

## NORTHERN AREA PLANNING COMMITTEE

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### MINUTES OF THE NORTHERN AREA PLANNING COMMITTEE MEETING HELD ON 29 AUGUST 2012 AT COUNCIL CHAMBER - COUNCIL OFFICES, MONKTON PARK, CHIPPENHAM.

#### **Present:**

Cllr Christine Crisp, Cllr Peter Davis, Cllr Bill Douglas (Substitute), Cllr Mollie Groom (Substitute), Cllr Peter Hutton, Cllr Bill Roberts (Substitute), Cllr Judy Rooke (Substitute), Cllr Toby Sturgis and Cllr Anthony Trotman (Chairman)

#### **Also Present:**

Kirsty Butcher - Democratic Services Officer, Rosemary Lansdowne - Solicitor, Chris Marsh - Planning Officer, Simon Smith - Area Team Leader (North) , Tracy Smith - Area Team Leader (North) and Cllr Dick Tonge

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#### 74 **Apologies**

Apologies were received from Cllrs Desna Allen, Peter Colmer, Peter Doyle, Alan Hill, Simon Killane and Mark Packard

Cllr Colmer was substituted by Cllr Mollie Groom.  
Cllr Hill was substituted by Cllr Bill Roberts.  
Cllr Killane was substituted by Cllr Bill Douglas.  
Cllr Packard was substituted by Cllr Judy Rooke.

#### 75 **Minutes of the previous Meeting**

The minutes of the meeting held on 8 August 2012 were presented.

#### **Resolved:**

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

#### 76 **Declarations of Interest**

There were no declarations of interest.

#### 77 **Chairman's Announcements**

There were no Chairman's announcements.

78 **Public Participation and Councillors' Questions**

The Committee noted the rules on public participation.

79 **Planning Appeals**

The Committee noted the contents of the appeals update.

80 **Planning Applications**

Attention was drawn to the late list of observations provided at the meeting and attached to these minutes, in respect of applications **7a** and **7c** as listed in the agenda pack.

1a **11/04069/FUL - Land at Manor Farm, Corston, Malmesbury**

Public Participation

Mr John Price, Mr Roger Budgen and Claire Stringer all spoke in objection to the application.

Mr David Pearce, Charlotte Eavis and Mary Smalley all spoke in support of the application.

The Planning Officer introduced the report which recommended that planning permission be refused. It was noted in the late observations that the Senior Public Protection Officer had withdrawn his noise objection subject to a condition which controls the hours of use to those outlined by the applicant.

Details were provided on the site and the proposed building with associated car parking, play area and access. Attention was drawn to site location being in open countryside, and the impact on the visual amenity and landscape with the proposal not being in character with the area. The addition of acoustic fencing was highlighted. The lack of support within the local community was noted along with no objections on highway safety.

The Committee had no technical questions to ask officers.

Members of the public then had the opportunity to address the Committee with their views as detailed above.

A debate followed during which the Committee queried whether the loss of

green belt land was justified. The Committee noted the work being done on the neighbourhood plan and discussed whether the proposal should have come through the local system.

At the conclusion of the debate it was:-

**Resolved:**

**To REFUSE planning permission for the following reasons:**

**The proposed nursery development, in the absence of any framework boundary for Corston, is located within the open countryside. The site is not considered to be an infill site having regard to the character, built form and appearance of the area and is, therefore, contrary to saved policies C3, CF1 and NE15 of the adopted Local Plan 2011 and Core Policy C2 of the emerging Wiltshire Core Strategy.**

**1b 12/01348/FUL - Land at 12 The Close Gastard, Corsham**

**Public Participation**

Mr Paul Kefford, Mr Peter Collier and Claire Harding all spoke in objection to the application.

Mr Julian Kent spoke in support of the application.

The Planning Officer introduced the report which recommended that planning permission be granted subject to conditions.

Details were provided on the proposal for the erection of a new four bedroomed detached property with conservatory, carport/workshop, parking and amenity space. Attention was drawn to the site being a large section of garden that had been taken from the garden of No. 12 The Close. Key issues for consideration included the principle of development, the impact in the character and appearance of the area, the impact on residential amenity, the impact on highway safety and S106 contributions. The location of a listed building opposite was highlighted.

The Committee then had the opportunity to ask technical questions of officers. Clarification was sought over the lack of a S106 agreement and it was confirmed that the provision for open space went hand in hand with the provision for affordable housing.

Members of the public then had the opportunity to address the Committee with their views as detailed above.

The Local Member, Councillor Dick Tonge, then spoke in objection to the

application.

A debate followed where the lack of a section 106 agreement was discussed and it was suggested that this should be delegated to officers to negotiate a graduated section 106 agreement on both affordable housing and open space. The impact on reducing the garden at No. 12 The Close was discussed as was the design being not in keeping with local properties and disrupting the street scene.

At the conclusion of the debate it was:-

**Resolved:**

**To REFUSE planning permission for the following reasons:**

**The proposed dwelling by reason of its scale and siting would be likely to give rise to an unacceptable loss of privacy and amenity to adjacent residential properties to their detriment and would therefore be contrary to saved Policy C3 of the adopted North Wiltshire Local Plan 2011.**

**1c 11/02946/FUL and 11/03200/FUL - Land at Great Middle Farm, Dauntsey and Land to The South of Middle Green Lane, Dauntsey**

There were no public speakers.

The Planning Officer introduced the report which recommended that both applications be granted planning permission. The previous permissions granted by the Development Control Committee of the then North Wiltshire District Council were noted.

Details were provided on both the attenuation pond and drainage scheme and public open space. Attention was drawn to the new proposed location of the pond and that it would be part of the wider Sustainable Urban Drainage System. The satisfaction of the Environment Agency, Wessex Water and Wiltshire Council was highlighted. The Committee noted the reduction in public open space with the 1400m<sup>2</sup> being arrived at using the Council's own method of calculating how much open space must be delivered in association with new residential developments.

The Committee then had the opportunity to ask technical questions of officers. Confirmation of the adoption scheme within the section 106 agreement was confirmed. It was highlighted that the open space remained within the flood zone.

The Local Member, Councillor Tony Sturgis, then spoke in support of the

applications.

A debate followed where need to have a working drainage scheme was discussed. Members also discussed the involvement of the local member in the delegated decisions given their knowledge of the area.

At the conclusion of the debate it was:-

**Resolved:**

**11/02946/FUL – attenuation pond and drainage works**

**That 11/02946/FUL be DELEGATED back to the Area Development Manager and local Unitary Member to grant planning permission for the following reason, and subject to confirmation that the proposed drainage scheme will operate satisfactorily, the imposition of planning conditions and the signing of legal agreement under s106 of The Act covering the Heads of Terms set out in the report to Committee.**

**Reason for granting planning permission:**

**The proposed development is considered to comprise a suitable and effect method of surface water drainage from the Great Middle Green Farm development site. It is a method that meets with the satisfaction of Wessex Water, the Environment Agency and the Council's Drainage Engineer and constitutes development that would be without detriment to the wider amenities of the locality. Subject to planning conditions and all parties entering into an agreement under s106 of The Act, the proposed development would comply with the provisions of Policies C3, NE21 and NE22 of the adopted North Wiltshire Local Plan 2011 as well as guidance contained in the National Planning Policy Framework.**

**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 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.**

**Design and Access Statement (received 1<sup>st</sup> September 2011); Premier Surface Water Solutions Ltd – Revised Surface Water Drainage Assessment, including appendices A, B, C and D (received 17/04/12)**

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

**3. Within three months of the date of this permission full details of the proposed boundary treatments to the attenuation pond shall have been submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in complete accordance with those details so agreed.**

**REASON:** For the avoidance of doubt and so as to secure a safe and visually appropriate of development.

**11/03200/FUL – Public open space**

**That 11/03200/FUL be DELEGATED back to the Area Development Manager and local Unitary Member to grant planning permission for the following reason, and subject to the planning conditions and signing of legal agreement under s106 of The Act covering the Heads of Terms, as set out in the report.**

**Reason for granting planning permission:**

**The proposed development is considered to be an acceptable solution to the outstanding requirement for public open space provision, which is fairly and reasonably related to the Great Middle Green Farm development site. Subject to planning conditions and all parties entering into an agreement under s106 of The Act, the proposed development would be an acceptable form of development that would respect the amenities of the locality and comply with the provisions of Policies C3 and CF3 of the adopted North Wiltshire Local Plan 2011, the North Wiltshire Open Space Strategy as well as guidance contained in the National Planning Policy Framework.**

**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 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.**

**Location plan (date stamped 26/09/11); Site layout plan (date stamped 26/09/11); Planning, Flood Risk Assessment and Design and Access Statement (date stamped 26/09/11)**

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

**3. Within three months of the date of this permission full details of the proposed boundary treatments to the public open space and play area shall have been submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in complete accordance with those details so agreed.**

**Reason: For the avoidance of doubt and so as to secure a safe and visually appealing form of development.**

81 **Urgent Items**

There were no urgent items.

(Duration of meeting: 6.00 - 7.50 pm)

The Officer who has produced these minutes is Kirsty Butcher, of Democratic Services, direct line (01225) 713948, e-mail [kirsty.butcher@wiltshire.gov.uk](mailto:kirsty.butcher@wiltshire.gov.uk)

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**NORTHERN AREA PLANNING COMMITTEE ADDITIONAL INFORMATION**  
**29<sup>th</sup> August 2012**

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 28<sup>th</sup> August 2012**

Item 7(a) – 11/04069/FUL – Land at Manor Farm, Corston, Malmesbury, Wiltshire, SN16 0HF

Comments received from the Senior Public Protection Officer (SPPO) in respect of this application raised the following concerns resulting in the subsequent objection and reason for refusal 2:

- The proposal is likely to give rise to noise concerns.
- The proposed development has the potential to significantly change and adversely impact on the residential amenity currently enjoyed by nearby residents in terms of noise generated by the position of the play area and the comings and goings associated with vehicle movement.

The SPPO suggested alterations in order that these concerns could be overcome:

- Greater distance between the building/ play area and residents.
- Less children
- Screening the play area by rotating the building.

As referred to in the report, discussions have been on going with the agent in light of the comments from the SPPO and the following information has been submitted:

The agent submitted further information in respect of these concerns.

*“An acoustic barrier fence has been added on the common boundary with the bungalow.*

*The practice the garden will be divided into areas where children of differing ages will be able to interact and benefit from an outdoor environment at times when the weather and temperature permits. It will be seen from the layout of the building and its relationship with the outside space that there are three zones available for use by the children and the staff responsible for their care. The first zone is the enclosed space within the building which will provide four multi-purpose spaces for play, the taking of meals and toilet/ washing/cleaning facilities. The second zone is the shelter area adjoining the inside space where activities can take place when weather or temperature conditions are not conducive to outside play. The third zone is the outside play space. Access to the outside space is both weather and age dependant and whilst using the outside areas the children will be monitored at all times by the staff responsible for their care to ensure that appropriate separation between the different age groups sharing the outside space. Whilst in the outside space the children's use of equipment appropriate to their age and ability will be supervised at all times by staff.*

*During periods of good weather it is reasonable to anticipate that at certain times of the day all of the children will be using different parts of the outside space under staff supervision. The use of this space is recognised by OFSTED as an essential part of a child's development and should be encouraged whenever possible. However the use of this outside space should be seen as an integral part of the child's day at the Nursery and not, as*

**NORTHERN AREA PLANNING COMMITTEE ADDITIONAL INFORMATION**  
**29<sup>th</sup> August 2012**

*in the case of primary and middle school playgrounds, as a space where children are able to 'let off steam' after a period of instruction or tuition within a classroom. The movement between the inside and outside spaces of the Nursery will be governed by temperature and weather conditions as well as the age and ability of the group of children concerned. Although the experiences that the child will have during a day at the Nursery will follow a pattern, that pattern will not be time structured as in the case of a primary school where there are specified periods where the child is free to use a playground. The outside space is appropriately described as the 'garden' and not 'playground' as it will function in a very similar way in which a child uses a garden for activities involving play, relaxation, adventure and learning. The major part of the garden will be grass as opposed to the extensive areas of hard surfacing associated with schools. The very nature of the grass surface will in turn impose a regulation on the times during the year that children will be able to use the area and will minimise noise generation due to the 'absorbent' nature of grassed areas.*

*The outside play equipment to be used by children of the age attending this Nursery would be similar to that found in the 'toddler' section of a children's play area comprising climbing frames, swings, seesaws together with a range of small ride-on and construction toys. There will be no noise generated by the equipment itself.*

*From the above it will be seen that the use of the planning system to impose a restriction on the number of children using the garden at any one time will be neither practical or appropriate.*

*The hours during which the children will be attending the Day Nursery will be between 8.00am and 6.00pm, Mondays to Fridays. The Nursery will not be open on Bank Holidays. These operating hours are as stated in paragraph 3 of the Planning Statement that accompanied the application. Subject to weather conditions it would be reasonable to conclude that there will be some days when the garden will be used by some of the children between 08.30am and 5.30 pm."*

On the basis of this information submitted by the agent the SPPO has withdrawn his noise objection subject to a condition which controls the hours of use to those outlined by the applicant.

On this basis reason for refusal is no longer necessary:

**RECOMMENDATION:**

1. The proposed nursery development, in the absence of any framework boundary for Corston, is located within the open countryside. The site is not considered to be an infill site having regard to the character, built form and appearance of the area and is therefore, contrary to saved policies C3, CF1 and NE15 of the adopted Local Plan 2011 and Core Policy C2 of the emerging Wiltshire Core Strategy.

**INFORMATIVE:**

This decision relates to documents/plans submitted with the application, listed below.

Dated 15/12/2011

Design and Access Statement

P01 P1

**NORTHERN AREA PLANNING COMMITTEE ADDITIONAL INFORMATION**  
**29<sup>th</sup> August 2012**

Psite 02 P1

Psite 01 P1

Psite 03 P1

Psite 04 P1

Dated 15/5/2012

Ssite 01 P1

Psite 05 P2

E02-P2

Dated 29/5/2012

E01-P3

Ssite 01 P2

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7(c) – 11/02946/FUL and 11/03200/FUL - Great Middle Green Farm

**Dauntsey Parish Council** (in relation to drainage scheme)

***“No Objection in principle – please take into consideration the comments below plus the comments made on the 4<sup>th</sup> October 2011 with reference to application N/11/0946/FUL.***

***The Council have no objection to the actual location of the pond but would like to re-iterate how important it is that all professional bodies surrounding this application (Environment Agency, Flooding Experts and all other technical experts) are completely satisfied that this proposal will be successful.***

***It must also be noted that should this application be successful it is enforced and agreed that the original size and area of the public open space, footpath and ditch will not be at all affected.***

***The Council would like to note this scheme should have been approved and adopted prior to any development or building commenced.”***

**1 no. additional letter of concern received from a local resident** (in relation to drainage scheme). Main issues raised:

**Authorities have seen sense that water from site has to be dealt with in safe and sensible manner with due consideration to nearby residents.**

**If roadside ditch is made longer, may become a danger to children. Grass has reached waist height and no longer possible to see ditch or water.**

**Ditch has become hazard to road users – please ensure ditch is adopted by developer or Council so it remains safe.**

**Only two-thirds of surface water has been accounted for – developer has covered over an existing ditch and is now a concrete path. Water now puddles into the road and flows into ditch opposite and eventually to a point upstream of Sodom Lane bridge.**

Happy with any plan that takes account the water run-off from GMGF development in a safe way from surrounding residents and does not allow it to enter upstream of Sodom Lane bridge.

**Recommendation:**

**11/02946/FUL – attenuation pond and drainage works**

That 11/02946/FUL be DELEGATED back to the Area Development Manager to grant planning permission for the following reason, and subject to the planning conditions set out below and signing of legal agreement under s106 of The Act covering the Heads of Terms set out in the report.

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**Conditions:**

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

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

3. Within three months of the date of this permission full details of the proposed boundary treatments to the attenuation pond shall have been submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in complete accordance with those details so agreed.

**REASON:** For the avoidance of doubt and so as to secure a safe and visually appropriate of development.

**11/03200/FUL – Public open space**

**NORTHERN AREA PLANNING COMMITTEE ADDITIONAL INFORMATION**  
**29<sup>th</sup> August 2012**

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