

## NORTHERN AREA PLANNING COMMITTEE

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### MINUTES OF THE NORTHERN AREA PLANNING COMMITTEE MEETING HELD ON 23 NOVEMBER 2011 AT COUNCIL CHAMBER - COUNCIL OFFICES, MONKTON PARK, CHIPPENHAM, SN15 1ER.

#### **Present:**

Cllr Christine Crisp, Cllr Peter Davis, Cllr Mollie Groom (Substitute), Cllr Peter Hutton, Cllr Simon Killane, Cllr Howard Marshall, Cllr Mark Packard (Substitute), Cllr Toby Sturgis and Cllr Anthony Trotman (Chairman)

#### **Also Present:**

Cllr Jane Scott, Cllr John Thompson, Cllr Jacqui Lay, Cllr Shiela Parker

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#### 98. **Apologies for Absence**

Apologies were received from Cllrs Peter Colmer, Peter Doyle and Alan Hill. Cllr Mark Packard substituted for Cllr Colmer and Cllr Mollie Groom substituted for Cllr Hill.

#### 99. **Minutes**

The minutes of the meeting held on 2 November 2011 were presented.

#### **Resolved:**

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

#### 100. **Declarations of Interest**

Cllr Anthony Trotman declared a prejudicial interest in Application 11/02159/FUL: *Deceunick, Stanier Road, Calne, SN11* because he was a director of Calne Leisure Centre. He stated he would step down from the Chair and leave the Chamber for the duration of the Application.

Cllr Howard Marshall declared a personal interest in Application 11/02159/FUL: *Deceunick, Stanier Road, Calne, SN11 9PX* because he was a member of Calne Town Council. He stated he had not participated in any debate on this application at a Town Council meeting and would therefore take part in the debate and vote with an open mind.

Cllr Mark Packard declared a personal interest in Application 10/04602/FUL: *Sainsburys Supermarkets LTD, Bath Road, Chippenham, Wiltshire, SN14 0BJ*

because he was a member of Chippenham Town Council. He stated he was not a member of the Town Council's Planning Committee, and would therefore take part in the debate with an open mind.

101. **Chairman's Announcements**

There were no announcements.

102. **Public Participation and Councillors' Questions**

The committee noted the rules on public participation.

103. **Planning Appeals**

The Committee received and noted a report setting out details of:-

- (i) Forthcoming hearings and public inquiries between 23/11/2011 and 29/02/2012
- (ii) Planning appeals received between 19 October 2011 and 10 November 2011.

104. **Planning Applications**

104a. **11/02918/FUL - The Old Hall, The Street, Grittleton, Chippenham**

The Committee received a presentation by the Planning Officer detailing the main issues in respect of the application and recommended that planning permission be granted. It was noted that the item had been deferred from 02/11/11 to allow further consultation with Grittleton Parish Council and local residents. Attention was also drawn to the late observations provided with the report.

Members of the Committee then had the opportunity to ask technical questions to the Planning Officer. Clarification was sought regarding the issue of parking and construction materials.

Cllr Jane Scott, the local Member, spoke in support of the application.

After discussion,

**Resolved:**

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

The proposal has now been significantly reduced from the original scheme and is considered to an appropriate form of development which would

preserve this part of the Grittleton Conservation Area and the adjoining listed buildings to the west. Subject to the imposition of appropriately worded planning conditions the proposal is considered to comply with Policies C3 HE1 HE4 and H8 of the North Wiltshire Local Plan 2011 and the guidance contained in PPS5.

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

POLICY: C3; HE1; HE4; H8

3. No development shall commence on site until a sample wall panel, not less than 1 metre square, has been constructed on site, inspected and approved in writing by the Local Planning Authority. The panel shall then be left in position for comparison whilst the development is carried out. Development shall be carried out in accordance with the approved sample.

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

POLICY: C3; HE1; HE4; H8

4. No development shall commence on site until details of all eaves, verges, windows (including head, sill and window reveal details), doors, rainwater goods, chimneys, dormers and canopies 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.

POLICY: C3; HE1; HE4; H8

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 external walls and window joinery 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 the area.

POLICY: C3; HE1; HE4; H8

6 (a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work).

(b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

(c) No equipment, machinery or materials shall be brought on to the site for the purpose of the development, until a scheme showing the exact position of protective fencing to enclose all retained trees beyond the outer edge of the overhang of their branches in accordance with British Standard 5837 (2005): Trees in Relation to Construction, has been submitted to and approved in writing by the Local Planning Authority, and; the protective fencing has been erected in accordance with the approved details. This fencing shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the Local Planning Authority.

In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) 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: To enable the Local Planning Authority to ensure the retention of trees on the site in the interests of visual amenity.

POLICY: C3; HE1

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 The Old Hall, The Street, Grittleton, Wiltshire.

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.

POLICY: C3; HE1; HE4; H8

**Informatives:**

1. 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.

2. Please be advised that nothing in this permission shall authorise the diversion, obstruction, or stopping up of any right of way that crosses the site. You are advised to contact the PROW officer.

**104b. 11/03115/S73A - Purdy's Farm, Wood Lane, Brinkworth**

**Public Participation:**

Mr Perrin, agent, spoke in support of the application.

Cllr Jacqui Lay, representing Purton Parish Council, spoke in objection to the application.

The Committee received a presentation by the Planning Officer detailing the main issues in respect of the application, noting the commitment of the Council to provide certain numbers of Gypsy and Traveller sites which the application would help meet, and recommended that planning permission be granted. It was noted that the item had been deferred from 02/11/11 pending receipt of the views of Purton Parish Council.

Members of the Committee then had the opportunity to ask technical questions to the Planning Officer, after which the Committee received statements from members of the public as detailed above, expressing their views regarding the planning application.

Cllr Mollie Groom, as local Member, spoke in objection to the application.

After discussion,

**Resolved:**

**Planning Permission be GRANTED for the following reason:**

The proposed development is considered to be acceptable based on its scale and nature which will limit impact on the character and amenity of the locality, residential amenities and highway safety and meet an established and identified need for Gypsy site provision in the former North Wiltshire area. The proposal is in accordance with Policy DP15 of the Wiltshire and Swindon Structure Plan 2016, Policies C3 & H9 of the North Wiltshire Local Plan (2011), PPS3 "Housing" and advice contained in Circular 01/2006.

**Subject to the following conditions:**

1. Within the first planting and seeding season following the date of the permission; 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 as shown in the Site Development Scheme Plan PF:2C dated 16 September 2011.

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

2. The site shall not be permanently occupied by persons other than Gypsies and Travellers as defined in paragraph 15 of ODPM Circular 01/2006.

REASON: Planning permission has only been granted on the basis of a demonstrated unmet need for accommodation for gypsies and travellers and it is therefore necessary to keep the site available to meet that need.

3. There shall be no more than four pitches on the site. The site being the defined by the red line shown on Site Location Plan PF:1A dated 16 September 2011.

REASON: In the interests of visual amenity and the amenity of the occupants on the site.

4. There shall be no more than four caravans (4) caravans as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, of which no more than two (2) shall be a static caravan or mobile home and no more than two (2) shall be a touring caravan, shall be stationed on the site at any time. The site being defined by the red line on

Site PlanPF:1A dated 16 September 2011.

REASON: It is important for the local planning authority to retain control over the number of caravans on the site in order to safeguard interests of visual and residential amenity in accordance with policies C3, NE15 and H9 of the North Wiltshire Local Plan 2011.

5 No more than four commercial vehicles shall be kept on the site for use by the occupiers of the caravans hereby permitted and each vehicle shall not exceed 3.5 tonnes in weight.

REASON: In the interests of residential amenity, highway safety and the character of the countryside.

6. Except for the keeping of commercial vehicles as defined in condition 5 above, no commercial activity or use, including the storage of materials and waste, shall be carried out on the site.

REASON: In the interests of residential amenity, highway safety and the character of the countryside.

7. 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), no buildings or structures, or wall, fence or other means of enclosure shall be erected or placed anywhere on the site.

REASON: To safeguard the character and appearance of the area.

8. No part of the development hereby permitted shall be first brought into use 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.

**104c. 10/04602/FUL - Sainsbury's Supermarkets Ltd, Bath Road, Chippenham**

**Public Participation:**

Mr Roger Backway spoke in objection to the application.

Mr Matthew Morris spoke in objection to the application.

Mr Rob Perks spoke in objection to the application.

Mr Peter Grubb, agent, spoke in support of the application.

Ms Nicki Craig spoke in support of the application.

Mr David Lazenby spoke in support of the application.

The Committee received a presentation by the Planning Officer detailing the main issues in respect of the application, including the impact upon highway safety, visual amenity and impact on local areas, and recommended that planning permission be granted. The late observations to the report were also noted.

Members of the Committee then had the opportunity to ask technical questions to the Planning Officer, during which it was confirmed that the proposal included legal agreements in respect of the planting of trees, the tackling of anti-social behaviour on the site and other aspects, and that a 6 month review would be conducted if permission was granted, and clarification was sought regarding the impact of the car deck on visual amenity and the definition of store overtrading.

Members of the Committee then received statements from members of the public as detailed above, expressing their views regarding the planning application.

Cllr Peter Hutton, as local Member, spoke in support of the application.

After discussion,

**Resolved:**

**To DEFER for one cycle to enable the Committee to consider further the information contained within the Roger Tym and Partners report.**

**104d. 11/01348/FUL and 11/01349/LBC - Cherry Orchard Barn, (Lyppiatt Barn), Cherry Orchard Lane, Luckington**

**Public Participation:**

Mr Tim Guard, applicant, spoke in support of the application.

The Committee received a presentation by the Planning Officer detailing the main issues in respect of the application, including the raising of the barn roof and visual amenity, and recommended that planning permission be refused.

Members of the Committee then had the opportunity to ask technical questions to the Planning Officer after which the Committee then received statements from members of the public as detailed above, expressing their views regarding the planning application.

Cllr John Thompson, the local Member, spoke in support of the application.

After discussion,



**Resolved:**

**N/11/01348/FUL**

**To DELEGATE for APPROVAL for the following reason:**

This is an acceptable conversion of this traditional listed farm building complying with policy H4. The details of the conversion are acceptable and will preserve the character of this traditional stone barn within the countryside, the scheme complies with HE4 C3 NE4.

**And subject to the completion of a S106 agreement in respect of securing off-site open space contributions;**

**And subject to the following conditions;**

1.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.

Plans 3557/09a /08 /01c /04a /03a , 3557/ 50j/ 51k/ 52k, 3557/10 /156c /159b /151b /150 /152b /154 /153 /155 bat survey owl report solar panels details.

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

2.Notwithstanding the plans submitted and prior to the commencement of the development hereby permitted, details of the following matters (in respect of which approval is expressly reserved) shall be submitted to, and approved in writing by, the local planning authority:

- (1) walls, fences, gates and other means of enclosure;
- (2) ground surfacing materials;
- (3) finished levels across the site;
- (4) large scale details of internal and external joinery including metal framed glazing (1:5 elevation, 1:2 section) including vertical and horizontal cross sections through openings, as well as heads sills and lintels, these plans to indicate all windows and doors recessed by 300mm as agreed by agent in email dated 29/06/2011.
- (5) the means of surface water disposal;
- (6) the means of foul sewage disposal;
- (7) Large scale details of eaves and verge (1:5 section)
- (8) A full schedule and specification of repairs to all the historic structures on the site which shall be carried out prior to the first occupation of the building.
- (9) Full details of proposed flues and means of providing ventilation and their

exits to the external air; meter and alarm boxes

(10) Full details of proposed external decoration

(11) Roof tiles to be double romans in clay, tiles in accordance with agent's email.

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

Items (1) to (11) shall be completed prior to the use or occupation of the development hereby permitted.

Reason: In the interests of amenity and satisfactory layout.

3. Prior to the commencement of the development hereby permitted, details and samples 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. In accordance with the agents email the roofs shall be tiled with double roman tiles.

Reason: In the interests of visual amenity.

4. Prior to the commencement of the development hereby permitted, a sample panel of stonework, and of repointing to existing stonework shall be made available on site to be inspected and approved in writing by the local planning authority. The development shall not commence until such approval has been given in writing. The external stonework shall be in accordance with the approved plans and shall match the approved sample in respect of type, colour, size and bedding of the stone, type of pointing and mortar mix.

Reason: In the interests of visual amenity.

5. Prior to the commencement of the development hereby permitted, a sample panel of the render to be used on the external walls shall be made available on site to be inspected and approved in writing by the local planning authority. The external render, as finished, shall match the approved sample in respect of colour, type and texture.

Reason: In the interests of visual amenity.

5. All rainwater goods shall be in cast metal, fixed on traditional drive-in brackets.

Reason In the interests of visual amenity.

6. The development hereby permitted shall not be occupied until the first five metres of the access, measured from the edge of the carriageway, has been consolidated and surfaced (not loose stone or gravel). The access shall be

maintained as such thereafter.

REASON: In the interests of highway safety.

7. All soft landscaping comprised in the approved details shown on plan no. 3557/159B dated 5/5/2011 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.

8. 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.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) there shall be no extension or external alteration to any building forming part of the development hereby permitted.

Reason: In order to safeguard the amenity of the area by enabling the local planning authority to consider individually whether planning permission should be granted for extensions and external alterations.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no garages, sheds or other ancillary domestic outbuildings shall be erected anywhere on the site edged in red on the approved plans.

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

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no gates, fences, walls or

other means of enclosure (other than those shown on the approved plans) shall be placed or erected anywhere on the site edged in red on the approved plans.

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

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no satellite dishes shall be installed on the exterior of any of the buildings forming part of the development hereby permitted.

Reason: In the interests of the character and appearance of the building(s) and the area.

13. Notwithstanding the elevations submitted the vent holes shall be constructed in accordance with the details attached to email received 5/07/2011.

Reason In the interests of visual amenity.

**Informatives:**

1. When details are submitted to discharge the conditions imposed on this permission, the local planning authority will have particular regard to the following matters: Detailing to external joinery shall be balanced.

Attention is drawn to the Legal Agreement relating to this development or land which has been made pursuant to Section 106 of the Town and Country Planning Act 1990, Section 111 of the Local Government Act 1972, Section 33 of the Local Government (Miscellaneous Provisions) Act 1982 or other enabling powers.

The applicant should note that this permission is for the conversion of the existing barn in accordance with the permission granted and the approved drawings. Any significant demolition or rebuilding of the existing structures on the site will negate the permission hereby granted.

Bats and Barn Owl have full protection under the Wildlife and Countryside Act 1981 (as amended). If any are suspected or present, you should contact English Nature prior to commencement of works.

**N/11/01349/LBC**

**To DELEGATE for APPROVAL for the following reason:**

The proposed conversion retains the architectural and historic interest of this Listed barn in accordance with sec. 16(2) of the planning (Listed building

and Conservation Areas) Act 1990 and policies HE7, HE9 and HE10 of planning policy statement 5.

**And subject to the completion of a S106 agreement in respect of securing off-site open space contributions;**

**And the following conditions:**

1.The works for which Listed Building Consent is hereby granted shall be begun before the expiration of three years from the date of this consent.

REASON: To comply with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2.The works 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.

Plans 3557/09a /08 /01c /04a /03a , 3557/ 50j/ 51k/ 52k, 3557/10 /156c /159b /151b /150 /152b /154 /153 /155 bat survey owl report solar panels details.

REASON: To ensure that the works are is implemented as approved.

3.Notwithstanding the plans submitted and prior to the commencement of the works hereby permitted, details of the following matters (in respect of which approval is expressly reserved) shall be submitted to, and approved in writing by, the local planning authority:

(1) walls, fences, gates and other means of enclosure;

(2) ground surfacing materials;

(3) large scale details of internal and external joinery including metal framed glazing (1:5 elevation, 1:2 section)including vertical and horizontal cross sections through openings, as well as heads sills and lintels, these plans to indicate all windows and doors recessed by 300mm as agreed by agent in email dated 29/06/2011.

(4)PLEASE INSERT ITEMS ii) xii) xiii) and xiv- roof tiles to be double romans in clay, tiles in accordance with agents email.

(5) Large scale details of eaves and verge (1:5 section)

(6) A full schedule and specification of repairs to all the historic structures on the site which shall be carried out prior to first use or occupation of the building.

(7) Full details of proposed flues and means of providing ventilation; meter and alarm boxes

(8) Full details of proposed external decoration

The works shall be carried out in accordance with the details so approved.

Items (1) to (8) shall be completed prior to the first use or occupation of the conversion hereby permitted.

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

4. No works shall commence on site until a sample panel of stonework, not less than 1 metre square, has been constructed on site, inspected and approved in writing by the Local Planning Authority. The panel shall then be left in position for comparison whilst the works are being carried out. Development shall be carried out in accordance with the approved sample.

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

5.No development shall commence on site until a sample panel of the render to be used on the external walls has been made available on site, inspected and approved in writing by the Local Planning Authority. The panel shall then be left in position for comparison whilst the development is carried out. Development shall be carried out in accordance with the approved sample.

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

6. Notwithstanding the elevations submitted the vent holes shall be constructed in accordance with the details attached to email received 5/07/2011

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

7.All soft landscaping comprised in the approved details shown on plan no. 3557/159B dated 5/5/2011 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 listed building

and the protection of existing important landscape features.

**Informatives:**

1. When details are submitted to discharge the conditions imposed on this permission, the local planning authority will have particular regard to the following matters: Detailing to external joinery shall be balanced.

Attention is drawn to the Legal Agreement relating to this development or land which has been made pursuant to Section 106 of the Town and Country Planning Act 1990, Section 111 of the Local Government Act 1972, Section 33 of the Local Government (Miscellaneous Provisions) Act 1982 or other enabling powers.

The applicant should note that this permission is for the conversion of the existing barn in accordance with the permission granted and the approved drawings. Any significant demolition or rebuilding of the existing structures on the site will negate the permission hereby granted.

Bats and Barn Owl have full protection under the Wildlife and Countryside Act 1981 (as amended). If any are suspected or present, you should contact English Nature prior to commencement of works.

**104e. 11/02159/FUL - Deceuninck, Stanier Road, Calne**

**Public Participation**

Ms Jennifer Dunthorne spoke in objection to the application.

Mr Bev Barnes spoke in objection to the application.

Ms Emma Porch spoke in objection to the application.

Mr Andrew Lowkis spoke in objection to the application.

Ms Julie Adams, spoke in support of the application.

Mr Dale Evans, agent, spoke in support of the application.

Cllr Caroline Ramsey, Calne Town Council, spoke in objection to the application.

Cllr Anthony Trotman stepped down from the Chair and left the Chamber for the duration of the item because of his stated prejudicial interest as detailed in Minute No. 100. Cllr Peter Davis was elected as Chairman for the duration of the item.

The Committee received a presentation by the Planning Officer detailing the main issues in respect of the application, including the impact of light and noise on local residents and the impact on other leisure facilities, and recommended that planning permission be granted subject to the imposition of planning conditions. Attention was also drawn to the late observations provided with the report.

Members of the Committee then had the opportunity to ask technical questions to the Planning Officer after which the Committee then received statements from members of the public as detailed above, expressing their views regarding the planning application.

After discussion,

**Resolved:**

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

Whilst acknowledging the shift from the present condition of the site as a green field to built form, it is considered that the proposal would involve limited new building that would be well related to an existing building. As such the proposal is of an appropriate form, scale and appearance and would comply with the requirements of Policies C3, C4, BD5 and NE15 of the adopted North Wiltshire Local Plan 2011 and national planning guidance in PPS4.

**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 materials to be used in the construction of the external surfaces of the development hereby permitted shall match in material, colour and texture those used in the existing building.

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

**POLICY-C3**

3. The level of noise emitted from the site shall not exceed a Rating level of 45 dB (1hr)(i.e. LAeq(1hr) and free from acoustic features) between 0700 and 2300 hrs Monday to Saturday and a Rating level of 35 dB(5 mins) (i.e. LAeq (5 mins) 35 dB and free from acoustic feature) at any other time as measured on all boundaries of the site at any position where the boundary is contiguous with any part of the curtilage of a residential property.

Reason: In the interests of protecting the amenity of residents.

4. Prior to the commencement of the development of each building hereby permitted, details of the following matters (in respect of which approval is expressly reserved) shall be submitted to, and approved in writing by, the



local planning authority:

- (1) walls, fences, gates and other means of enclosure;
- (2) ground surfacing materials;
- (3) finished floor levels of all buildings;
- (4) finished levels across the site;
- (5) the make, type and colour of all external materials to be used;

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

Reason: In the interests of amenity and satisfactory layout.

5. No development shall commence on site until a Green Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include details of implementation and monitoring and shall be implemented in accordance with these agreed details. The results of the implementation and monitoring shall be made available to the Local Planning Authority on request, together with any changes to the plan arising from those results.

REASON: In the interests of road safety and reducing vehicular traffic to the development.

POLICY-C3

6. 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

7. No development shall commence on site until details of secure covered cycle parking and changing and shower facilities have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be provided in accordance with the approved details and made available for use prior to the first occupation of the development hereby permitted and shall be retained for use at all times thereafter.

REASON: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than the private car.

POLICY-C3

8. The site and building shall be used for football pitches, ancillary gymnasium, children's play centre and other activity purely ancillary to the operation of the site and building for the identified use hereby granted planning permission and for no other purpose whatsoever (including any other purpose in Class D2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended by the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005, (or in any provisions equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification).

REASON: The proposed use is acceptable but the Local Planning Authority wish to consider any future proposal for a change of use having regard to the circumstances of the case and its potential impact upon the amenities of the nearby residential properties.

9. No materials, goods, plant, machinery, equipment, finished or unfinished products/parts of any description, skips, crates, containers, waste or any other item whatsoever shall be placed, stacked, deposited or stored outside any building on the site without the prior approval in writing of the Local Planning Authority in the form of a separate planning permission in that regard.

REASON: In the interests of the appearance of the site and the amenities of the area.

10. No further external lighting shall be installed on site whatsoever unless otherwise agreed in writing with the Local Planning Authority in the form of a separate planning permission in that regard.

REASON: In the interests of the amenities of the area and to minimise unnecessary light spillage above and outside the development site.

11. No development shall commence on site until a scheme for the discharge of surface water from the extended building and site, incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first brought into use/first occupied until surface water drainage has been constructed in accordance with the approved scheme.

REASON: To ensure that the development can be adequately drained.

12. No development shall commence on site until details of the works for the disposal of sewerage from the site and extended building has been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be first occupied until the approved sewerage details have been fully implemented in accordance with the approved plans.

REASON: To ensure that the proposal is provided with a satisfactory

means of drainage.

13. (a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work).

(b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

(c) No equipment, machinery or materials shall be brought on to the site for the purpose of the development, until a scheme showing the exact position of protective fencing to enclose all retained trees beyond the outer edge of the overhang of their branches in accordance with British Standard 5837 (2005): Trees in Relation to Construction, has been submitted to and approved in writing by the Local Planning Authority, and; the protective fencing has been erected in accordance with the approved details. This fencing shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the Local Planning Authority.

In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) 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: To enable the Local Planning Authority to ensure the retention of trees on the site in the interests of visual amenity.

#### POLICY-C3

14. No development shall commence on site until details showing ventilation and extraction equipment within the site (including details of its position, appearance and details of measures to prevent noise emissions) have been submitted to and approved in writing by the Local Planning Authority. The ventilation/extraction equipment shall be installed prior to the building/extension hereby approved is first occupied and shall thereafter be maintained in accordance with the approved details.

REASON: In the interests of the amenities of the area.

#### POLICY-C3

15. The change of use hereby permitted shall be implemented in complete accordance with plans relating to "Building A" granted planning permission under reference 02/01280/FUL. The extant and as yet unbuilt extensions to the building subject to this application shall be constructed strictly in accordance with the relevant plans approved under reference 02/01280/FUL unless otherwise agreed in writing with the Local Planning Authority in the form of a separate planning permission in that regard.

Reason: To define the parameters of the planning permission for the avoidance of doubt.

16. The use hereby permitted shall only take place between the hours of 09:00hrs – 19:00hrs

REASON: To ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

#### POLICY-C3

17. Notwithstanding that shown on the submitted plans, there shall be no further doors, windows or any other form of opening inserted into the western or southern elevation of the extended building (ie. the complete building including the additional floor space yet to be constructed) whatsoever unless otherwise agreed in writing with the Local Planning Authority in the form of a separate planning permission in that regard.

Reason: For the avoidance of doubt and so as to ensure the amenity of neighbouring residents is not adversely affected by the proposal.

18. Prior to the first use of the building or site for the permitted purpose, a 2.0m high close boarded acoustic fence shall be erected in a position immediately around the entire bank of new parking spaces outside of the proposed child play centre element of the proposal.

Reason: In the interests of securing a form of development that will not cause an unacceptable impact upon the amenities of the neighbouring residential occupiers.

19. Prior to the first use of the building or site for the uses hereby granted planning permission, a detailed scheme for the fitment of additional insulation inside of the walling of the existing building as well as the un-built extension, so as to achieve a further reduction of 10dB over and above that reduction in noise associated with the existing/permitted walling materials, shall have been submitted to and agreed in writing by the Local Planning Authority. The development and uses hereby permitted shall only commence once that scheme for the fitment of additional insulation, so agreed, has been implemented in full.

Reason: In the interests of securing a form of development that will not cause an unacceptable impact upon the amenities of the neighbouring

residential occupiers.

20. Unless in connection with an emergency, at no time shall any windows, doors or any other opening be open whilst any football or child play activity hereby permitted is carried out in the building.

Reason: In the interests of securing a form of development that will not cause an unacceptable impact upon the amenities of the neighbouring residential occupiers.

21. Prior to the first use of the building for the uses hereby granted planning permission, and in complete accordance with the submitted letter dated 5th October 2011, full details of the proposed boarding and netting to be installed around the perimeter of the proposed football pitches, so as to stop balls hitting the inside walls of the building, shall have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in complete accordance with the details so agreed prior to the first use of the building for the uses hereby permitted.

Reason: In the interests of securing a form of development that will not cause an unacceptable impact upon the amenities of the neighbouring residential occupiers.

(Note: Cllr Peter Hutton requested that his vote against the motion be recorded.)

**104f. 11/02331/FUL - Land Rear of 6 Upper Pavenhill, Purton**

**Public Participation**

Mr Patrick Griffiths spoke in objection to the application.  
Mrs S Wheeler spoke in objection to the application.

The Committee received a presentation by the Planning Officer detailing the main issues in respect of the application, including scale of the application and access, and recommended that planning permission be delegated to the Area Development Manager subject to conditions and subject to the applicant entering into a legal agreement under S.106 of the Town and Country Planning Act 1990 in respect of the provision of a financial contribution towards public open space. Attention was also drawn to the late observations provided with the report.

Members of the Committee then had the opportunity to ask technical questions to the Planning Officer, after which the Committee received statements from members of the public as detailed above, expressing their views regarding the planning application.

Cllr Jacqui Lay, the local Member, spoke in objection to the application.

After discussion,

**Resolved:**

**Subject to the applicant entering into a legal agreement under S.106 of the Town and Country Planning Act 1990 in respect of the provision of a financial contribution towards public open space, as required by policy CF3 of the adopted North Wiltshire Local Plan 2011, it is recommended that planning permission be DELEGATED to the Area Development Manager for the following reason:**

The scale and layout of the proposal is considered to be acceptable in the context of the surrounding area and the proposal is not considered to result in an unacceptable impact upon the residential amenity of surrounding properties. Sufficient car parking and manoeuvring space is provided within the site and the proposed development would not be detrimental to highway or pedestrian safety. In this way the proposed development is considered to comply with the provisions of policies C3, H3 and CF3 of the adopted North Wiltshire Local Plan 2011 and the guidance contained within Planning Policy Statement 3: Housing.

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

POLICY - C3 of the North Wiltshire Local Plan 2011.

3. The development hereby permitted shall not be first brought into use until the Right of Way surface has been upgraded and shall be a consolidated surface (not loose stone or gravel) in accordance with drawing NAD 0135 (This includes the provision of kissing gates). Full details of the construction specification and kissing gates shall be submitted and approved in writing by the Local Planning Authority prior to works being constructed.

REASON: In the interests of highway safety.

POLICY - C3 of the North Wiltshire Local Plan 2011.

4. No part of the development hereby permitted shall be first occupied until the access, turning area, parking spaces have been completed in accordance with the details shown on the approved plans. These areas shall be properly consolidated and surfaced (not loose stone or gravel). The areas shall be maintained for those purposes at all times thereafter.

REASON: In the interests of highway safety.

POLICY - C3 of the North Wiltshire Local Plan.

5. No development shall commence on site until visibility splays have been provided between the edge of the carriageway and a line extending from a point 2 metres back from the edge of the carriageway, measured along the centre line of the access, to the points on the edge of the carriageway 10 metres in both directions from the centre of the access in accordance with the approved plans. Such splays shall thereafter be permanently maintained free from obstruction to vision above a height of 1 metre above the level of the adjacent carriageway.

REASON: In the interests of highway safety.

POLICY - C3 of the North Wiltshire Local Plan 2011.

6. 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 brought into use until surface water drainage has been constructed in accordance with the approved scheme.

REASON: To ensure that the development can be adequately drained.

POLICY - C3 of the North Wiltshire Local Plan 2011.

7. 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) indications of all existing trees and hedgerows on the land;
- (b) details of any to be retained, together with measures for their protection in the course of development;
- (c) all species, planting sizes and planting densities, spread of all trees and hedgerows within or overhanging the site, in relation to the proposed buildings, roads, and other works;

- (d) finished levels and contours;
- (e) means of enclosure;
- (f) car park layouts;
- (g) other vehicle and pedestrian access and circulation areas;
- (h) hard surfacing materials;

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

POLICIES - C3 and NE14 of the North Wiltshire Local Plan 2011.

8. 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.

POLICIES - C3 and NE14 of the North Wiltshire Local Plan 2011.

9. No demolition, site clearance or development shall commence on site until an arboricultural statement and tree protection plan of all relevant details above and below ground have been submitted to and approved in writing by the Local Planning Authority.

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 without prior written approval of the Local Planning Authority. Any topping or lopping approval shall be carried out in accordance with BS 3998 2010 British Standard for Tree Work or arboricultural techniques where it can be demonstrated to be in the interest of good arboricultural practice.

If any tree is removed, uprooted, destroyed or dies, another tree shall be planted at the same place at a size and species planted at such time that must be agreed in writing with the Local Planning Authority.

No equipment, machinery or materials shall be brought onto the site for the purpose of development until a scheme showing the exact position of



protective fencing to enclose all retained trees and hedgerows beyond the outer edge of overhang of their branches in accordance with British Standard 5837: 2005: Trees in Relation to Construction has been submitted to and approved in writing by the Local Planning Authority and protective fencing has been erected in accordance with the approved plans. The protective fencing 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 without prior written approval by the Local Planning Authority.

In this condition "retained trees" 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 later.

No fires shall be lit within 15 metres of the furthest extent of the canopy of any tree or group of trees to be retained on the site or adjoining land and no concrete, oil, cement, bitumen or other chemicals shall be mixed or stored within 10 metres of the trunk or any tree or group of trees to be retained on the site or adjoining land.

REASON: To prevent trees being retained on or adjacent to the site from being damaged during the construction works and in the interest of visual amenity.

POLICY - NE14 of the North Wiltshire Local Plan 2011.

10. 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), no garages, sheds, greenhouses and other ancillary domestic outbuildings shall be erected anywhere on the site on the approved plans.

REASON: To safeguard the character and appearance of the area.

POLICY - C3 of the North Wiltshire Local Plan 2011.

11. 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.

- NAD 0135 – Proposed new bungalow, date stamped 6th July 2011

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

**Informative:**

Thames Water will aim to provide customers with a minimum pressure of 10m head (approximately 1 bar) and a flow rate of 9 litres / minute at the point where it leaves Thames Water pipes. The developer should take account of this minimum pressure in the design of the proposed development.

**104g. 11/02790/S73A - Lower Salthrop Farm, Lower Salthrop, Bassett Down, Wroughton**

The Committee received a presentation by the Planning Officer detailing the main issues in respect of the application and recommended that condition 06 to planning permission 10/02321/S73A be varied. Attention was also drawn to the late observations provided with the report.

Members of the Committee then had the opportunity to ask technical questions to the Planning Officer. Clarification was sought regarding the issue of the light testing and how, when and whether these had been done and the impact of atmospheric conditions on light readings.

After discussion,

**Resolved:**

**That planning permission be GRANTED for the following reason:**

Subject to the imposition of appropriately worded planning conditions, the proposed permanent floodlighting would not cause an unacceptable impact upon the landscape or the amenities of the nearest neighbouring residents. In these circumstances, the proposal is considered to comply with the provisions of Policies C3, CF2 and NE15 of the adopted North Wiltshire Local Plan 2011.

**Subject to the imposition of planning conditions previously imposed, including the variation to the wording of condition 06 to read as follows:**

In complete accordance with the submitted details a regular record of light measurements taken by an appropriate professional shall be maintained at all times throughout the life of the development and such a record shall be made available for inspection by the Council upon request. Such light measurements shall be undertaken on two separate occasions within every

12 month period. The first occasion shall be each autumn of every calendar year prior to the first operation of the floodlights and the second three months afterwards.

REASON: In order to maintain a floodlighting scheme that is correctly installed and maintained so as to reduce light spillage and keep potential impact upon residential amenity to a minimum.

**Informative:**

1. The applicant is advised that in order to provide a clear and meaningful comparison over time, the assessments required by condition 06 to this decision notice should be carried out during consistent atmospheric conditions. Assessments consistently carried out in similar atmospheric conditions will minimise variation in lighting levels and visibility in the landscape and therefore allow for a more accurate assessment of the lighting.

**104h. 11/03048/FUL - The Lodge, Oaks Farm, Rode Hill, Colerne**

**Public Participation**

Mr David Pearce, agent, spoke in support of the application.

Mr Ian Gooding, applicant, spoke in support of the application.

Mr Simon Meadowcroft spoke in support of the application.

Cllr John Bull, Colerne Parish Council, spoke in support of the application.

The Committee received a presentation by the Planning Officer detailing the main issues in respect of the application, including the scale and land status of the application, and recommended that planning permission be refused. Attention was also drawn to the late observations provided with the report.

Members of the Committee then had the opportunity to ask technical questions to the Planning Officer, after which the Committee received statements from members of the public as detailed above, expressing their views regarding the planning application.

Cllr Sheila Parker, the local Member, spoke in support of the application.

After discussion,

**Resolved:**

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

1. The proposed replacement dwelling by virtue of its scale, bulk and mass would not be of a similar scale and size as the existing dwelling

and the existing dwelling is capable of retention subject to repair. The proposal is contrary to Policy H4 of the North Wiltshire Local Plan 2011.

2. The proposed replacement dwelling by virtue of its scale, bulk and mass would result in a disproportionate increase in the scale of the building over that of the original resulting in inappropriate development in the Green Belt and resultant loss of openness of the Green Belt. The proposal would be contrary to Policy NE1 of the North Wiltshire Local Plan 2011.
3. The proposed replacement dwelling by virtue of its location, scale, bulk, mass and ancillary development (access and separate curtilage) would have a harmful impact on the visual amenity and character of the Area of Outstanding Natural Beauty. The proposal would be contrary to Policy HE4 of the North Wiltshire Local Plan 2011.

105. **Urgent Items**

There were no urgent items.

(Duration of meeting: 6.00 - 9.50 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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