

## NORTHERN AREA PLANNING COMMITTEE

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### MINUTES OF THE NORTHERN AREA PLANNING COMMITTEE MEETING HELD ON 4 APRIL 2012 AT COUNCIL CHAMBER - COUNCIL OFFICES, MONKTON PARK, CHIPPENHAM.

#### **Present:**

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

#### **Also Present:**

Cllr Jacqui Lay and Cllr Jane Scott OBE

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#### 18. **Apologies for Absence**

Apologies were received from Cllrs Howard Marshall, Peter Colmer and Peter Doyle.

#### 19. **Minutes**

The minutes of the meeting held on 14 March 2012 were presented. It was,

#### **Resolved:**

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

#### 20. **Declarations of Interest**

There were no declarations.

#### 21. **Chairman's Announcements**

The Chairman drew attention to the feedback forms for members of the public and invited them to complete them should they wish to.

#### 22. **Public Participation and Councillors' Questions**

The committee noted the rules on public participation.

23. **Planning Appeals**

Details of prior and forthcoming Planning appeals were presented to the Committee. It was,

**Resolved:**

**To note the contents of the appeals update.**

24. **Planning Applications**

24 a) **11/02322/FUL - 6 Battlewell, Purton**

Public Participation

Mrs Alice Hart spoke in objection to the proposal.

Mr Graham Bates spoke in objection to the proposal.

Mrs Mary Wall spoke in objection to the proposal.

Mr Simon Chambers, agent, spoke in support of the application.

Cllr Geoff Greenaway, Purton Parish Council, spoke in objection to the proposal.

The Planning Officer presented a report which recommended that planning permission be delegated to the Area Development manager subject to conditions and subject to the creation of a legal agreement under S.106 of the Town and County Planning Act 1990.

Attention was also drawn to the late observations provided at the meeting and attached to these minutes, and issues of access to the private lane, housing density and drainage were highlighted.

Members of the Committee then had the opportunity to ask technical questions of officers. It was clarified that the small nature of the development precluded it from facing restrictions on meeting targets for affordable housing. The length of the access road to the development, number of overtaking areas, and material consideration status of the Wiltshire Core Strategy Draft DPD was also clarified.

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

The Local Member, Cllr Jacqui Lay, then spoke in objection to the application.

A debate followed where the issue of refuse vehicles accessing the road was discussed, the importance of signage and visibility, which was confirmed to be within national standards. The future maintenance of the improved access and pedestrian provision here possible was also raised.

After discussion, it was,

**Resolved:**

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

**The scale and layout of the proposal is considered to be acceptable in the context of the surrounding area and the proposal is not considered to result in an unacceptable impact upon the residential amenity of surrounding properties. Sufficient car parking and manoeuvring space is provided within the site and the proposed development would not be detrimental to highway or pedestrian safety. The proposed development would not have a detrimental impact on archaeology and it would not be subject to an unacceptable risk of flooding or materially increase the risk of flooding elsewhere. In this way the proposed development is considered to comply with the provisions of policies C3, HE5, H3 and CF3 of the adopted North Wiltshire Local Plan 2011 and the guidance contained within Planning Policy Statement 3: Housing and Planning Policy Statement 25: Development and Flood Risk.**

**Subject to the following conditions:**

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

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

- 2. No development shall commence on site until details and samples of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.**

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

**POLICY - C3 of the North Wiltshire Local Plan 2011.**

- 3. 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;
- (h) hard surfacing materials;

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

**POLICY - C3 of the North Wiltshire Local Plan 2011.**

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 of the North Wiltshire Local Plan 2011.**

5. No development works, (including construction works) shall commence on site until full details of access road improvements (H346 / 06 Rev A) for the access road (Battlewell) from the C414 together with measures to secure its future maintenance have been submitted to, and approved in writing by, the Local Planning Authority in line with drawing (H346 / 06 Rev A). The access road improvements shall be completed in accordance with the approved drawings prior to the development (including construction works) taking place and have been provided in accordance with the approved details.

**REASON:** To enable vehicles to pass / stand clear of the highway in the interests of highway safety in accordance with policy C3 of the North Wiltshire Local Plan 2011.

6. No development shall commence on site until visibility splays have been provided between the edge of the carriageway and a line extending from a point 2.4 metres back from the edge of the carriageway, measured along the centre line of the access, to the points on the edge of the carriageway 43 metres in both directions from the centre of the access in accordance with the approved plans (H346 / 06 Rev A). Such splays shall thereafter be permanently maintained free from obstruction to vision above a height of 1 metre above the level of the adjacent carriageway.

**REASON:** In the interests of highway safety in accordance with policy C3 of the North Wiltshire Local Plan 2011.

**7. No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The approved Statement shall be adhered to throughout the construction period and shall provide for:**

- the parking of vehicles of site operatives and visitors;
- loading and unloading of plant and materials;
- storage of plant and materials used in constructing the development;
- the erection and maintenance of security hoarding;
- wheel-washing facilities in order to prevent the deposit of mud on adjacent highways;
- measures to control the emission of dust and dirt during construction; and
- a scheme for recycling/disposing of any waste resulting from construction works.

**REASON:** In the interests of amenity and highway safety in accordance with policy C3 of the North Wiltshire Local Plan 2011.

**8. Prior to the occupation of the dwellings hereby approved, notices shall be erected in the passing bays confirming their status and that no parking is permitted. These shall be maintained as such thereafter.**

**REASON:** In the interests of highway safety in accordance with policy C3 of the North Wiltshire Local Plan 2011.

**9. No part of the development hereby permitted shall be first brought into use until the parking and turning areas 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 in accordance with policy C3 of the North Wiltshire Local Plan 2011.

**10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any other 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 in accordance with policy C3 of the North Wiltshire Local Plan 2011.

**11. No development shall commence until a scheme for the discharge of surface water from the site (including surface water from the access / driveway), incorporating sustainable drainage details and detailed design**

calculations, including soakaway tests and layout, 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 in accordance with policy C3 of the North Wiltshire Local Plan and Planning Policy Statement 25: Development and Flood Risk.

**12. No development shall commence on site 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 in writing 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 in accordance with policy HE5 of the North Wiltshire Local Plan 2011 and Planning Policy Statement 5: Planning for the Historic Environment.

**13. 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.**

- 10.101.101 – Site location plan, date stamped 15<sup>th</sup> July 2011
- H346/05 – Vehicle swept path analysis plan, date stamped 15<sup>th</sup> July 2011
- 10.101.100 Rev H – Site layout, date stamped 9<sup>th</sup> November 2011
- 10.101.015 Rev D – Floor plan and elevations – double garage, date stamped 9<sup>th</sup> November 2011
- 10.101.012 Rev D – Elevations, plots 2 & 4 (plot 4 handed), date stamped 9<sup>th</sup> November 2011
- H346/06 Rev A – Accommodation works (incorporating topographical survey), date stamped 9<sup>th</sup> November 2011
- 10.101.011 Rev C – Floor plans – plots 2 & 4 (plot 4 handed), date stamped 9<sup>th</sup> November 2011
- 10.101.013 Rev B – Floor plans and elevations - plot 3, date stamped 15<sup>th</sup> July 201
- 10.101.010 Rev B – Floor plans – plots 1 & 5 (plot 1 handed), date stamped 15<sup>th</sup> July 2011

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

**14. Prior to the commencement of development, details shall be submitted for the provision of a pedestrian footway along Battlewell long the same route as the service strip. Such details shall confirm the footway is hardsurfaced. The footway shall be installed prior to first occupation of the development and maintained thereafter.**

**REASON: In the interests of pedestrian safety.**

**Informatives**

- 1. Thames Water will aim to provide customers with a minimum pressure of 10m head (approximately 1 bar) and a flow rate of 9 litres / minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.**
- 2. Please be advised that nothing in this permission shall authorise the diversion, obstruction, or stopping up of any right of way.**

**24 b) 11/04173/FUL - Mount Sycylla Farm, North Wraxall, Ford, Nr Chippenham**

**Public Participation**

Mr Simon Chambers, agent, spoke in support of the application.

The Planning Officer presented a report which recommended refusal, highlighting the conservation area status and lack of necessity for the creation of such an impactful access.

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, as detailed above.

The Local Member, Cllr Jane Scott, then spoke in support of the application.

A discussion followed where the inadequacy of the current access was raised, along with the lack of detracting from the character of the conservation area in light of the limited visibility and safety considerations around the current access.

After debate, it was,

**Resolved:**

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

**The proposed new driveway would be not be harmful to the natural beauty of the area of outstanding natural beauty and would enhance the character or appearance of the conservation area, in accordance with policies C3, NE4, NE15 and HE1 of the North Wiltshire Local Plan 2011.**

**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 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) hard surfacing materials;

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

3. 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.

4. The development hereby permitted shall not be first brought into use 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.

5. No development shall commence on site until details of the stopping up of all existing accesses, both pedestrian and vehicular, have been submitted to and approved in writing by the Local Planning Authority. That stopping up shall take place in accordance with the approved details within one month of the first occupation of the development. No later than one month after the first use of the new access, the sole means of vehicular and pedestrian access to the development shall be as shown on the plans hereby approved.



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

- 6. No part of the development shall be first brought into use, until the visibility splays shown on the approved plans have been provided with no obstruction to visibility at or above a height of 900 above the nearside carriageway level. The visibility splays shall be maintained free of obstruction at all times thereafter.**

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

- 7. Any gates shall be set back 4.5 metres from the edge of the carriageway, such gates to open inwards only.**

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

- 8. Within three months of the use of the new access, those buildings proposed to be removed, shall have been removed and the land restored as shown on the approved plans.  
Reason: The removal of the buildings was considered a beneficial feature of the application when considered as a whole.**
- 9. The gradient of the access way shall not at any point be steeper than 1 in 15 for a distance of 10 metres from its junction with the public highway.**

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

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

**Plan Ref: 1815- SLP, EP 01, EP 02, ESP, EE01 Rev A, EE02, PSP, PP01, PP02, PE01 REVA, PE02RevB, SK/AR/06, SK/AR/07, SK/AR/08, A3 Access Road Layout Long Section and Cross Section, GA07revC**

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

**25. Urgent Items**

There were no urgent items.

(Duration of meeting: 6.05 - 7.05 pm)

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

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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.

Item 7(a) – 11/02322/FUL - 6 Battlewell, Purton, Swindon, SN5 9BT

Since the original report was drafted, the National Planning Policy Framework (NPPF) has been adopted and replaces Planning Policy Statement 3: Housing.

Paragraph 53 of the NPPF states that Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.

As stated within the main report, the site is situated within the Settlement Framework Boundary and in relatively close proximity to Purton High Street and the range of services and facilities associated with this. The proposal would represent the more efficient use of land and is considered to be acceptable in principle.

The application remains recommended for approval.



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