscape character; relationship to the Great Western Railway; impact on residential amenity and S106 contributions. Officers also highlighted the importance of the extant permission relevant to this site and advised as to the implications of the appeal decision relating to an alternate revised scheme that had been issued two days before the Committee meeting.

Members of the Committee then had the opportunity to ask technical questions of the officer which focused on planning permission 15/11544/OUT, the Corsham Neighbourhood Plan and noise concerns. Clarification was provided as to the revised weight to be attached to the emerging Neighbourhood Plan following recent progression of the document.

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

Cllr Philip Whalley, Division Member, spoke regarding the application with the main points focusing on: the scale of change application 15/11544/OUT; the principle of development; the 5 Year Land Supply; the Corsham Neighbourhood Plan; impact on visual amenity; the relationship to the Network Rail; impact on ecology; impact on landscape character; impact on site drainage and flooding and impact on local highways.

The Planning Officer then addressed some of the issues raised by members of the Committee and the public with the main points focusing on: the Corsham Neighbourhood Plan; the 5 Year Land Supply; the impact on ecology; landscaping issues and in particular the importance of the extant permission as a material planning consideration of significant weight.

At the start of the debate Cllr Peter Hutton put forward a motion to approve the application, which was seconded by Cllr Christine Crisp, in accordance with the Officer recommendation.

During the debate the main points raised were: application 15/11544/OUT and the improvements made since the last application regarding the number of dwellings, access, street scene and the number of houses being demolished.

Following the debate, the motion was defeated.

A proposal was then moved by Cllr Toby Sturgis, seconded by Cllr Gavin Grant, to defer the application to receive additional information in relation to the matters detailed below.

During further debate the main points raised were: the Corsham Neighbourhood Plan; the relationship with Network Rail; the desire for clarity regarding the inspector examining the Neighbourhood Plan and how it addressed application 15/11544/OUT; landscaping issues; that the 5-Year Land Supply target has been met and the material changes that had happened since the application was last brought forward.

Resolved

That planning permission is deferred for two cycles to receive additional information in relation to the follow matters:

- **How the emerging Corsham Neighbourhood Plan addresses this site in relation to the Extant consent 15/11544/OUT**

- **Network Rail Planting, Safeguarding & Boundary requirements in relation to the embankment area**
- **Site sections showing height of proposed dwellings.**
- **Consultee advice from the Council's Ecologist.**

68 **19/02713/LBC - Merchant House, Royal Wotton Bassett**

Public participation

Alex Robinson, the agent, spoke in support to the application.

Jonathan Bourne, Royal Wootton Bassett Town Council, spoke in support to the application.

The Senior Conservation Officer, Caroline Ridgwell, introduced a report which recommended refusing planning permission for the replacement of UPVC windows, replacement of damaged lintels and rebuilding of front wall above windows. Attention was drawn to the late list of observations provided at the meeting and attached to these minutes including updates and clarifications. Jon Avent, Mann Williams CARE registered Structural Engineer, provided detailed advice as to structural matters in a heritage asset impact context.

Key issues highlighted included principle of the works, impact on significance of the heritage asset and impact on setting of the heritage assets.

Members of the Committee then had the opportunity to ask technical questions of the officer which focused on: the structural harm of the proposal; whether strengthening is necessary; the use of lintol and the impact on heritage assets.

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

Cllr Chris Hurst, Division Member, spoke regarding the application with the main points focusing on investment in the high street; the use of lintol and health and safety concerns.

The Senior Conservation Officer and the external consultant then addressed some of the issues raised by members of the Committee and the public with the main points focusing on the brickwork, the use of lintols and health and safety concerns. Area team Leader, Lee Burman, confirmed the formal position of Building Control North Team in respect of the proposals and structural matters as set out in the late list of observations.

At the start of the debate a proposal was moved by Cllr Tony Trotman, seconded by Cllr Toby Sturgis, to refuse planning permission as detailed in the report.

During the debate the main points raised were the weight that should be given to the judgement of experts on the matter, whether strengthening is necessary and the impact on heritage assets.

Resolved

That planning permission is refused in accordance with the Officer recommendation as detailed in the report and set out below:

The proposed works to the lintol over the two first floor windows on the front elevation would harm the special historic interest and significance of the heritage assets due to the intrusive nature of the works and introduction of unsympathetic details and materials. The degree of strengthening is excessive and will create two areas of overly rigid masonry that will not move with the rest of the building. Furthermore, removing the recently rebuilt sections of brickwork above the two first floor windows will result in unnecessarily disturbing historic material that has only recently been rebuilt. The proposed works would be contrary to Section 16(2) of the Planning (Listed Building and Conservation Area) Act 1990 and NPPF section 16 paras 189, 192, 193, 194, 196 and 200, and the BS7913, as well as Wiltshire Core Strategy (Jan 2015) CP57 (i), (iv) & CP58 and Policy 7 of the Royal Wootton Bassett Neighbourhood Plan.

69 18/08362/DP3 - Lea & Garsdon Primary School, Malmesbury

Public participation

Anthony Dixon, the applicant, spoke in support to the application.

Charlotte Harrison, Lea and Garsdon School Chair of Governors, spoke in support to the application.

Stuart Suter, Lea and Cleverton Parish Council, spoke in support to the application.

The Planning Officer, Lee Burman, introduced a report which recommended granting planning permission, subject to conditions, for the redevelopment of the existing 0.5FE size school site to provide a 1FE size school. This includes increasing the school site and providing a new building for three classrooms, a hall and a kitchen. Attention was drawn to the late list of observations provided at the meeting and attached to these minutes.

Key issues highlighted included: highways impact; parking provision; accessibility and safety; impact to residential amenity; impact to the character, appearance and visual amenity of the locality; ecology; drainage and archaeology.

Members of the Committee then had the opportunity to ask technical questions of the officer which focused on parking provision.

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

Cllr Toby Sturgis, Division Member, spoke regarding the application with the main points focusing on the need for extra school places in the Malmesbury area; highways impact; parking provision and accessibility and safety.

At the start of the debate a proposal was moved by Cllr Philip Whalley, seconded by Cllr Ashley O'Neill to grant planning permission as detailed in the report.

During the debate the main points raised were: parking provision; the need for extra school places in the Malmesbury area; the importance of village schools to village communities; highways impact and accessibility and safety.

Resolved

That planning permission is approved in accordance with the Officer recommendation as detailed in the report.

70 **19/05387/FUL - Lower Odd Farm, Crudwell**

Public participation

Ben Tallis, the applicant, spoke in support to the application.

The Senior Planning Officer, Catherine Blow, introduced a report which recommended refusing planning permission for the development of a new tractor and agricultural machinery dealership, workshop and associated car parking together with 82 car parking spaces for those working at the existing industrial estate. Officers identified that late representations submitted by the Agent for the application directly to members of the Committee had been reviewed but did not raise any new matters that had not been addressed in full in the report and did not alter the recommendation.

Key issues highlighted included: principle of development and alternate site investigations; scale, design and impact upon the character, appearance and visual amenity of the area; impact upon the amenity of the area; access and parking/impact on parking; ecology; noise; lighting and drainage.

Members of the Committee then had the opportunity to ask technical questions of the officer which focused on: existing nearby industrial development and access and parking issues.

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

The Planning Officer then addressed some of the issues raised by members of the Committee and the public.

Cllr Chuck Berry, Division Member, spoke regarding the application with the main points focusing on agricultural development and the need to place an agricultural company in a rural setting.

At the start of the debate a proposal was moved by Cllr Toby Sturgis, seconded by Cllr Ashley O'Neill to grant planning permission contrary to the officer report subject to conditions set out below.

During the debate the main points raised were the unique nature of the application, the applicant's submitted site search information and employment opportunities arising from the proposal.

Resolved

To delegate authority to the Head of Development Management Services to grant permission subject to appropriate and necessary conditions to be prepared by Officers contrary the Officer recommendation.

The reason for the decision being:

The use and activity proposed is of a unique nature that requires a rural location in operational terms that cannot reasonably and sustainably be located within defined employment areas. Committee members also conclude based on the available evidence, debate at Committee meeting and local knowledge of available land and buildings that the applicant's submitted site search information is sufficiently comprehensive and robust that it adequately demonstrates that there is no more appropriate and sustainable site available than that which is the subject of the application. On this basis it is considered by the Committee that there are sufficient and sound material considerations that justify a decision otherwise than in accord with the Development Plan in this instance.

71 **Urgent Items**

There were no urgent items.

(Duration of meeting: 3.00 - 6.45 pm)

The Officer who has produced these minutes is Craig Player of Democratic Services, direct line 01225 713191, e-mail craig.player@wiltshire.gov.uk

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NORTHERN AREA PLANNING COMMITTEE ADDITIONAL INFORMATION

04th September 2019

This is information that has been received since the committee report was written. This could include additional comments or representation, new information relating to the site, changes to plans etc.

Item 7a) 19/02713/LBC: Merchant House, 34 High Street, Royal Wootton Bassett.

Late Representation

Additional representations received:

Following the re-consultation and publication of the committee report the following additional representations have been received.

Alex Robinson (Pegasus Planning) – Inaccuracies in the committee report (summarised):

- The proposals state that the lintol is to be replaced. This is not the case as confirmed in revised submission on 22 May 2019.
- Para 6 on Principle of the Works refers to items that are not part of this current proposal and have been previously approved and implemented so should be reworded to accurately reflect the situation.
- Para 8 on Principle of the Works says that the works are being undertaken to meet new build standards. This is not the case – they are to address safety issues as the brickwork is over the public footpath.
- Para 8 on Principle of the Works says that the windows were removed and replaced. This is not the case – the windows have not been removed.
- Para 9 on Principle of the Works says that a concrete lintol is to be inserted. This is not the case. The proposal is to install a timber lintol. Concrete is not being used in the building.
- Para 10 on Principle of the Works refers to a parapet. There is no parapet on this building.
- Para 12 under Brickworks says that work to rebuild brickwork has already been undertaken. This is not true. The brickwork was pointed in to stop it falling on the public. However, it is noted that the officer accepts that the work is required and is acceptable.
- Paras 13 & 14 under Lintels, suggests an alternative solution to the brickwork but does not include details of the materials and method. The solution provided by Mann Williams is not shown in the report and would be far more intrusive than the suggested solution by SDS.
- Para 17 under Is Strengthening Necessary states that the works are being undertaken to meet new build standards. This is not the case—they are for public safety and to protect the building from further damage.
- Para 18 under If Strengthening is Required, What Form Should It Take? says that the alternative method is least intrusive. This is not the case.
- Para 19 under The Setting Of Heritage Assets says that the wall above the windows was rebuilt. This is not the case.
- Under Conclusion it again states that the wall has been rebuilt, but this is not true. It is inaccurate to include this in the reason for refusal when it has been accepted under para12, section 10 of the same report.

- Para 13 section 10 of the report says that the alternative solution was accepted by building control. An email communication between the architect and one of the Senior Building Control officers has been submitted saying that he believes the solution submitted by the applicant is the most appropriate and safest option.

Alex Robinson (Pegasus Planning) Matters in dispute –

- The applicants consider that public safety is the key to determining the acceptability of the scheme, that there is a danger of bricks falling on the pavement below and that the alternative solution suggested by the Council has a number of safety concerns, as stated by a building control officer.
- The applicants have referred to CARES registered structural engineers. This is a typographical error as the term is CARE registered.
- The applicants do not feel that a conservation accredited structural engineer automatically gives the most appropriate advice and the solution they have put forward they feel is reversible and less intrusive than the alternative solution.
- The applicants believe that comments on heavy snowfall are irrelevant and incorrect. Apparently, there was a heavy snowfall in Royal Wootton Bassett in February 2019.
- The applicants believe that the only modern material to be used in their solution is the metal angle with a timber lintol inserted over the existing timber lintol. Their solution is more honest and safe than the alternative suggested.

Reference to and copy of an email from a Senior Building Control Officer (Building Surveyor) stating that the applicants' solution was the better and safer option.

Officer comments:

Description of works - The proposal as described in the report is as per the submitted application form section 4: Description of Proposed Works which said “ *Replacement of UPVC windows, replacement of damaged lintels and rebuilding of front wall above windows*”

Including a comment on other works gives the background to the site in terms of other alterations, repairs and works. This provides a more holistic understanding of the building and its condition.

As mentioned in the submitted structural report para 2.4, the existing timber lintels do not comply with British Standards by calculation. Para 2.6 says that both lintels exceed their allowable bending stress and would probably result in member failure under full loading. The structural calculations have been reviewed by Jon Avent (Mann Williams) who does not interpret the situation as imminent failure of the timber lintols. The structural engineer will explain in greater detail during the meeting.

Removal of the windows – in a verbal discussion between the builder and the case officer, it was understood that the replacement timber casement windows had been delivered, that the existing uPVC windows had been removed ready to install the new casement windows but the uPVC windows were put back in when no agreement was reached on work to the lintols.

Insertion of a concrete lintol - Drawing No. 01 rev C received 22.05.19 is annotated to say “*to inner skin of wall position new Supreme pre-stressed concrete lintel ref R22 (100x215 wide) on top of existing timber lintels.*”

Reference to ‘Parapet’ – the previous application for works to the front elevation (17/00989/LBC) was submitted as “*Take down and rebuild front parapet wall to level of first floor window lintols, and provide additional support to main roof structure in order to improve structural integrity*”. The Council is therefore using the same terminology as the applicants.

Reference to rebuilding the brickwork already having been carried out - in the same verbal discussion between the builder and the case officer as previously mentioned, it was understood that the builder had started to take down the brickwork as the sample panel had been approved. The previously obvious recess in the brickwork above the windows is now barely apparent, although the pointing is now rather thicker than the historic pointing. A subsequent email from the builder has described the work as "*pointing in some masonry.*" However, the report to committee makes clear that the works to the wall "appear from the site inspection" to have been undertaken and does not definitively assert that they had been completed in full.

Details of the alternative solution – The diagram is included in the committee report. The structural engineer will describe methods and materials.

Opinion of Building Control officers – both of the proposed solutions were considered by Alex Millar (Building Control Engineer) in consultation with the Principal Building Control Officer (North Team) Sean Seager. It was identified that both options were technically feasible but officers declined to assess and comment upon the suitability of the works in terms of implications for the designated heritage asset on the basis that neither had built heritage/conservation expertise. On this basis expert advice was instructed from Mann Williams and this is presented in the report to Committee and will be subject of verbal presentation at the meeting. The correspondence quoted by the applicant is the informal personal opinion of that building control officer and does not represent the position of the Building Control (north) team or the position of Wiltshire Council in respect of this application and the proposed works.

The point on public safety has only recently been raised. It was not discussed in the Supporting Statement submitted with this application. It is however considered that both options being technically feasible address this matter.

Comments relating to heavy snowfall were in relation to the para 2.6 of the SDS structural report which referred to 'full loading'. Unless there is a heavy fall of snow, the loading will be no more than currently.

Weight to be attached to CARE Registered Structural Engineer Advice – With respect to this application/proposed there is no confirmation from Historic England that they endorse the applicant proposals/use of Catnik lintols. We are not aware of Historic England endorsement of the use of Catnik Lintols generally or in relation to other projects. The application submission references Historic England advice as to best practice and this clearly supports use of CARE register engineers in the relevant published documentation. There is an option to create a detail that is both durable and aesthetically appropriate for a listed building. Catnik Lintols are not known for their long term durability and the stainless steel alternative provides a more appropriate solution.

Item 7(b) 19/03152/OUT Peacock Grove (and adjacent to) Brook Drive, Corsham, Wiltshire, SN13 9AZ

Additional Information

1. Planning Inspectorate Appeal Decision with regard to 18/07085/VAR (Appeal Ref APP/Y3940/W/19/3224423) dated 2 September 2019.

18/07085/VAR - Variation of condition 4 (Revised vehicular access arrangement from Brook Road from – Dismissed

The Planning Inspector dismissed the above appeal. Comments contained in the decision notice hold relevance to the consideration of the planning application 19/03152/OUT. The Inspector's assessment and conclusions relate to the initial set of drawings for application 19/03152/OUT which were identical to the scheme considered at appeal under application reference 18/07085/VAR and which have been subsequently revised. It is important to note the following conclusions of the Planning Inspector:

- At paragraphs 17-20, the Inspector concludes that the proposal would create adverse impact to the residential amenities/living conditions of the occupiers of 21 Brook Drive through noise and disturbance.
- At paragraphs 21-24, the Inspector concludes that the proposal will not create any adverse impact in terms of the character and appearance of the Brook Drive and would not be contrary to Wiltshire Core Strategy policy 57.

Officer comment:

Accordingly, the appeal decision does not alter the recommendation to grant planning permission.

2. Update following the appeal decision:

The last paragraph of section 9 states:

It should be noted that the applicant has lodged an appeal against the Council's refusal of application 18/07085/VAR. As part of that appeal, the applicant is preparing a Unilateral Undertaking to deliver required infrastructure. It is understood that such a UU will also reference this new application, should the Northern Area Planning Committee resolve to grant planning permission.

To confirm, the new UU prepared with regard to 18/07085/VAR submitted with the appeal and considered by the Inspector in his decision does not reference 19/03152/OUT. To confirm a revised UU in relation to 19/03152/OUT with the agreed heads of terms will need to be agreed.

3. Typographical error:

Condition 13 with a typographical error and should remove 'Prior to commencement of development'. The conditions should read.

13. Applications for reserved matters shall be supported by a Landscape and Ecological Management Plan (LEMP) shall be submitted to, and approved in writing by, the Local Planning Authority. The approved LEMP shall include, but not necessarily be limited to, the following information:

- a) Full specification of habitats to be created, including locally native species of local provenance and locally characteristic species
- b) Description and evaluation of features to be managed; including location shown on a site map

- c) Landscape and ecological trends and constraints on site that might influence management
- d) Aims and objectives of management
- e) Appropriate management options for achieving aims and objectives;
- f) Prescriptions for management actions;
- g) Preparation of a work schedule (including an annual work plan capable of being rolled forward)
- h) Details of the body or organisation responsible for implementation of the plan;
- i) Ongoing bat and habitat monitoring and remedial measures;
- j) Timeframe for reviewing the plan

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body responsible for its delivery.

The plan shall also set out (where the results from monitoring show that the conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented.

The LEMP shall be implemented in full in accordance with the approved details.

REASON: To ensure adequate protection, mitigation and compensation for protected species, priority species and priority habitats.

Item 7(d) 18/08362/DP3 Lea and Garsdon C of E Primary School, The Street, Malmesbury SN16 9PG

1. Amendment

A corrected version of the site location/red line application boundary plan has been submitted. This includes the site area of the construction compound. The necessary notices were issued prior to the submission of the application and determination can proceed as recommended subject to a revision to the approved plans condition as follows.

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

GDLS030_001PL_SOFT WORKS PLAN REV E
 GDLS030_003PL_MAINTENANCE AND PLANTING SCHEDULES REV E
 Site Plan 3375_L_011 REV L
 Construction phase plan 3375_L_012 REV H
 External Lighting Layout 5006016 RDG Z02 XX PL E 01 REV F & dia Lux chart
 3375-HYD-00-XX-SK-C-7760 REV P01 & XXX-BFRR-PRE-IMP-A.xlsx
 08963-HYD-XX-XX-DR-TP-0501 REV P02
 All received 31.07.2019

08963-HYD-XX-XX-DR-TP-0101 REV P01
 3375 - TBC - V2 - XX - DR - A – 2002 REV C
 3375 - TBC - V2 - XX - DR - A – 0209 REV D
 All Received 01.05.2019

3375_L_051 REV F
 3375_L_052 REV C
 GDLS030_002_PL REV B
 GDLS030_004_PL
 3375_L_010

All received 02.10.2019

3375_L_001 Rev A
Received 04/09/2019

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