

NORTHERN AREA PLANNING COMMITTEE

MINUTES OF THE NORTHERN AREA PLANNING COMMITTEE MEETING HELD ON 14 DECEMBER 2011 AT COUNCIL CHAMBER - COUNCIL OFFICES, MONKTON PARK, CHIPPENHAM, SN15 1ER.

Present:

Cllr Chuck Berry (Substitute), Cllr Christine Crisp, Cllr Peter Davis, Cllr Bill Douglas (Substitute), Cllr Alan Hill (Vice Chairman), Cllr Peter Hutton, Cllr Simon Killane, Cllr Mark Packard (Substitute), Cllr Toby Sturgis and Cllr Anthony Trotman (Chairman)

Also Present:

Cllr John Thomson

106. **Apologies for Absence**

Apologies were received from Cllrs Peter Colmer, Peter Doyle and Howard Marshall. Cllr Mark Packard substituted for Cllr Colmer, Cllr Chuck Berry for Cllr Doyle and Cllr Bill Douglas for Cllr Cllr Marshall

107. **Minutes**

The minutes of the meeting held on 23 November 2011 were presented.

Resolved:

To approve as a correct record and sign the minutes.

108. **Declarations of Interest**

There were no declarations of interest

109. **Chairman's Announcements**

There were no announcements

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

The committee noted the rules on public participation.

111. **Planning Appeals**

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

- (i) Forthcoming hearings and public inquiries between 14 December 2011 and 14 May 2012
- (ii) Planning appeals received between 10 November 2011 and 1 December 2011

112. **Planning Applications**

112a **N/10/04602/FUL - Sainsbury's Supermarket, Bath Rd, Chippenham, SN14 0BJ**

Public participation:

Ms Ann Lock spoke in objection to the application.
Mrs Lendon spoke in objection to the application.
Mr John Clark spoke in objection to the application.
Mr Peter Grubb, agent, spoke in support of the application.
Mr Simon Coles spoke in support of the application.
Mr David Lazenby spoke in support of the application.

The Planning Officer introduced the report which had been deferred from the last meeting. He explained that since the last meeting the applicants had modified the appearance of the car deck and that although they did not accept the environmental impact that has been suggested they have offered that monies will be available for Chippenham Town Centre enhancement.

A debate ensued during which concerns were raised regarding litter and noise from the application site and the impact on Chippenham and Corsham Town Centres.

On being put to the vote, the motion was CARRIED and a recorded vote having been requested by the requisite number of Councillors, the voting was recorded as follows;

For (6)

Cllrs Chuck Berry, Christine Crisp, Alan Hill, Peter Hutton, Toby Sturgis and

Anthony Trotman

Against (3)

Cllrs Bill Douglas, Simon Killane, Mark Packard

Abstentions (1)

Cllr Peter Davis

Resolved:

Planning Permission be DELEGATED to the Head of Development Control to allow completion of a legal agreement to control landscaping, management of the service yard (including control of refrigeration mechanisms), site security (to include a 6 monthly anti-social behaviour review), litter management (to include additional bins) and traffic management.

And subject to the following conditions:

1. 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;

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

POLICY-C3

2. 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.

POLICY-C3

3. (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

4. No development shall commence on site until details of all earthworks have been submitted to and approved in writing by the Local Planning Authority. These details shall include the proposed grading and mounding of land areas including the levels and contours to be formed, and the nature of the material, showing the relationship of proposed mounding to existing vegetation and surrounding

landform. Development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory landscaped setting for the development.

POLICY-C3

5. Construction works in association with this development shall only take place at the site between the hours of 07:00 and 22:00 Monday to Saturday inclusive and between 09:00 and 20:00 on Sunday and at no other time.

Reason: In the interests of the amenity of local residents in accordance with policy C3 of the North Wiltshire Local Plan 2011.

6. The improved pedestrian linkages shown on approved plan 31216-40_P005 RevF shall be implemented concurrently with the first use or occupation of the extension hereby permitted.

Reason: To ensure that the store is accessible by a range of means in addition to the private car.

7. There shall be no subdivision of the development hereby approved.

Reason: To protect the vitality and viability of the town centres of Corsham and Chippenham.

8. Prior to the first use or occupation of the development hereby permitted the acoustic barrier shown on approved plan 31216-40_P005 RevF shall be constructed in accordance with details to be submitted prior to development hereby permitted and shall be permanently maintained thereafter unless otherwise approved in writing by the local planning authority.

Reason: To protect residential amenity.

9. Prior to the commencement of the development hereby approved details of the method of restricting access to the whole site outside the hours of opening of the superstore, shall be submitted to and approved in writing, by the local planning authority. The approved method shall be implemented prior to the first use of the development hereby permitted and permanently maintained thereafter.

Reason: In the interests of residential amenity.

10. 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.

31216-40_P005revF, 31216-40_P010RevA, 31215-40_P011RevC, 31216-40_P015, 31216-40_P013RevC, 31216-40_P009 RevJ, 31216-40_P008RevB, 31216-40_P007, P007 RevB, P012RevB, P015 (1st July 2011), 803-03 (1/09/11), 001A, 002A, 003A, 004A (16/12/10)

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

11. 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.

12. No development shall commence on site until details of the method of entry control to the staff car park has been submitted to and approved in writing by the local planning authority. The agreed methodology shall be implemented concurrently with the first use of the car park and permanently maintained thereafter.

Reason: To protect the amenity of local residents.

13. The staff car park hereby permitted shall only be used between the hours of 07:30 and 22:30 on weekdays and Saturdays and between 09:00 and 18:00 on Sundays.

Reason: To protect the residential amenity of nearby residents.

14. Prior to the commencement of the development hereby permitted, details of all lighting to be used externally on the site shall be submitted to and approved in writing by the local planning authority. The details shall include times when the lights may be in use. The development shall be carried out in accordance with the details which shall be permanently maintained thereafter unless otherwise approved in writing by the local planning authority.

Reason: In the interests of visual and residential amenity.

In addition, a condition that restricts the percentage of floorspace for

comparison goods and convenience goods will be applied. The total retail floorspace created by this permission shall not exceed 7,600sqm, of which no more than 4790sqm should be used for the display and sale of convenience goods and no more than 2810sqm for the display and sale of comparison goods.

112b **N/11/02637/FUL - 38 Stone Lane, Lydiard Millicent, Swindon, SN5 3LD**

The Committee received a presentation by the Planning Officer detailing the main issues in respect of the application which was recommended for approval. 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.

Following a debate it was

Resolved:

That Planning Permission be GRANTED subject to:

- **the receipt of revised plans addressing the highway verge and boundary treatments;**
- **no further substantive issues being raised in respect of the revised plans reducing the size of the proposed dwelling;**

then, for the following reason:

The proposed dwelling by reason of its scale, siting, massing, bulk and design (including the use of materials) is considered acceptable for this locality and will not detract from the character and appearance of this rural area or affect the residential amenity of adjacent residents. the proposed development thus accords with Policies C3, NE15 and H4 of the adopted North Wiltshire Local Plan 2011.

Subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. Prior to the commencement of the development hereby approved details of the existing levels across the site and the finished floor levels of the proposed development shall be submitted to and approved by the Local Planning Authority. Thereafter, the development shall be constructed in accordance with the approved details.

Reason: In the interests of visual and residential amenity.

3. Notwithstanding the plans submitted 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

4. No development shall commence on site until details of the design, external appearance and decorative finish of all railings, fences, gates, walls, bollards and other means of enclosure 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 occupied.

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

POLICY-C3

5. The development hereby permitted shall not be first 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.

POLICY-C3

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), there shall be no additions/extensions or external alterations to any building forming part of the development hereby permitted.

Reason: In the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions/extensions or external alterations.

POLICY-C3

7. Before the development hereby permitted is first occupied the window(s) in the first floor ensembles east and west elevations shall be glazed with obscure glass only and the windows shall be permanently maintained with obscure glazing at all times thereafter.

Reason: In the interests of residential amenity and privacy.

POLICY—C3

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

WM13 A3/A11876/101A, Site Plan, 103 A, 104 B Dated 22nd November 2011.

105 D, 106 B Dated 13th November 2011.

Design and Access Statement dated 3rd August 2011.

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

Informative

You are advised that this planning permission does not override any interests that third parties may have regarding civil matters such as ownership, covenants or private rights of way. Before any works are carried out which affect land outside your ownership you should

ensure the necessary consents have been obtained from all persons having an interest in the land.
If you intend carrying out works in the vicinity of the site boundary you are also advised that it may be expedient to take our own independent advice with regard to the requirements of the Party Wall Act 1996.

112c **N/11/03223/FUL - 15A Court Street, Sherston, Malmesbury, SN16 0LL**

Public participation:

Mr John Pearson spoke in objection to the application
Mrs Verard spoke in objection to the application
Mrs Campbell-Johnston spoke in objection to the application
Mr Paul Cordier spoke in support of the application
Mr Nigel Lindrea spoke in support of the application

The Planning Officer introduced the report and drew attention to the issue of the rear windows and the potential impact on the property to the rear. He also drew attention to the late correspondence.

Members of the Committee then had the opportunity to ask technical questions to the Planning Officer

Following a debate during which concerns regarding the raised roof level and the impact on neighbouring properties were discussed it was

Resolved:

To refuse the application

Due to the design and massing the proposed alterations and extensions fail to respect the character of the area and will result in loss of privacy and amenity to adjacent dwellings. The proposed extensions and alterations are therefore considered to fail to comply with Policy C3 (specifically criteria (i) and (iii) and Policy HE1 of the North Wiltshire Local plan 2011.

113. **Urgent Items**

There were no urgent items.

(Duration of meeting: 6.00 - 7.40 pm)

The Officer who has produced these minutes is Pam Denton, of Democratic Services,
direct line (01225) 718504, e-mail pam.denton@wiltshire.gov.uk

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