

NORTHERN AREA PLANNING COMMITTEE

DRAFT MINUTES OF THE NORTHERN AREA PLANNING COMMITTEE MEETING HELD ON 28 APRIL 2010 AT COUNCIL CHAMBER, WILTSHIRE COUNCIL OFFICES, MONKTON PARK, CHIPPENHAM.

Present:

Cllr Tony Trotman (Chairman), Cllr Peter Colmer, Cllr Christine Crisp, Cllr Peter Davis, Cllr Peter Doyle, Cllr Alan Hill, Cllr Peter Hutton, Cllr Simon Killane, Cllr Howard Marshall and Cllr Toby Sturgis.

Also Present:

Cllr Dick Tonge

41. Apologies for Absence

An apology for absence was received from Cllr Bill Brown who was being substituted by Cllr Simon Killane.

42. Minutes

Resolved:

To confirm and sign the minutes of the meeting held on 7 April 2010.

43. Declarations of Interest

Cllr Howard Marshall reported that he was a member of Calne Town Council and had been present at the meeting at which the following planning applications had been considered:-

Application No N/09/01791/FUL – Long Barrow Road, Calne – Residential Development comprising 29 Units.

Application No N/10/00340/FUL – Land at the end of Tern Close, Calne – Proposed Detached House, Detached Garage, Access and Fencing.

He reported that he had not yet decided whether to support or oppose these applications and would come to a decision after hearing the debate.

44. **Chairman's Announcements**

There were no Chairman's Announcements.

45. **Public Participation**

Members of the public addressed the Committee as set out in Minutes Nos 47 and 49 below.

46. **Proposed Diversion of Part of Latton Bridleway 17**

On considering a report by the Service Director, Neighbourhood Services,

Resolved:

To submit to the Secretary of State for the Environment, Food and Rural Affairs for determination the Order made under Section 119 of the Highways Act 1980, providing for the diversion of a section of Bridleway 17 Latton, as shown on Appendix A to the report, with the recommendation that the Order be confirmed as made.

47. **Proposed Diversion of Public Bridleways - Wootton Bassett No 26, Broad Town No 22 & Lydiard Tregoze No 46**

The Committee received a presentation by the Public Rights of Way Manager which set out the main issues in respect of the proposal.

The Committee then received statements from the following members of the public expressing their views regarding this planning application:

The following people spoke against the proposal

Mr Mark Stanton, occupier of Vowley Farm.

The following people spoke in favour of the proposal

Mr Peter Hewitt-Dean, occupier of Vowley Farmhouse.

On considering a report by the Service Director, Neighbourhood Services and on hearing the views of local Members Cllr Peter Doyle and Cllr Mollie Groom, as reported,

Resolved:

To submit to the Secretary of State for the Environment, Food and Rural Affairs for determination the Orders made under Section 119 of the Highways Act 1980, providing for the diversion of sections of Bridleways

26 Wootton Bassett, 22 Broad Town and 46 Lydiard Tregoze, as shown on Appendix D to the report, with the recommendation that the Orders be confirmed subject to the conditions set out in paragraph 15 of the report.

48. **Planning Appeals**

The Committee received a report setting out a schedule of:-

- (i) forthcoming hearings and public inquiries scheduled to be heard 28 April and 31 December 2010.
- (ii) planning appeal decisions decided between 25 March and 14 April 2010.

Resolved:

To note the contents of the report.

49. **Planning Applications**

a **N/09/01791/FUL - Long Barrow Road, Calne - Residential Development comprising 29 Units - Electoral Division Calne**

The Committee received a presentation by the Case Officer which set out the main issues in respect of the application.

The Committee then received statements from the following members of the public expressing their views regarding this planning application:

The following people spoke against the proposal

Ms Jenny Willis, a local resident

Mr David Short, a local resident

Cllr Carolyn Ramsey, Chairman of Planning Committee, Calne Town Council

The following people spoke in favour of the proposal

Mr Vic O'Brien, Group Director of Development, Green Square Group

Ms Shirley Davies, Head of Neighbourhood Services, Quattro Design Architects

Dr Janet O'Brien, Head of New Housing, Wiltshire Council

The Committee was informed that:

- (a) 23 additional letters of objection had been received in response to amended plans, all making it clear that the amended plans did not fundamentally alter the scheme and therefore did not alter the objections previously raised.

- (b) a communication had been received from Calne Town Council advising that its members had noted the amendments but considered that these had no bearing on the Town Council's original objections.
- (c) Wiltshire Council Highways had confirmed verbally that there were no fundamental objections to the revised plans, although the relationship of the footway with parking spaces serving units 4-9 did require some small alterations.

The Committee then considered the detail of the report and the views of Cllr Howard Marshall who considered that the proposal, which was mainly for two storey buildings, was out of keeping with the estate. He reported that the local residents were against the level of social housing being proposed and he considered that Calne had exceeded its declared need for social housing.

After discussion,

Resolved: To refuse planning permission for the following reasons:-

- (1) The proposed development fails to respect the character and distinctiveness of the surrounding area with regard to the design, size and scale of the development. As such, the proposal is contrary to the provisions of Policy C3 of the adopted North Wiltshire Local Plan 2011 and national planning guidance contained in PPS3: Housing.**
- (2) In the context of the character of the surrounding Curzon Park housing estate, the proposed development would fail to provide a mix of housing and would fail to create a sustainable, inclusive and mixed community as is required by national planning guidance contained in PPS3: Housing 2006 and would be contrary to the provisions of Policy H5 of the adopted North Wiltshire Local Plan 2011.**
- (3) The proposal fails to provide a scheme for the provision of an adequate level of public open space and therefore fails the requirements of Policy CF3 of adopted North Wiltshire Local Plan 2011.**
- (4) The proposed development does not make any provisions for securing affordable housing on the site or financial contributions towards education provision in the locality or the on-going provision and maintenance of open space on the site. The application is therefore contrary to Policies C2, H5 and CF3 of the North Wiltshire Local Plan 2011 and the North Wiltshire Local**

Development Framework Affordable Housing SPD (August 2007).

b N/09/00912/S73A & N/10/01204/S73A - Land adjacent to Calcutt Farm, Calcutt, Cricklade - Change of Use to include the Stationing of Caravans for 14 Residential Gypsy Pitches with Utility/Day Room Buildings & Hard Standing - Electoral Division Cricklade & Latton

The Committee received a presentation by the Case Officer which set out the main issues in respect of the application.

The Committee then received a statement from Mr Matthew Green, agent, in support of the application.

On considering the report and on hearing the views of Cllr Peter Colmer, as local Member,

Resolved:

(A) In respect of Application No 09/00912/S73A, having regard to the appeal on grounds of non-determination, the Committee would have been mindful to grant temporary planning permission for the reason and subject to the conditions as set out in respect of Application No 10/01204/S73A in (B) below.

(B) In respect of Application No 10/01204/S73A, to delegate to the Area Development Manager the issuing of planning permission, subject to the expiration of the consultation period and no new substantive issues being raised and to the following conditions:-

- (1) The use hereby permitted shall be for a limited period being the period 2 years from the date of this decision. At the end of this period the use hereby permitted shall cease, all materials and equipment brought on to the premises in connection with the use shall be removed, and the land restored to its former condition, or such condition as may be authorised by any other extant planning permission.**

Reason: The provision of potential sites are being considered in the emerging Gypsy and Traveller Site Allocations DPD. A permanent permission in advance of this process would be premature and a temporary permission in this instance would accord with advice contained in Circular 01/2006 "Planning for Gypsy and Traveller Caravan Sites".

- (2) Within 3 months of this permission, a flood evacuation plan shall be submitted to and approved in writing by the Local Planning Authority in conjunction with other relevant bodies.

Reason: In order to ensure a safe, dry access to and from the development in the event of flooding.

- (3) Within three months of this permission, 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.

- (4) Within three months of the date of this permission 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) painted finish to close boarded fence atop the bund.

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

POLICY C3 NE15 H9

- (5) All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season prior to the completion of the development; 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, NE15

- (6) Within three months of the date of this permission, details of a surface water drainage scheme for the site, based on sustainable drainage principles and include an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the Local Planning Authority.

The scheme shall also include:

- Details of how the scheme will contain the 1 in 100 year storm (with a 30% allowance for climate change) whole limiting discharge from the site to Greenfield run-off rates (including supporting calculations);
- A detailed plan of the drainage system; and
- Details of how the scheme shall be maintained and managed after completion

The scheme shall subsequently be implemented in accordance with the details approved before the development is completed.

REASON: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system.

Policy C3

- (7) *No commercial or industrial activities shall take place on the land including the storage of materials unless otherwise approved in writing by the Local Planning Authority.*

REASON: In the interests of residential and visual amenity.

REASON

The site outside a settlement could be acceptable under adopted policies. The site is not unacceptably harmful in its countryside location but is not wholly sustainable in terms of its access to services and amenities having regard to the emerging Gypsy and Traveller Site Allocations DPD. The proposal is, therefore, unacceptable at this juncture. In accordance with paragraphs 45 and 46 of Circular 01/2006

“Planning for Gypsy and Traveller Caravan Sites, on the basis of the emerging DPD it is entirely appropriate for a temporary permission to be granted to allow for the DPD process to take place and a permanent permission to be granted on an allocated site(s) when such a site(s) becomes available.

c N/09/02107/FUL - 21 The Maltings, Malmesbury - Single Storey Rear Extension, Loft Conversion including Two Roof Lights & Roof Extension - Electoral Division Malmesbury

The Committee received a presentation by the Case Officer which set out the main issues in respect of the application.

The Committee then received statements from the following members of the public expressing their views regarding this planning application:

The following people spoke against the proposal

Ms Alex Hamilton Burnett, a local resident

Mr Scott Fleming, Chairman, Maltings Mill Management Company

The following people spoke in favour of the proposal

Mr Michael Kemp, applicant

On considering the detail of the report and the views of Cllr Simon Killane, as local Member,

Resolved: To grant planning permission subject to the following condition:-

- (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.

REASON

It is considered that the proposal is acceptable in terms of size scale and design and that there will be no significant adverse impact on the amenities of the adjacent properties. The application preserves the character and appearance of the Malmesbury Conservation Area and is therefore considered to be in accordance with Policies C3, HE1 and H8 of the North Wiltshire Local Plan 2011

d N/10/00001/FUL - 52 North Street, Calne - Single Storey Extensions - Electoral Division Calne Chilchester & Abberd

The Committee received a presentation by the Case Officer which set out the main issues in respect of the application.

On considering the detail of the report and the views of Cllr Alan Hill, as a local Member,

Resolved: To grant planning permission subject to the following condition:-

- (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.

REASON

It is considered that the proposal is acceptable in terms of size scale and design and that there will be no significant adverse impact on the host dwelling or the amenities currently enjoyed by the neighbouring residents. The proposal is considered to be in accordance with Policies C3 and H8 of the North Wiltshire Local Plan 2011.

e N/00340/FUL - Land at the end of Tern Close, Calne - Proposed Detached House, Detached Garage, Access & Fencing - Electoral Division Calne Central

The Committee received a presentation by the Case Officer which set out the main issues in respect of the application.

The Committee also received a statement from Mr Paul Wheal, a local resident, objecting to the application.

The Committee then considered the detail of the report and the views of Cllr Howard Marshall, as local Member, who objected to the proposal on account of its size, scale and design.

After further discussion,

Resolved:

To invite the applicant to enter into an Agreement in respect of Public Open Space contributions, following completion of which to authorise the Development Control Manager to grant planning permission, subject to the following conditions:-

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

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

(2) No development shall commence on site until 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 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 and other works;
- (d) 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) 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 garage(s) 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.

POLICY C3

(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.

POLICY C3

(7) 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/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 C1 & C3

(8) No dwelling shall be occupied until the parking spaces (driveway and garage) together with the access thereto, have been provided in accordance with the approved plans. The driveway and garage shall be kept for this purpose for parking and vehicle maneuvering thereafter.

REASON: In the interests of highway safety and the amenity of future occupants.

POLICY C3

(9) 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 those Orders with or without modification), no development within Part 1, Classes A-E shall take place on the dwellinghouse hereby permitted or within their curtilage.

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 enlargements.

POLICY C3

(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 windows, doors or other form of openings other than those shown on the approved plans, shall be inserted in the side elevations of the development hereby permitted.

REASON: In the interests of residential amenity and privacy.

POLICY C3

(11) No construction work, including the removal of debris

resulting from the works (excluding any internal works) shall take place on Sundays or public holidays or outside the hours of 8.00am to 7.00pm weekdays and 8.00am to 1.00pm Saturdays.

Reason: To minimise the disturbance which noise from the construction works associated with the proposed development could otherwise have upon the amenities of nearby dwellings.

Policy C3, NE18

INFORMATIVES:

1 - This decision relates to documents/plans submitted with the application, listed below. No variation from the approved documents should be made without the prior approval of this Council. Amendments may require the submission of a further application. Failure to comply with this advice may lead to enforcement action which may require alterations and/or demolition of any unauthorised buildings or structures and may also lead to prosecution.

Plan Ref:-

Location Plan dated 01.02.2010;
SD/EW/05 dated 01.02.2010
DG/1.0/1B dated 01.02.2010;
TCC/100/1A dated 01.03.2010;
3.114/P/B/L dated 01.03.2010;
TCC/100/2 dated 01.03.2010.

REASON

The application site is located within the settlement framework boundary of Calne where the presumption allows for suitable residential infilling. Whilst the land is currently open, there is no right of public access. The proposal, by virtue of its siting, scale and design is considered to be in keeping with the character and appearance the streetscene in Tern Close and will have no demonstrable impact upon the amenities currently enjoyed by the nearby residents. The development will therefore accord with the aims and objectives of the development plan, having particular regard to Local Plan policies C3 and H3 of the adopted North Wiltshire Local Plan 2011 and there are no other material considerations which would make the development otherwise

unacceptable.

f **N/00589/S73A - Lower Lodge, 35 Bowden Hill, Lacock - Single Storey Extension to Side/Rear of Property - Electoral Division Corsham Without & Box Hill**

The Committee received a presentation by the Case Officer which set out the main issues in respect of the application.

The Committee also received a statement from Mr David Pearce, the agent, in support of the application.

The Committee then considered the detail of the report and the views of Cllr Dick Tonge, the local Member, in support of the application.

Members considered that the proposal was modest in size and well screened from neighbouring properties.

After further discussion,

RESOLVED:

To grant planning permission, subject to the following condition:-

- (1) Within one month of this decision details of all new external joinery have been submitted to, and approved in writing by, the local planning authority. These details shall include depth of reveal, materials and full drawings including both horizontal and vertical sections, to a scale of not less than 1:10. The development/works shall be completed in accordance with the approved details and at no time shall the approved joinery be altered without the prior written approval of the local planning authority.**

Reason: To enable the local planning authority to be satisfied with the completed appearance of the development.

REASON

The proposed development by reason of its scale, design and siting would be in keeping with the host dwelling and preserve the character and appearance of the Conservation Area in accordance with Policies C3, HE1 and H8 of the adopted North Wiltshire Local Plan 2011.

50. **Urgent Items**

There were no urgent items.

(Duration of meeting: Times Not Specified)

The Officer who has produced these minutes is Roger Bishton, of Democratic Services, direct line (01225) 713035, e-mail roger.bishton@wiltshire.gov.uk

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