

## NORTHERN AREA PLANNING COMMITTEE

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### DRAFT MINUTES OF THE NORTHERN AREA PLANNING COMMITTEE MEETING HELD ON 15 DECEMBER 2010 AT COUNCIL CHAMBER - COUNCIL OFFICES, MONKTON PARK, CHIPPENHAM.

#### **Present:**

Cllr Peter Colmer, Cllr Christine Crisp, Cllr Alan Hill (Vice Chairman), Cllr Peter Hutton, Cllr Simon Killane (Reserve), Cllr Howard Marshall and Cllr Toby Sturgis

#### **Also Present:**

Cllr Sheila Parker, Cllr Carole Soden and Cllr John Thomson

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#### 132. **Apologies for Absence**

Apologies for absence were received from Cllr Peter Davis, Cllr Bill Douglas (who was substituted by Cllr Simon Killane), Cllr Peter Doyle and Cllr Anthony Trotman.

#### 133. **Minutes**

##### **Resolved:**

**To confirm and sign the Minutes of the meeting held on 24 November 2010 as a correct record.**

#### 134. **Declarations of Interest**

There were no declarations of interest.

#### 135. **Chairman's Announcements**

There were no Chairman's announcements.

#### 136. **Public Participation**

Members of the public addressed the Committee as set out in Minute No. 138 below.

#### 137. **Planning Appeals**

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

- (i) forthcoming hearings and public inquiries between 2 December 2010 and 28 February 2011.
- (ii) planning appeals received between 11 November and 2 December 2010.
- (iii) planning appeals decided between 11 November and 2 December 2010.

138. **Planning Applications**

1a **10/03739/FUL - Glen House, Hornbury Hill, Minety, SN16 9QH - Demolition of Existing Dwelling & Erection of 8 Dwellings, Vehicular & Pedestrian Access, Parking & Landscaping**

**The following people spoke against the proposal:**

Mr Rhys Dudding, a neighbour  
Mr Ian MacGurk, a local resident  
Cllr Graham Thorne, Chairman of Minety Parish Council

**The following person spoke in favour of the proposal:**

Mr David Neame, applicant's agent

The Committee received a presentation by the Case Officer which set out the main issues in respect of the application. She introduced the report, which recommended approval subject to conditions and drew Members' attention to the late items.

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

On hearing the views of Cllr Carole Soden, the local Member and after discussion,

**Resolved:**

**To grant planning permission for the following reason:**

**The appearance, layout and scale of the development is considered to be acceptable in this location in Minety, and as such is considered to**

**be in accordance with Policies C2, C3, H3 and H6 of the adopted North Wiltshire Local Plan 2011.**

**Subject to:-**

**the completion of a legal agreement under section 106 of the Act in respect of delivering an appropriate affordable housing contribution, including a requirement to provide a minimum of one affordable property or an off site contribution and up to the maximum that is required by Policy C2 and H6 of the Local Plan, and**

**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 development hereby permitted shall be carried out strictly in accordance with the approved plans subject to such minor amendments to the development as may be approved in writing under this condition by the local planning authority.**

**Reason: To ensure that the development is implemented in accordance with this decision in the interests of public amenity, but also to allow for the approval of minor variations which do not materially affect the permission.**

**3. No development shall commence until details of the proposed and existing levels across the site (including details of the finished floor levels of all buildings hereby permitted) have been submitted to, and approved in writing by, the local planning authority. The development shall be carried out in accordance with the details so approved.**

**Reason: To ensure a satisfactory layout in the interests of the amenity of the area.**

**4. No development shall commence until details/samples of materials to be used externally have been submitted to, and approved in writing by, the local planning authority. The development shall be built in the materials approved.**

**Reason: In the interests of visual amenity.**

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

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

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

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

**7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no gates, fences, walls or other means of enclosure (other than those shown on the approved plans) shall be placed or erected forward of any wall of a building (including a rear or side wall) which fronts onto a highway, carriageway or footpath.**

**Reason: In the interests of the open plan layout of the area.**

**8. The proposed surface water drainage scheme shall be implemented in complete accordance within the submitted Surface Water Drainage Strategy prepared by Cole Easdon Consultants (dated May 2008) within three months of the commencement of development on this site.**

**Reason: In the interests of providing adequate measures for the disposal of surface water from the site.**

**9. Prior to the commencement of development a comprehensive plan for the ongoing management and maintenance of the stormwater drain crossing the site and ditch running along the western boundary of the site shall have been submitted to and approved in writing by the Local Planning Authority. Such a plan shall include measures for clearing the storm water drain and ditch prior to connection, their regular future maintenance, together with the installation of a control structure so as to hold flows and effectively increase the capacity of the storm drain. Development shall be carried out in complete accordance with those**

details submitted and approved.

**Reason:** In the interests of ensuring the developed site is not a cause of flooding to nearby properties through management and maintenance.

**10.** No development shall take place until the proposed and required widening of the access track to the site from Hornbury Hill has been wholly completed in complete accordance with the details contained on the submitted plan reference TP5056-001 rev.C.

**Reason:** To ensure that a safe vehicular and pedestrian access to the site has been provided prior to any commencement of building works within the main body of the development site.

**11.** The dwelling(s) hereby approved shall not be occupied until the turning space shown on the submitted plan has been properly consolidated and surfaced to the satisfaction of the Local Planning Authority. Such turning space shall be kept clear of obstructions at all times.

**Reason:** In the interests of highway safety.

**12.** The area allocated for parking on the submitted plan shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

**Reason:** In the interests of amenity and road safety.

**13.** No development shall commence on site until details of the storage of refuse, including details of location, size, means of enclosure and materials, have been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until the approved refuse storage has been completed and made available for use in accordance with the approved details and it shall be subsequently maintained in accordance with the approved details thereafter.

**REASON:** In the interests of public health and safety.

**POLICY—C3**

**1b 10/01962/FUL & 10/01963/LBC - Burton Hill House, Malmesbury, SN16 0EL - Conversion of Burton Hill School to 7 Residential Units, Conversion of Outbuilding to Residential (One Unit) & Erection of New Dwelling & Associated Works**

**The following person spoke in favour of the proposal:**

Mr Ian Maslin, applicant's agent

The Committee received a presentation by the Case Officer which set out the main issues in respect of the application. She introduced the report, which recommended refusal and drew Members' attention to the late items.

Members of the Committee then had the opportunity to ask technical questions, after which the Committee received a statement from a member of the public as detailed above, expressing his views regarding this planning application.

On hearing the views of Cllr John Thomson, the local Member and after discussion,

**Resolved:**

**To defer determination of the application to allow the submission of outstanding information including: condition and structural survey; fire and sound protection details (vertical and horizontal); ecological studies and further negotiation on the legal agreement to secure contributions to affordable housing, education and public open space and potentially an ecological and landscape management plan for the site.**

**1c 10/03028/OUT - Clouds Farm, Box Hill, Box, SN13 0NT - Erection of Agricultural Workers Dwelling (Outline)**

**The following person spoke in favour of the proposal:**

Mr Edward Drew, applicant's agent

The Committee received a presentation by the Case Officer which set out the main issues in respect of the application. She introduced the report, which recommended approval subject to conditions and drew Members' attention to the late items.

Members of the Committee then had the opportunity to ask technical

questions, after which the Committee received a statement from a member of the public as detailed above, expressing his views regarding this planning application.

On hearing the views of Cllr Sheila Parker, an adjoining local Member, who spoke on behalf of Cllr Dick Tonge, the local Member and after discussion,

**Resolved:**

**To grant planning permission for the following reason:**

**The proposal for an agricultural workers dwelling has been justified within the guidelines as set out in PPS7 and as such is not considered as inappropriate development within the green belt. The dwelling would be located in an area which is well related to the farming enterprise and where the new building could be designed to sit relatively unobtrusively within the landscape. It is considered that the proposal meets the criteria as set out in policies NE1, NE4, NE5, NE6, H4 and C3.**

**and subject to the following conditions:-**

- 1. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.**

**REASON: To comply with the provisions of Section 92 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 of the following matters (in respect of which approval is expressly reserved) have been submitted to, and approved in writing by, the Local Planning Authority:**
  - (a) The scale of the development;**
  - (b) The layout of the development;**
  - (c) The external appearance of the development;**
  - (d) The landscaping of the site;**
  - (e) The means of access to the site.**

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

**REASON:** The application was made for outline planning permission and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 3(1) of the Town and Country Planning (General Development Procedure) Order 1995.

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.

Plan; Location plan scale 1:2500, dated 3<sup>rd</sup> August 2010.

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

4. The occupation of the dwelling shall be limited to a person solely or mainly working, or last working, in the locality in agriculture or in forestry, or a widow or widower of such a person, and to any resident dependants.

**REASON:** The site is in an area where residential development for purposes other than the essential needs of agriculture or forestry is not normally permitted and this permission is only granted on the basis of an essential need for a new dwelling/residential accommodation in this location having been demonstrated.

5. There shall be no works to, or removal of, any trees or shrubs within the site without the prior written approval of the local planning authority.

**REASON:** To protect the wildlife and the ecological interest of the site.

- 1d 10/03454/FUL - Grove Farm, Ashton Road, Leigh, SN6 6RF - Erection of Agricultural Workers Dwelling & Garage

The following person spoke against the proposal:



Mr Roger Baker, a local resident

**The following person spoke in favour of the proposal:**

Mr David Pearce, applicant's agent

The Committee received a presentation by the Area Development Manager which set out the main issues in respect of the application. He introduced the report, which recommended approval subject to conditions.

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

On hearing the views of Cllr Carole Soden, the local Member and after discussion,

**Resolved:**

**To grant planning permission for the following reason:-**

**In the context of the existence of a previous planning permission, it is considered reasonable to grant planning permission for this agricultural worker's dwelling as it would comply with the provisions of Policies C3, H6 and NE15 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 Section 91 of the Town and Country Planning Act 1990.**

- 2. The occupation of the dwelling hereby permitted shall be limited to a person solely or mainly working, or last working, in the locality in agriculture (as defined in Section 336(1) of the Town and Country Planning Act 1990 or in any provision equivalent to that Act in any statutory instrument revoking and re-enacting that Act with or without modification), or in forestry, or a widow or widower of such a person, and to any resident dependants.**

**Reason: The site is in an area where residential development for purposes other than the essential needs of agriculture, or forestry, is not normally permitted.**

- 3. Prior to the commencement of the development hereby permitted, details of materials to be used externally shall be submitted to, and approved in writing by, the local planning authority. The development shall be built in the materials approved.**

**Reason: In the interests of visual amenity.**

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

**Reason: In order to safeguard the amenity of the area by enabling the local planning authority to consider individually whether planning permission should be granted for extensions and external alterations and so as to ensure the dwelling remains at a size commensurate to the functional requirement of the holding.**

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

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

- 6. At no time shall any business activities be carried out from the agricultural holding and/or dwelling (including providing any Bed and Breakfast accommodation) other than the agricultural operation to which the dwelling hereby approved relates, without the prior written approval of the local planning authority in the form of a planning permission in that behalf.**

**Reason: To ensure that the access to the site from Ashton Road**

is not used for vehicular traffic over and above that associated with the agricultural enterprise.

7. 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.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) there shall be no rooflights, windows or other form of opening introduced into the roof structure of any building that forms part of the development hereby permitted.

**Reason:** In order to safeguard the amenity of the area by enabling the local planning authority to consider individually whether planning permission should be granted for external alterations of this type and so as to ensure the dwelling remains at a size commensurate to the functional requirement of the holding.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) the roofspace in both the dwelling and the garage shall not be used as habitable accommodation and shall only be used as indicated on the approved plans as general storage space.

**Reason:** In order to ensure the usable internal floorspace of the dwelling remains at a size commensurate to the functional requirement of the holding.

- 1e 10/03885/FUL & 10/03886/LBC - The Mansells, Upper Minety, Minety, SN16 9PY - Extension to Existing South Elevation to Create Two Storey Bay

**The following people spoke in favour of the proposal:**

Mr Omar Malik, applicant  
Mr David Stirling, applicant's agent

Cllr Graham Thorne, Chairman of Minety Parish Council

The Committee received a presentation by the Area Development Manager which set out the main issues in respect of the application. He introduced the report, which recommended approval subject to conditions and drew Members' attention to the late items.

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

On hearing the views of Cllr Carole Soden, the local Member who spoke in favour of the application and after discussion, Cllr Peter Hutton proposed and Cllr Toby Sturgis seconded that planning permission be granted subject to conditions. On the taking of a vote the Motion was lost, two members voting in favour of the Motion, four Members voting against the Motion and one Member abstaining.

139. **Urgent Items**

There were no urgent items.

(Duration of meeting: 6.00 - 8.20 pm)

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

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