

NORTHERN AREA PLANNING COMMITTEE

MINUTES OF THE NORTHERN AREA PLANNING COMMITTEE MEETING HELD ON 14 MARCH 2012 AT COUNCIL CHAMBER - COUNCIL OFFICES, MONKTON PARK, CHIPPENHAM, SN15 1ER.

Present:

Cllr Desna Allen (Substitute), Cllr Peter Colmer, Cllr Christine Crisp, Cllr Peter Davis, Cllr Bill Douglas (Substitute), Cllr Peter Doyle, Cllr Peter Hutton, Cllr Toby Sturgis and Cllr Anthony Trotman (Chairman)

Also Present:

Cllr Chris Caswill and Cllr Jacqui Lay

9. **Apologies for Absence**

Apologies for absence were received from Cllrs Alan Hill, Howard Marshall, Mark Packard and Simon Killane.

Cllr Packard was substituted by Cllr Bill Douglas, and Cllr Marshall was substituted by Cllr Desna Allen.

10. **Minutes**

The minutes of the meeting held on **22 February 2012** were presented.

It was,

Resolved:

To approve the minutes as a correct record.

11. **Declarations of Interest**

Cllr Toby Sturgis declared a personal interest in Minute 16e: N/11/02514/FUL and N/11/03731/LBC - *Scarrott's Yard, Adjacent to 6 Old Court, Royal Wootton Bassett*, as the applicant's fairground business had been held on his land, but with no financial relationship. He stated the connection would not prejudice his decision.

12. **Chairman's Announcements**

The Chairman explained the process of the meeting for those present.

The Chairman then noted the passing of former district and unitary Councillor, Peter Green, whose funeral was the day of the meeting, and invited Cllr Crisp to make a short statement. A minute's silence was then held in respect.

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

The Committee noted the rules on public participation.

14. **Proposed Diversion of Purton Bridleway 104 - Known as Mud Lane**

Public Participation:

Mr Alan Roberts spoke in objection to the item.

Dr Richard Pagett spoke in objection to the item.

Mr Brian Freegard spoke in objection to the item.

Mr Richard Moseley spoke in support of the item.

Mr George Hawksworth spoke in support of the item.

Cllr John Crawford, Purton Parish Council, spoke in objection to the item.

The Rights of Way Officer introduced the item and presented the report, which recommended the Order be referred to the Secretary of State for the Environment, Food and Rural Affairs with the recommendation it be confirmed as made. Attention was also drawn to the late list of observations provided at the meeting.

The Rights of Way Officer outlined the history of the order and the current condition of the original and diverted bridleways, stressing that the diversion order had been made in the interests of the general public and the landowner, and that the legal criteria to support the order had been met.

The officer clarified that the options available for the Committee were to abandon the order, or to go with the officer's recommendation.

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

The Committee then had the opportunity to further discuss the proposals.

It was,

Resolved:

That the Order be referred to the Secretary of State for DEFRA for determination with the recommendation that it be confirmed as made.

15. **Planning Appeals**

The Committee noted the update on the latest appeals.

16. **Planning Applications**

16 a) **N/11/03790/FUL - Rose Field, Hullavington**

The Planning Officer introduced the report which was recommended for approval. He drew attention to the late list of observations provided at the meeting, which altered the recommendation from temporary to permanent permission.

The Officer discussed previous objection to the site on highway grounds and efforts made to resolve these, and informed the Committee that approval would lead to an overprovision of Gypsy and Traveller pitches, but this was not considered detrimental the Council's overall Core Strategy. Attention was also drawn to a recent appeal decision for a similar site near Semington.

The Committee then had the opportunity to ask technical questions to the officers. In response to queries, the Highways Officer clarified that the C1(South) junction, where all the traffic from the site would be diverted, had not been improved, and as the land was owned by a third party, further adjustments to the junction were not planned.

Cllr Toby Sturgis, representing the views of the Local Member, Cllr Jane Scott, then spoke in objection to the application.

A debate followed, where junction visibility, traffic increase and detrimental effect on local farmers were discussed.

It was,

Resolved:

That the application be REFUSED for the following reason:

The C1n/C1s junction has substandard visibility to the left (south) and is considered to be "seriously deficient". Notwithstanding that although development would only give rise to modest additional daily vehicles movements at this junction, it is considered that the adverse impact on the highway would be material. The proposal fails to accord with Policy C3 of the North Wiltshire Local Plan 2011.

16 b) **N/11/03802/DEM and N/11/03798/LDC - Chippenham Railway Station, Cocklebury Road, Chippenham**

Public Participation

Mrs Clare Evans spoke in support of the application.

Mrs Maureen Lloyd spoke in support of the application.

Mr Eric Stubbs spoke in support of the application.

The Planning Officer presented a report which recommended approval. He explained the current lack of lift facilities at Chippenham station and adequate provision for disabled or frail railway users. It was clarified that, at present, there were no plans for lift access on the north side of the station.

The Officer also stressed the presence of the Listed Building of the main station was a consideration, as was the appearance of the design, but that the plans had been amended several times during the planning process.

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

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

The Local Member, Cllr Chris Caswill, requested the Committee defer the item to encourage a more appropriate visual design to be presented.

A debate followed, wherein the utilitarian design of the bridge was discussed, and specific materials for the cladding of towers and bridge assessed. Access to the lifts at night was also raised as a concern, which was clarified as a management issue for Network Rail. The environment consideration to reduce Wiltshire's carbon footprint by encouraging increased rail usage, and the need to provide for those currently unable to easily use the station was also discussed.

It was,

Resolved:

In respect of 11/03802/DEM:

NO OBJECTION for the following reason:

The proposed demolition of the existing footbridge is considered to have a neutral or positive impact upon the setting of the Listed Building and the Chippenham Conservation Area. The replacement footbridge is considered likely to cause some harm to the Conservation Area and setting of listed building. However, the significant benefit to the community and users of the railway station through the creation of an accessible footbridge to the platform and rail services is considered to outweigh any harm that may be caused by the construction of the footbridge. The proposal is considered therefore to comply with the requirements of PPS5, with specific

reference to Policy HE9.4. and Policies C3, HE1 and HE4 of the North Wiltshire Local Plan 2011.

Subject to the following condition:

1. No development shall commence on site until details of the stone work and zinc cladding to the lift towers and finish of the footbridge to be used on the development 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.

In respect of Listed Building Consent 11/3798/LBC:

Listed Building consent be GRANTED for the following reason:

The proposed demolition of the existing footbridge is considered to have a neutral or positive impact upon the setting of the Listed Building. The replacement footbridge is considered likely to cause some harm to the setting of listed building. However, the significant benefit to the community and users of the railway station through the creation of an accessible footbridge to the platform and rail services is considered to outweigh any harm that may be caused by the construction of the footbridge. The proposal is considered therefore to comply with the requirements of PPS5, with specific reference to Policy HE9.4.

Subject to 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. No development shall commence on site until details of the stone work and zinc cladding to the lift towers and finish (including painted) of the footbridge to be used on the development 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

3. 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.

Site location plan; drawing Numbers 1031314/CHI/EAR/DRG: 001b; 002C; 003E; 004E; 005F; 006E; 008; and 008.1 and Drawing number 1031314/CHI/A/226 Rev F

Planning Statement Incorporating Design and Access Statement and Heritage Statement

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

INFORMATIVE:

Network Rail and the Train Operating Company should have consideration for the need to ensure that the lifts are made available for their timely use prior to and after the first and last trains of the day.

16 c) N11/02514/FUL and N/11/03731/LBC - Scarrott's Yard, Adjacent to 6 Old Court, Royal Wootton Bassett

Public Participation:

Mr Vines spoke in support of the application.

Cllr Christopher Wannell, Royal Wootton Bassett Town Council, spoke in support of the application.

The Planning Officer presented the report and drew attention to the late list of observations provided at the meeting. The officer highlighted the highly visible nature of the site and the listed barn, inadequate provision of parking as a result of the lack of confirmed clear path to the proposed car ports with the in use depot, and the impact on amenity for neighbouring properties.

The Committee then had the opportunity to ask technical questions of the officers, where the closeness to the pavement of the proposed houses was queried.

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

A debate followed, wherein the lack of likely traffic increase was mentioned, the right to dictate on the applicant's traditional way of life and human right's concerns was raised, and the lack of detrimental effect on the conservation area.

After discussion, it was,

Resolved:

In respect of 11/02514/FUL

To DELEGATE to the AREA DEVELOPMENT MANAGER to APPROVE

For the following reasons:

The proposed development is considered to be in keeping with the character and appearance of the area, would not be detrimental to any residential amenities, highway safety or the setting of the Listed Building. Further the circumstances of the applicants have been taken into account as Travelling Showpeople and their need to continue to live and work on the site in the manner proposed. The development is thus considered to accord with Policies C3, HE1, HE4 and CF3 of the North Wiltshire Local Plan together with Core Policy 47 of the Wiltshire Core Strategy Pre-submission Document February 2012.

Subject to a S106 agreement to secure off site public open space provision together and

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.Contamination – see below as not able to cut and paste into this due to size.

3. Notwithstanding the approved drawings, no development/works shall commence until details of the following matters have been submitted to and approved in writing by the Local Planning

Authority:

- (1) Full details of the design, colour and materials for all new external doors, windows, dormers, stairs, gates and railings including cills, reveals and setback details for doors and windows shown on elevations at a scale of no less than 1: 5 (1:10 doors & gates) and sections to at a scale of no less than 1:2 (1:5 doors & gates).**
- (2) Full details of the new roofs, including sections, eaves & verge details at 1:5.**
- (3) Full details of the new chimneys, including elevations at no less than 1:5.**
- (4) Full details of the new service routes, flues, vents and mechanical extracts, including exit points.**

Items 1 to 4 shall be completed prior to the commencement of any works.

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

REASON: In the interests of preserving the character and appearance of the conservation area and Listed Building.

4. No development/works shall commence on site until a sample panel for the brickwork, 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 and the Listed Building.

5. No development/works 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, the character and appearance of the area and the Listed Building.

6. No development/works 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: In the interests of visual amenity, the character and appearance of the area and the Listed Building.

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), 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.

8. The dwellings hereby permitted shall not be occupied at any time other than by members of the Scarrott family in association with the use of the adjacent yard, known as Scarrotts Yard.

REASON: The dwellings are 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 dwellings in conjunction within the retained business use of the yard in which the dwellings are located.

9. The car ports hereby permitted shall not be converted to a garage. There shall be no erection of doors/gates or lockable device against the car port.

Reason: to ensure that adequate car parking is provided at the site in the interest of highway safety.

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), the carports hereby permitted shall not be converted to habitable accommodation.

REASON: To safeguard the amenities and character of the area and in the interest of highway safety.

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.

Dwg no: 2011-11-1, 2, 3A, 4A, 5 and 6 dated 25 July 2011

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

INFORMATIVES:

1. 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.

2. The applicant's attention is drawn to the contents of the attached letter from Wessex Water received 3 August 2011.

In respect of 11/03731/LBC

To APPROVE for the following reason:

The proposed development by reason of its scale, design and detailing would be out of keeping with the character and appearance of the area; would fail to preserve the setting of the Grade II Listed Building contrary to National Guidance contained in PPS5.

Subject to 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 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:

**Dwg no: 2011-11-1, 2, 3A, 4A, 5 dated 25 July 2011
2011-11-6 6 dated 31 October 2011**

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

3. Notwithstanding the approved drawings, no development/works shall commence until details of the following matters have been submitted to and approved in writing by the Local Planning Authority:

- (1) Full details of the design, colour and materials for all new external doors, windows, dormers, stairs, gates and railings including cills, reveals and setback details for doors and windows shown on elevations at a scale of no less than 1: 5 (1:10 doors & gates) and sections to at a scale of no less than 1:2 (1:5 doors & gates).**
- (2) Full details of the new roofs, including sections, eaves & verge details at 1:5.**
- (3) Full details of the new chimneys, including elevations at no less than 1:5.**
- (4) Full details of the new service routes, flues, vents and mechanical extracts, including exit points.**

Items 1 to 4 shall be completed prior to the commencement of any works.

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

REASON: In the interests of preserving the character and appearance of the conservation area and Listed Building.

4. No development/works shall commence on site until a sample panel for the brickwork, 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 and the Listed Building.

5. No development/works 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, the character and appearance of the area and the Listed Building.

6. No development/works 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: In the interests of visual amenity, the character and appearance of the area and the Listed Building.

16 d) N/11/03912/S73A - The Old Dairy, Market Place, Box, Corsham

Public Participation:

Mrs Patricia Simpson spoke in objection to the application.

Mrs Lucy Wright spoke in support of the application.

Mrs Kate Smith spoke in support of the application.

Cllr Pauline Lyons, Box Parish Council, spoke in objection to the application.

The Planning Officer introduced the report which recommended approval and drew attention to the late list of observations provided at the meeting. It was clarified that the application was to vary several conditions from a previous application to permit additional usage of the application site only.

The Officer explained the key issues as in relation to highways impacts, neighbour amenity, impact on the conservation area, and the impact of increase noise and odour.

The Committee then had the opportunity to ask technical questions of the officers. Specifics on how noise levels would be compared were sought, and the circumstances of the applicants were also sought.

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

The Local Member, Cllr Sheila Parker, spoke in objection to the application.

A debate followed, wherein the number of days the applicants could conduct business beyond 8pm was discussed, and it was clarified that a monthly plan for which nights would be extended would have to be submitted to Council officers, and how the conditions could be monitored was asked.

After discussion, it was,

Resolved:

That Planning Permission be GRANTED for the following reason:

The proposed variation to conditions, by virtue of the nature of the activities and hours of operation proposed, will not adversely affect the character or appearance of the site or its setting in a Conservation Area, and will not detrimentally affect highway safety or the residential amenity enjoyed by neighbours. The proposal therefore accords with Policies C3, HE1, HE4 and R5 of the adopted North Wiltshire Local Plan 2011.

Subject to the following conditions:

1. The coffee shop use shall only take place between the hours of 0800 hrs in the morning and 2300 hrs in the evening until 17 March 2013, after which date the hours of operation shall revert to 0800 hrs in the morning till 2000 hrs in the evening. The site shall then be used for a coffee shop and for no other purpose (including any other purpose in Class A3 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: 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 and to enable monitoring of noise, nuisance and activity.

1. The following uses:

- Private dinner or breakfast functions;
- Craft workshops;
- Cookery classes; or
- Children's parties

Are permitted in connection with the existing business only and for no other purpose (including any other purpose in Class A3 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) for a period of 12 months ceasing on 17 March 2013 for the hours of 0800 hrs in the morning to 2300 hrs in the evening.

REASON: The Local Planning Authority wish to monitor the nature of the uses having regard to the circumstances of the case including the impact upon local residents and the local highway network.

3. The coffee shop business and building shall not be sold, let or rented separate from the dwelling house (known as The Old Dairy).

REASON: In order to minimise traffic generation and preserve the amenities of the occupiers of the dwellinghouse.

4. The operation of the premises between the hours of 2000-2300 hereby permitted until 17 March 2013 shall be limited to not more than eight evenings per calendar month. The specific evenings per month for the duration of the permission shall be submitted to and approved in writing by the Local Planning Authority within one month of this permission. Such details shall also be kept on the premises.

REASON: In the interests of residential amenity and to avoid nuisance.

5. The operation of the premises for the hours of 2000 -2300 and activities hereby permitted until 17 March 2013 shall apply only to the following persons and their resident dependants:

Mr Simon Wright

Mrs Lucy Wright

REASON: Regard has been paid to the personal circumstances of the applicant given the operation of the existing permitted use and the relationship with the adjacent dwelling within their ownership. The Local Planning Authority shall wish to consider separately any such proposal made by another applicant.

6. The level of noise emanating from the premises shall at no time exceed a rating level of 35dB (BS4142:1997) at the site boundary.

REASON: In the interests of residential amenity

INFORMATIVES

1. Planning Permission has been and continues to be granted based on the uses within the red line. External areas outside the red line site boundary are being used in association with the business and this is unauthorised. As such the applicant is requested to cease such use and apply for planning permission.
2. In the event changes to the evening operations beyond 8pm, a formal application will be required to vary condition 5.
3. The applicant is reminded that notwithstanding this permission, any nuisance complaints can still be investigated under the Environmental Protection Act 1990.

16 e) N/11/04105/FUL - Land to the Rear of Jugglers Cottage, Cherhill

Public Participation:

Mr Rob Pickford spoke in objection to the application.

Mr Derek Weakford spoke in support of the application.

Mr Mike Quilter spoke in support of the application.

Mr Arlene Mudie spoke in support of the application.

Cllr David Willett, Cherill Parish Council, spoke in objection to the application.

The Planning Officer introduced the report which recommended the

application be delegated to the Area Development Manager to allow the signing of S106 agreements to cover Public Open Space and Affordable Housing. Attention was drawn to the late list of observations provided at the meeting.

The long distance from the Listed cottage and subservience to neighbouring properties of the application was highlighted and was of a modest design with separate access.

The Committee then had the opportunity to ask technical questions of the Committee, and the acceptability of the access was discussed.

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

A debate followed, wherein it was clarified that appropriate development is permitted within conservation areas, and that the local area had seen many developments in recent decades.

After discussion, it was,

Resolved:

That the application is DELEGATED to the Head of Development Control to GRANT Planning Permission for the following reason:

The plans for the dwelling have now been significantly amended so that they reflect a simpler cottage style to be built in good quality brick with a grey slate roof, with traditional proportions and detailing. It is considered that the proposal now will preserve the character of the conservation area whilst allowing a new home and retention of the open character of the area. The proposal is therefore considered to comply with policies C3, H2, HE1 and HE4 of the North Wiltshire Local Plan 2011.

Subject to the signing of a S106 agreement in respect of Public Open Space and Affordable Housing

And 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

3. No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:

- (a) 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.

POLICY: C3

4. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become

seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

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

POLICY: C3

5. (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

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. 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 gate, wall, fence or other means of enclosure, other than those shown on the approved plans, shall be erected or placed anywhere on the site on the approved plans.

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

POLICY: C3

8. No works shall commence on site until details of all new or replacement rainwater goods (which shall be of metal construction and finished in black) and their means of fixing to the building have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.

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

POLICY: C3

9. No works shall commence on site until details of all new external window and door joinery and/or metal framed glazing have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include depth of reveal, details of heads,

sills and lintels, elevations at a scale of not less than 1:10 and horizontal/vertical frame sections (including sections through glazing bars) at not less than 1:2. The works shall be carried out in accordance with the approved details.

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

10. No development shall commence within the area indicated on the location plan outlined in red until:

- a) A written programme of archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved by the Local Planning Authority; and
- b) The approved programme of archaeological work has been carried out in accordance with the approved details.

REASON: To enable the recording of any matters of archaeological interest.

POLICY: C3

11. No part of the development hereby permitted shall be first 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.

POLICY: C3

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

POLICY: C3

13. The gradient of the access way shall not at any point be steeper

than 1 in 15 for a distance of 4.5 metres from its junction with the public highway.

REASON: In the interests of highway safety.

POLICY: C3

14. 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.

306/001RevA, A11/SA193/01RevA, 02RevB, 03RevB, 04RevB dated 27th February 2012, Topographical survey 20th Dec 2011

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

16 f N/12/00198/S73A - Phelps Parade, Unit 2, 119 The Pippin, Calne

Public Participation:

Mr Mike O'Brien spoke in support of the application.

The Planning Officer presented the report which recommended approval. The Officer explained the history of the application, which had come before the Committee in November 2011.

The Committee then had the opportunity to ask technical questions of the officers. It was clarified that there are nearby establishments open until at least 11pm, and that there were no police concerns regarding anti-social behaviour specific to this application's location and business.

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

After discussion, it was,

Resolved:

That Planning Permission be GRANTED for the following reason:

The proposal, due to its town centre location and limiting conditions, is considered to be compliant with policies C3, HE1 and NE9 of the 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. The use hereby permitted shall be for the sale of pizzas only and no other hot food takeaway. There shall be no cooking or sale of pizzas outside the hours of 09:00-23:00 on any day.**

REASON: To protect the amenity of the area.

- 3. Any fixed plant associated with the proposed development shall be so sited and designed as to not exceed the following criteria : 45dBLAeq(1hr) and noise rating (NR) curve 40dBA, when measured at 1m from any residential window.**

REASON: To protect nearby residential amenity.

- 4. 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:

C4728-A5-03, 02, 01, 04 and 05 dated 11th August 2011.

17. Urgent Items

There were no urgent items.

(Duration of meeting: 6.00 - 9.25 pm)

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

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

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.

The text in bold is additional/amended information to that circulated to Members on Tuesday 13th March 2012

Item 6 – Proposed Diversion of Purton Bridleway 104 – Known as Mud Lane

Page 37 of the Agenda should read ‘ Representations Supporting the Proposal = 83’ and not 39 as printed.

Item 8 - Planning Applications

Area Development Manager

Our attention has been drawn to incorrect plans attached to the reports for the following items:

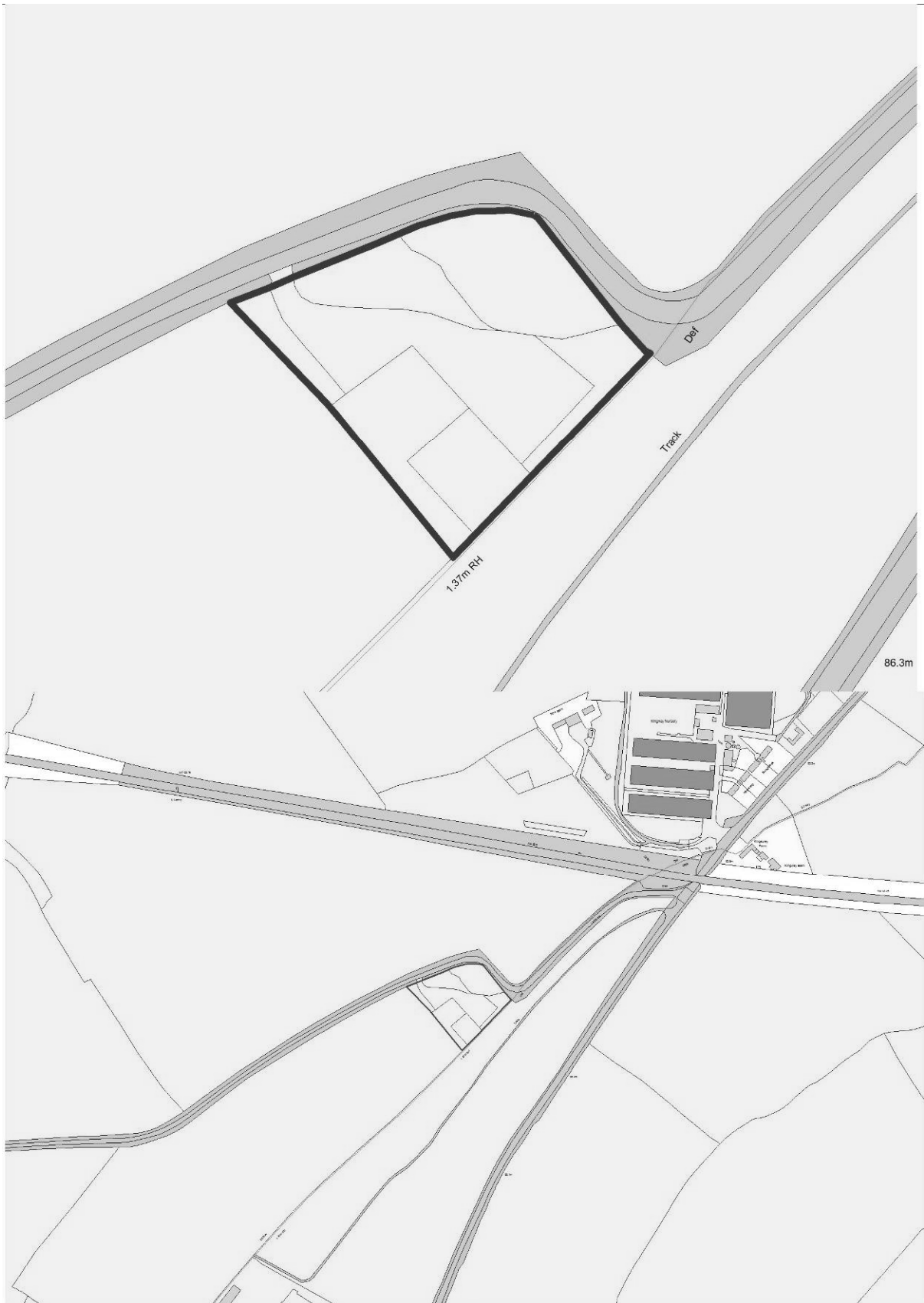
8(a) Rose Field, Hullavington

Which contained the plan for item 8(c)

8(c) Scarrotts Yard, Royal Wootton Bassett which contained the plan for item 8(b) Chippenham Station.

For the avoidance of doubt the correct plan is attached for item 8(a).

NORTHERN AREA PLANNING COMMITTEE ADDITIONAL INFORMATION
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Item 8(a) - 11/03790/FUL – Rose Field, Hullavington

Revised plans have been submitted which show the existing right hand verge to be built up behind Titan high containment kerb system with 12m x 2m of elevated verge.

Senior Highways Engineer comments on revisions:

The combination of the high kerb at the entrance and the raising of the opposing verge will make the right turn out of the site impossible to achieve in a single manoeuvre. This will, in effect, prevent the right turn out of the site and the use of the junction at A429 adjacent to the railway, thus addressing the highway safety concerns at this location.

The width of the carriageway will be unchanged although there will be a small length where the over running of the verge will not be possible. I don't think that this will affect the use of the lane by agricultural vehicles.

Condition 4 to be amended as follows:

Within two months of this decision the access works shall have been completed in accordance with the details shown on the approved plans.

Comments of Area Development Manager

Further consideration has been given in respect of the proposed reason for the temporary permission which has been proposed in light of the emerging DPD. Further discussion has taken place with Spatial Plans who have in turn confirmed that:

“An over provision of 2 pitches would not be detrimental to the core strategy as the figures are generally viewed as a minimum. What I was concerned about was the location in relation to the criteria – particularly access to a range of basic facilities. The reason for temporary was to test the site properly through the process (all temporary sites will be assessed)....”

The Semington costs decision, contained in Appendix II to the report is of particular significance to this application with the decision issued less than a month ago. At paragraph 30 the Inspector confirmed:

30. The second reason for refusal is based on grounds that permanent permission could prejudice the emerging *Gypsy and Travellers Site Allocations Development Plan Document (DPD)* which is in effect an argument on prematurity. However, Government Guidance in *The Planning System: General Principles* requires reasons for refusal on these grounds to be supported by clear evidence on how the grant of permission would prejudice the outcome of the DPD process. The Council's evidence in support of this ground of refusal is notably sparse and does not specifically address relevant considerations such as the scale of the development and cumulative effect. It amounts to little more, therefore to an assertion that harm would arise. The view that the credibility of the DPD would be undermined by a permission in this case has insufficient regard to the weight that can currently be attached to the emerging DPD.

Given the view that the increase in provision as a consequence of this site would not be detrimental to the Core Strategy and in light of the above as well as other well

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documented appeal decisions at Framptons Farm and Bridge Paddocks, the weight that can be attached to the DPD remains limited and should not form the basis for only permitting a temporary permission at this time.

Accordingly, the recommendation is changed as follows:

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 two months of this decision the access works shall have been completed in accordance with the details shown on the approved plans.

REASON: In the interests of highway safety.

2. Within 2 months of this decision the 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.

3. The site shall not be 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 need for accommodation for gypsies and travellers and it is therefore necessary to keep the site available to meet that need.

4. Within three months of this permission an investigation of the history and current condition of the site to determine the likelihood of the existence of contamination arising from previous uses has been carried out and all of the following steps have been complied with to the satisfaction of the Local Planning Authority:

Step (i) A written report has been submitted to and approved by the Local Planning Authority which shall include details of the previous uses of the site for at least the last 100 years and a description of the current condition of the site with regard to any activities that may have caused contamination. The report shall confirm whether or not it is likely that contamination may be present on the site.

Step (ii) If the above report indicates that contamination may be present on or under the site, or if evidence of contamination is found, a more detailed site investigation and risk assessment has been carried out in accordance with DEFRA and Environment Agency's "Model Procedures for the Management of Land Contamination CLR11" and other authoritative guidance and a report detailing the site

investigation and risk assessment shall be submitted to and approved in writing by the Local Planning Authority.

Step (iii) If the report submitted pursuant to step (i) or (ii) indicates that remedial works are required, full details have been submitted to the Local Planning Authority and approved in writing and thereafter implemented prior to the commencement of the development or in accordance with a timetable that has been agreed in writing by the Local Planning Authority as part of the approved remediation scheme. On completion of any required remedial works the applicant shall provide written confirmation to the Local Planning Authority that the works have been completed in accordance with the agreed remediation strategy.

REASON: To ensure that land contamination can be dealt with adequately prior to the use of the site hereby approved by the Local Planning Authority.

6. Notwithstanding the details submitted, within 3 months of the date of this permission details shall be submitted and approved in respect of surface water and foul sewage disposal. The development shall be undertaken and implemented in accordance with those details within 2 months of their approval.

REASON: In the interests of the amenity of occupants of the site.

7. There shall be no more than six pitches on the site and on each of the six pitches hereby approved no more than two caravans, shall be stationed at any time, of which only one caravan(s) shall be a static caravan.

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.

8. No more than six 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.

9. Except for the keeping of commercial vehicles as defined in condition 9 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.

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 buildings or structures, or wall, fence or other means of enclosure, other than those shown on the approved plans, shall be erected or placed anywhere on the site.

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

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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.

RF01, 02, 03, 04, 05 dated 24 November 2011

RF06A, 10A, TP02 A dated 8 March 2012

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

Item 8d - 11/03912/S73A - The Old Dairy, Market Place, Box.

Two further letters of representation have been received from neighbours of the site, in respect of matters raised in the committee report. raising concerns in respect of the noise disturbance caused by children's parties on site, the potential odour nuisance of dinner functions and the potential increase in traffic and loss of on-street parking if permission were granted.

The letter questions:

Condition 1 – odours from range of foods which could produce strong odours.

Condition 1 – childrens parties have been taking place outside for which planning permission has not been granted and is a noise nuisance.

Condition 5 - the enforceability of condition 5 relating to the hours of operation and the recommended limit on number of events per calendar month.

A petition with 23 signatories from 15 properties around Market Place, Box, has been received, raising concerns in respect of the impact of the proposed variation of conditions upon the availability of parking in this location and the likelihood of excessive traffic.

Highways Development Control Technician

In light of objections received relating to highways impact, Highways have confirmed the reasoning for raising no objection to the proposed variation, namely that:

- The premises can already open until 8pm, well after the returning commuter traffic occupies spaces in the vicinity. There is little reason why the parking situation should change dramatically between 8pm and 11pm.
- There is a car park within 50 metres of the premises.
- The site is in the centre of a village where this kind of use is considered appropriate. It is in walking distance for the majority of likely users, and the apparent lack of parking should logically encourage customers to walk.

And has offered the following comment:

“People who visit Box soon become aware of the parking (or lack of) in the vicinity and tailor their visit as appropriate. The proposed uses have been suggested very much on the back of demand from local residents of Box and I am happy to suggest that the majority of trade will be from patrons already using the cafe (and probably already walking to the site), though some traffic will be encouraged from outside Box I feel this will be of such a small number that the likelihood of this placing a higher demand on parking (than already exists) to be minimal.”

Senior Public Protection Officer EP – has commented further in respect of the report and additional comments raised:

With regard to condition 4, I would have major concerns if there were regular 'Children's parties' held externally in the Summer months. Condition 4 seems to infer that any impact would only be caused after 20:00hrs, which is not actually the case. Whilst there should be minimal impact with most activities included in the list in Condition no.1, children's parties could cause an unreasonable impact if held regularly throughout the summer even during the day.

I would therefore recommend that Children's parties are only held inside or that outside parties are restricted to no more than 4 per year, with an interval of 5 weeks between each outside party in order to protect nearby residential amenity.

With regard to condition 6, I have earlier recommended the following noise condition for the ventilation system – A Rating Level(BS4142:1997) of 35dB at the boundary of the site.

I would also recommend a temporary permission of one year to test the odour and noise impact of all activities, including the ventilation system.

Comments from Area Development Manager

The original 2010 application permitted the use to take place within the red line boundary, from the observations received in response to the application and the report, together with a further visit to the site, it has been confirmed that the use is taking place on land outside of the red line. This external use is not authorised and does not form part of this application, notwithstanding the comments from the Senior Public Protection Officer (SPPO).

The applicant will be invited to submit an application for the change of use of the external area between the business and the main house for submission by the end of the month and to cease such use until such time as permission has been granted in the interests of neighbour amenity, bearing in mind the comments of the Senior Public Protection Officer (SPPO).

A ventilation/extraction system has already been installed but was not included as part of the original permission and does have implications for the external appearance which requires regularisation via the submission of a planning application.

It is noted that there are other on-going concerns regarding advertising which is not within the remit of this application and which is to be considered separately by officers in discussion with the applicant.

Having regard to the comments of the SPPO above the recommendation can now only be approved on the basis that the specific uses sought, within the building, is granted on a temporary basis and for the following reason and amended conditions as follows:

REASON: The proposed uses and hours of operation to be included as part of the variation of conditions could adversely affect the residential amenity of the area and thus a temporary permission is proposed. In all other respects the proposed use would not detrimentally effect the character and appearance of the Conservation Area, AONB or Green Belt or highway safety and thus accords with Policies C3, NE1, NE4, HE1, HE4 and R5 of the adopted North Wiltshire Local Plan 2011.

Subject to the following conditions:

1. With the exception of the coffee shop use, all uses outlined in condition 2 below (and no other purpose in Class A3 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) and operation between 2000 - 2300 hours shall be discontinued on or before 15 March 2013.

REASON: In the interests of amenity to enable to test the noise and odour impact of the development.

2. The site shall be used for the following:

- Coffee shop;
- Private dinner or breakfast functions;
- Craft workshops;
- Cookery classes; or
- Children's parties

in connection with the existing business only and for no other purpose (including any other purpose in Class A3 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 including the impact upon local residents and the local highway network.

3. The use hereby permitted shall only take place between the hours of 0800 hrs in the morning and 2300 hrs in the evening.

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.

4. The coffee shop business and building shall not be sold, let or rented separate from the dwelling house (known as The Old Dairy).

REASON: In order to minimise traffic generation and preserve the amenities of the occupiers of the dwellinghouse.

5. Operation of the premises between the hours of 2000-2300 hereby permitted shall be limited to not more than eight evenings per calendar month. The evenings per month for the duration of the permission shall be submitted to and approved in writing within one month of this permission. Such details shall also be kept on the premises.

REASON: In the interests of residential amenity and to avoid nuisance.

6. The operation of the premises for the hours of 2000 -2300 and activities hereby permitted shall apply only to the following persons and their resident dependants:

Mr Simon Wright

Mrs Lucy Wright

REASON: Regard has been paid to the personal circumstances of the applicant which are considered, exceptionally in this case, to be sufficient to justify the decision to grant variation of conditions. The Local Planning Authority shall wish to consider separately any such proposal made by another applicant.

7. The level of noise emanating from the premises shall at no time exceed a rating level of 35dB (BS4142:1997) at the site boundary.

REASON: In the interests of residential amenity

INFORMATIVES

1. Planning Permission has been and continues to be granted based on the uses within the red line. External areas outside the red line site boundary are being used in association with the business and this is unauthorised. As such the applicant is requested to cease such use and apply for planning permission.
2. In the event changes to the evening operations beyond 8pm, a formal application will be required to vary condition 5.
3. The applicant is reminded that notwithstanding this permission, any nuisance complaints can still be investigated under the Environmental Protection Act 1990.

Item 8(e) - 11/04105/FUL – Land to the Rear of Juggler’s Cottage, Cherhill

5 neighbours object to the revised plans on the following grounds:

- The size of the garden would be out of character with the area and destroy potential for the garden to be restored and become fully part of this historic property.
- A recent appeal decision for a garage conversion was turned down despite the very large garden.
- The applicant’s detailed analysis is subjective and inaccurate.
- Highway safety along Park Lane.
- Object to new access because of loss of hedge where there are no natural breaks.
- Setting of precedent.
- Effect on Area of Outstanding Natural Beauty
- Effect on Conservation Area as inappropriate infill, backland development and new access.
- Cherhill Parish Plan 2010 is opposed to this type of development.
- Precedent.
- Contrary to policies HE1 and HE4.
- Effect on wildlife in these gardens.
- Flawed visibility drawings and misleading photographs.

Cherhill Parish Council state that they maintain their objection on the grounds that:

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1. The site is in the Conservation Area and the Parish Plan is against this type of development which is not vital for the ongoing viability of the village.
2. Setting a precedent.
3. The site is not identified for housing and does not address the need for affordable homes. The Parish Council are working in partnership with a local housing association to build 4 homes on brownfield land.
4. The application makes no mention of any environmental aspects of the build. The Parish Plan sets out a vision of sustainable development and there is a very active energy group.
5. They disagree with the highways opinion on the access point. The lane is national cycle route 201 and increasingly used for leisure. They consider that the Highways section has carried out insufficient research.
6. Cherhill has borne the weight of many infill properties and consider that they have contributed enough to Wiltshire Housing requirements.
7. The Parish Plan was adopted and implemented in line with Wiltshire Council's requirements.

The agent has supplied a coloured artist's impression drawing.

Senior Conservation Officer comments on the latest amended plans, considers them to be a great improvement in scale and form on the original proposal and supports the cottage as now shown subject to conditions.

1 further resident states that the development is totally different to that at Tudor Cottage where the land was never part of the Cottage's Historic Garden and buildings already existed.

Area Development Manager

The following condition should be added :

Prior to commencement of the development hereby permitted details of the following shall be submitted to and approved in writing by the Local Planning Authority:

1. **Sample panel of the walls.**
2. **Large scale details of the chimney (Minimum 1:10)**
3. **Large scale eaves and verge details.**
4. **Details of any flues, vents and mechanical extraction units.**

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

REASON: In the interests of the character and appearance of the Conservation Area and setting of the Grade II Listed Building.

1 further letter of objection on the grounds that:

- **The dwelling would not enhance the conservation area and is not needed.**
- **It would spoil the transition from village to open countryside.**
- **It's against the wishes of the Parish Plan and villagers.**

Item 8(f) – 12/00198/S73A - Unit 2, Phelps Parade, Calne

Highways recommend no highway objection.

2 local residents object on the grounds of:

- Insufficient time to assess impact of outlet.
- Anti social behaviour will be encouraged.

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