

NORTHERN AREA PLANNING COMMITTEE

MINUTES OF THE NORTHERN AREA PLANNING COMMITTEE MEETING HELD ON 19 SEPTEMBER 2012 AT COUNCIL CHAMBER - COUNCIL OFFICES, MONKTON PARK, CHIPPENHAM.

Present:

Cllr Desna Allen, Cllr Chuck Berry (Substitute), Cllr Peter Davis, Cllr Peter Doyle, Cllr Mollie Groom (Substitute), 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 Howard Marshall and Cllr Dick Tonge

82 **Apologies**

Apologies were received from Councillors Colmer and Crisp.

Cllr Colmer was substituted by Cllr Berry.
Cllr Crisp was substituted by Cllr Groom.

83 **Minutes of the previous Meeting**

The minutes of the meeting held on 29 August 2012 were presented.

Resolved:

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

84 **Declarations of Interest**

Cllr Hill declared an interest in agenda item no. 7a as a member of the Calne Town Council Development and Planning Committee. He declared he would participate in the debate and vote with an open mind.

85 **Chairman's Announcements**

The Chairman drew attention to the late observations available.

86 **Public Participation and Councillors' Questions**

The Committee noted the rules on public participation.

87 **Planning Appeals**

The Committee noted the contents of the appeals update.

The Chairman informed the Committee of two applications in Calne that had been allowed on appeal against the officer decision. These were Whitehorse Way for 154 houses and The Hills, Oxford Road for 200 houses. These were not considered to be outside the boundary.

88 **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 **7d** as listed in the agenda pack.

88 a) **11/03934/REM - Land at Station Road, Calne SN11 0JS**

Public Participation

Mr Duncan Young spoke in objection to the application.

The Planning Officer introduced the report which recommended that the application be delegated to the Area Development Manager for planning permission to be granted subject to satisfactory outstanding consultation responses from internal consultees and subject to conditions.

It was explained that the outline consent had been granted in 2005, and this application was to decide the orientation and style of the site. Attention was drawn to the fact there were no highways concerns.

In addition to objections detailed in the report it was noted that 2 late objections had been received, firstly over the extensive use of render and secondly over the traffic impact on Station Road.

The Committee then had the opportunity to ask technical questions of officers. Clarification was sought over the impact of the 3 storey houses and it was explained that due to the gradient difference and the line of significant trees that ran between the development and Wenhill Heights there would be minimal impact. The ownership of the strip of land that ran between Wenhill Heights and the development was queried and it was confirmed that the land belonged to Persimmon Homes, however local residents were investigating the possibility of buying the land from them.

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

The Local Member, Councillor Howard Marshall then spoke in objection to the application.

A debate followed where the reduction in render, use of a greater mix of materials and the height of TV aerials and masts were discussed.

At the end of the debate it was:

Resolved:-

To DELEGATE planning permission to the Area Development Manager for planning permission be GRANTED subject to satisfactory outstanding consultation responses from internal consultees (listed below) for the following reason:

The proposal follows the granting of outline permission 05/02822/OUT for residential development of the site. The proposal is considered to provide a good quality development where the design and layout respects the location and the amenities of nearby residents. The proposal is considered to comply with policies C3, H2, H5 and CF3 of the North Wiltshire Local Plan 2011 and section 7 and paragraph 159 of the National Planning Policy Framework 2012.

And subject to the following conditions:

- 1. 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.

- 2. 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

- 3. Prior to the commencement of the development hereby permitted details of the junction of the cycleway to Sustrans Route 403 shall be submitted to and approved in writing by the local planning authority. The approved details shall be carried out prior to the occupation of 50%**

of the houses hereby approved.

REASON: In the interests of promoting sustainable transport.

4. No development shall commence on site until 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.

5. 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.

Layout plan RA.SL.02 Rev G dated 4th September 2012; dwelling materials layout RA.DML.02 Rev E dated 17th September 2012; Design And Access Statement dated 22nd June and as amended 11th September 2012.; landscaping 1241-001-012 inc dated 22nd June 2012; Finished Floor levels and

sewer layout 3058/102/01-04 inc; location plan, street elevations RA.SE.01 22nd June 2012 and RA.SE.02 Rev A dated 17th September 2012; carport RA.cp.01.pe dated 28th August 2012; Boundary materials layout RA.BML.02 Rev A dated 15th August 2012;

RA.P.1e, RA.GAR.02.pe; RA.GAR.01pe; RA.P.1.p; RA.P.4-8.p; RA.P.4-8.e; RA.P.2.e; RA.P.2.p; RA.P.pe;; RA.P.9-13.e; RA.P.14-16.eRA.P.14-16.p; RA.P.17-19.e1; RA.P.17-19.e2; RA.P.17-19.p; RA.P.20-30.e1; RA.P.20-30.p2; RA.P.20-30.p1; RA.P.20-30.p3; RA.P.31-32.p; RA.P.31-32.e; RA.P.33-38.e1; RA.P.33-38.e2; RA.P.33-38.p1; RA.P.33-38.p2; RA.P.39-51.e; RA.P.39-51.p1; RA.P.39-51.p2; RA.P.39-51.p3; RA.P.52-54.e; RA.P.52-54.p; RA.P.55-88.p; RA.P.55-88.e; RA.P.57-61.e; RA.P.57-61.p;; RA.P.62-67.p; RA.P.68-69.e; RA.P.68-69.p; RA.P.70-72.e1; RA.P.70-72.e2; RA.P.70-72.p; RA.P.73.p; RA.P.73.e; RA.P.74-79.e1; RA.P.74-79.e2; RA.P.74-79.p1; RA.P.74-79.p2; RA.P.74-79.p3; RA.P.80-81.p; RA.P.80-81.e; RA.P.82-86.p; RA.P.82-86.e; RA.P.90-93.e1; RA.P.90-93.e2; RA.P.90-93.p; RA.P.94-96.e; RA.P.94-96.p; RA.P.97-98.e; RA.P.97-98.p; RA.P.99-102.e; RA.P.99-1-2.p

RA.P.9-13.p Rev A; RA.P.62-67.e rev A, dated 17th September 2012

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

6. Notwithstanding the approved drawings, details of all dwarf walls and enclosures for the undercroft car parking spaces and the details of method of enclosure for plots 16, 68 & 73 shall be submitted to and approved in writing by, the local planning authority. The development shall be carried out in accordance with the approved details.

REASON: To define the permission and in the interests of visual amenity.

7. Notwithstanding the approved elevation plans, the development shall be carried out in accordance with the approved dwelling materials layout RA.DML.02 Rev E dated 17th September 2012.

REASON: To define the permission and ensure a satisfactory development.

8. 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).

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.

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.

And for the Area Development Manager to:-

- **Negotiate a reduction in the amount of render used on parts of the site**
- **Inform the developer of the committees concern in respect of TV aerials and satellite dishes and to seek minimize the need for these. This should also be an informative on any permission.**

88 b) 12/00542/S73 - Whitehall Garden Centre Ltd., Corsham Road, Lacock, Wilts. SN15 2LZ

Public Participation

Mr David Pearce spoke in support of the application.

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

He explained that the application was merely an application to extend the time limit for implementation.

There were no technical questions from the Committee.

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

The Committee noted the next application which gave details of the drainage works.

Resolved:

To GRANT Planning Permission for the following reason:

The proposal is for the extension and rationalisation of an existing well established Garden Centre. The proposal is considered to comply with local and national retail policies, will have only limited and acceptable impact upon the appearance of the area and the nearby conservation area, will have an acceptable impact upon highways issues such as

access and traffic flow in the vicinity and will not adversely affect the amenities of neighbouring residential properties. As such the proposal complies with Policies C3, NE15 and R4 of the North Wiltshire Local Plan.

AND subject to relevant parties entering into a legal agreement under s106 of The Act in respect of highway improvements

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 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 demolition or building work shall commence on the development site until the new access has been constructed in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of highway safety.

4. No demolition or building work shall commence on the development site until the new main car park has been constructed in accordance with details to be submitted to and approved in writing by the Local Planning Authority

REASON: In the interests of highway and public safety.

5. The areas allocated for parking and servicing on the approved plan shall be kept clear of obstruction and shall not be used other than for the parking of vehicles and deliveries in connection with the development hereby permitted.

REASON: In the interests of road safety.

6. No development approved by this permission shall be commenced until a scheme for the provision, implementation and maintenance of surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed.

REASON: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal and to prevent pollution of the water environment.

7. No development approved by this permission shall be commenced until a scheme for the provision and implementation of surface water run-off limitation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved programme and details.

REASON: To prevent the increased risk of flooding.

- 8. No development approved by this permission shall be commenced until a scheme for the provision and implementation of the surface water storage capacity during a 1 in 100 year plus climate change conditions has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.**

REASON: To alleviate the increased risk of flooding.

- 9. No development approved by this permission shall be commenced until a scheme for the disposal of foul drainage has been approved by and implemented to the reasonable satisfaction of the Local Planning Authority.**

REASON: To prevent pollution of the water environment.

- 10. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls, details of which shall be submitted to the Local Planning Authority for approval. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%; or 25% of the total volume that could be stored at any one time, which ever is the greater. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground, where possible, and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.**

REASON: To prevent pollution of the water environment.

- 11. No deliveries shall be received or goods despatched from the site outside the hours of 07:00 to 18:30 nor at any time on Sundays, Bank or Public Holidays.**

REASON: In the interests of the amenity of the area.

- 12. The construction of any part of the development hereby permitted shall not include the use on site of any machinery, powered vehicles or power tools before 08:00; hours or after 18:00 hours on any weekday, nor before 09:00 hours or after 13:00; on any Saturday, nor at all on any Sunday or Bank or Public Holiday without the prior approval in writing of the local planning authority.**

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 comply Policy C3 of the North Wiltshire Local Plan 2011.

- 13. 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.

- 14. The development hereby permitted shall not be commenced until details**

of the landscaping of the site, including wherever appropriate the retention of existing trees, have been submitted to, and approved in writing by, the local planning authority.

The approved landscaping scheme shall be implemented within one year of either the first occupation or use of the development, whether in whole or in part, or its substantial completion, whichever is the sooner, and shall be maintained thereafter for a period of not less than five years. The maintenance shall include the replacement of any tree or shrub which is removed, destroyed or dies by a tree or shrub of the same size and species as that which it replaces, unless otherwise agreed in writing by the local planning authority.

REASON: In the interests of amenity.

15. Fencing for the protection of any retained trees/hedges/shrubs shall be erected in accordance with the approved details before any equipment, machinery or materials are brought onto the site for the purposes of the development and 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 written consent of the local planning authority.

REASON: In the interests of protecting the existing trees/hedges/shrubs on the site during construction.

16. No development shall commence until details 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.

17. No development shall commence until a plan showing the precise location of any areas of open storage and specifying a maximum height of open storage within such area(s) has been submitted to, and approved in writing by, the local planning authority. No raw materials, finished or unfinished products or parts, crates, materials, waste, refuse or any other item shall be stacked or stored on the site outside the area, or above the height specified, as approved.

REASON: In the interests of the amenity of the area.

18. The proposal shall be used only for the purposes of a garden centre including related ancillary retailing and services as detailed on the submitted plans and documents (specifically the "schedule of indoor uses" at Appendix 2 of the Impact assessment prepared by C B Richard Ellis dated March 2008). Specifically the sale of convenience goods shall be restricted to a floorspace area not exceeding 1000sq.m.

REASON: To restrict the nature of the proposed development in order to comply with planning policy to ensure no adverse impact on existing town centres or upon issues of accessibility and sustainability.

19. Clothing sales shall be restricted to such items that are directly associated with and ancillary to gardening or other similar physical outdoor activity as agreed by the local planning authority. The sale of any clothing shall be restricted to a floor area not exceeding 250 sq metres.

REASON: To restrict the nature of the proposed development in order to comply with planning policy to ensure no adverse impact on existing town centres or upon issues of accessibility and sustainability.

88 c) **12/00974/FUL - Whitehall Garden Centre Ltd., Corsham Road, Lacock, Wilts. SN15 2LZ**

Public Participation

Mr David Pearce spoke in support of the application.

The Planning Officer introduced the report which recommended planning permission be granted.

It was explained that the proposed drainage works plans had previously shown them to be sited in an adjacent field, and this proposal placed them in a new position. It was noted that the application was supported by the drainage engineer.

The Committee then had the opportunity to ask technical questions of officers. Confirmation was sought that due regard had been given to nearby houses, and officers confirmed that this would have been checked by the drainage officer prior to giving support to the application. Clarification was needed over the underground storage tank and possible contamination by the collection of surface water, and it was confirmed that the surface water would be filtered.

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, during which the Committee discussed surface water being discharged onto someone else's property, this being allowed if natural gravitation flow, whether there had been a change of circumstance and whether the opportunity of talking to the drainage engineer would provide any further information.

Resolved:

To GRANT Planning Permission for the following reason:

The proposed development, by virtue of its specification, location, scale and materiality, will not affect the character or appearance of the site to any significant extent, nor will it alter the character or appearance of the surrounding open countryside. The drainage specification detailed is adequate and will mitigate against flooding save for the most extreme weather events. The proposal therefore accords with Policies C1, C3 and NE15 of the adopted North Wiltshire Local Plan 2011, Policy C5 of the Wiltshire and Swindon Structure Plan

2016 and the guidance contained in the National Planning Policy Framework.

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 the 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) any and all hard surfacing materials;
- g) proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc. Indicating lines, manholes, supports etc.);

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

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.

**W409/02 Rev A - Private Drainage Layout (Sheet 1 of 5)
W409/03 Rev A - Private Drainage Layout (Sheet 2 of 5)
W409/04 Rev A - Private Drainage Layout (Sheet 3 of 5)
W409/05 Rev A - Private Drainage Layout (Sheet 4 of 5)
W409/07 - Typical Drainage Details (Sheet 1 of 2)
W409/08 Rev A - Typical Drainage Details (Sheet 2 of 2)
W409/09 - Surface Water Manhole Schedules
W409/10 - Foul Water Manhole Schedules
W409/11 - Attenuation Pond Headwall Details**

Received 10 April 2012

W409/06 Rev B - Private Drainage Layout (Sheet 5 of 5)

Received 19 June 2012

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

4. **The applicant should be aware that in determining the application the Northern Area Planning Committee has concerns in respect of the discharge route to the brook and ditch. The applicant is requested to ensure that there is no obstruction of the highway or footpath as a consequence of this drainage scheme.**

Informative:

The applicant should be aware that in determining the application the Northern Area Planning Committee has concerns in respect of the discharge route to the brook and ditch. The applicant is requested to ensure that there is no obstruction of the highway or footpath as a consequence of this drainage scheme

88 d) 12/1291/FUL - Four Oaks Park, Lydiard Plain, Swindon SN5 0AL

Public Participation

Mr Julian Taylor and Mr Simon Burley both spoke in objection to the application.

Mr James Millard spoke in support of the application.

The Planning Officer introduced the report which recommended that planning permission be granted subject to conditions as detailed in the additional information.

Attention was drawn to the fact there were no objections from highways, rights of way, spatial plans or any ecological concerns with the nearest site of special scientific interest being 1.5 kilometres away. Detail within the conditions addressed previous concerns over unlawful storage and the failure to supply a children's play area.

The Committee was then given the chance to ask technical questions of officers. Concern was raised over the removal of transit pitches as there was no alternate site in the vicinity, and it was explained that as the site was privately owned by the applicant the pitches were in his personal control and not in the control of Wiltshire Council. Clarification was sought over parking within the site and it was confirmed that each pitch was of a size to accommodate parking, including any visitor parking. A query over limiting the number of movable buildings was shown to have been accommodated in the conditions.

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

The Local member, Councillor Mollie Groom, then spoke in objection to the application.

A debate followed during which the Committee noted the 2 month delay, the distinction between travelling show people and travellers and the work done with the applicants over condition compliance. The possibility of a section

106 agreement was discussed, as was the overall net increase of one pitch.

Resolved:

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 part of the development hereby approved shall be first brought into use until the parking area shown on the approved plans has been consolidated, surfaced and laid out in accordance with the approved details. This area shall be maintained and remain available for this use at all times thereafter.

REASON: To ensure that adequate provision is made for parking within the site in the interests of highway safety.

3. 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.

4. 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.

5. No development shall commence on site until details of the works for the disposal of sewerage have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be first occupied until the approved sewerage details have been fully implemented in accordance with the approved plans.

REASON: To ensure that the proposal is provided with a satisfactory means of drainage.

6. 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.

7. Prior to the commencement of development, 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.

8. Prior to the occupation of any of the pitches hereby permitted, the children's' play area shall be provided in accordance with details, including full details of the proposed play equipment, which shall be submitted to and approved in writing by the Local Planning Authority. The play equipment shall be erected in accordance with the approved details and maintained for a minimum period of five years thereafter unless otherwise agreed in writing.

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

9. The site shall not be permanently occupied by persons other than Gypsies and Travellers as defined in Annex 1 of Planning Policy for Traveller Sites, March 2012.

REASON: Planning permission has only been granted on the basis of a demonstrated unmet need for accommodation for gypsies and travellers and it is therefore necessary to keep the site available to meet that need.

10. There shall be no more than eleven (11) permanent pitches on the site.

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

11. There shall be no more than twenty two (22) caravans as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, of which no more than eleven (11) shall be a static caravan or mobile home and no more than eleven (11) shall be a touring caravan, shall be stationed on the site at any time.

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.

12. No more than five 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.

13. Except for the keeping of commercial vehicles as defined in condition 12 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.

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.

Plans: Revised site details dated 11/9/12
Splay details dated 14/5/12

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

89 **Urgent Items**

There were no urgent items.

(Duration of meeting: 6.00 - 8.10 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

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

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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.

The text in bold is additional/amended information to that circulated to Members on Tuesday 18th September 2012

Item 7(a) – 11/03934/REM – Land at Station Road, Calne, Wiltshire, SN11 0JS

Principal Housing Officer is content with the Social Housing layout and tenure but comments that the one of the shared ownership units is between rented units and may sell better if sited on the end of the terrace.

Principal Urban Designer - the replacement of render with stone to the facings of the proposed plots 13, 65 & 73 has addressed his concerns. However, there is still concern about the large openings to the parking undercroft of plots 13 & 65. There is also concern about the quality of the appearance of timber fencing that is shown facing the promenade to plots 16, 68 & 73.

There are still concerns about the amount of hard surfacing in and around the vicinity of flats 77-79 leading to a poor outlook and lack of sense of enclosure. Elsewhere breaks in the building enclosure of the street frontage are more limited to suitably obscure and contain the rear parking courts. The free standing wall could form one side of a pitched roof carport.

Area Development Manager

The alterations for this can be secured by way of a planning condition. Whilst the area in question is of a lower standard of design than the remainder of the site, the quality is not considered sufficiently detrimental to the scheme overall as to warrant a refusal.

The agent is aware of the comments raised by the Principal Housing Officer.

Recommendation as per main report.

Additional conditions:

5. 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.

Layout plan RA.SL.02 Rev G dated 4th September 2012; dwelling materials layout RA.DML.02 Rev E dated 17th September 2012; Design And Access Statement dated 22nd June and as amended 11th September 2012.; landscaping 1241-001-012 inc dated 22nd June 2012; Finished Floor levels and sewer layout 3058/102/01-04 inc; location plan, street elevations RA.SE.01 22nd June 2012 and RA.SE.02 Rev A dated 17th September 2012; carport RA.cp.01.pe dated 28th August 2012; Boundary materials layout RA.BML.02 Rev A dated 15th August 2012;

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RA.P.1e, RA.GAR.02.pe; RA.GAR.01pe; RA.P.1.p; RA.P.4-8.p; RA.P.4-8.e; RA.P.2.e; RA.P.2.p; RA.P.pe;; RA.P.9-13.e; RA.P.14-16.eRA.P.14-16.p; RA.P.17-19.e1; RA.P.17-19.e2; RA.P.17-19.p; RA.P.20-30.e1; RA.P.20-30.p2; RA.P.20-30.p1; RA.P.20-30.p3; RA.P.31-32.p; RA.P.31-32.e; RA.P.33-38.e1; RA.P.33-38.e2; RA.P.33-38.p1; RA.P.33-38.p2; RA.P.39-51.e; RA.P.39-51.p1; RA.P.39-51.p2; RA.P.39-51.p3; RA.P.52-54.e; RA.P.52-54.p; RA.P.55-88.p; RA.P.55-88.e; RA.P.57-61.e; RA.P.57-61.p;; RA.P.62-67.p; RA.P.68-69.e; RA.P.68-69.p; RA.P.70-72.e1; RA.P.70-72.e2; RA.P.70-72.p; RA.P.73.p; RA.P.73.e; RA.P.74-79.e1; RA.P.74-79.e2; RA.P.74-79.p1; RA.P.74-79.p2; RA.P.74-79.p3; RA.P.80-81.p; RA.P.80-81.e; RA.P.82-86.p; RA.P.82-86.e; RA.P.90-93.e1; RA.P.90-93.e2; RA.P.90-93.p; RA.P.94-96.e; RA.P.94-96.p; RA.P.97-98.e; RA.P.97-98.p; RA.P.99-102.e; RA.P.99-1-2.p

RA.P.9-13.p Rev A; RA.P.62-67.e rev A, dated 17th September 2012

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

6. Notwithstanding the approved drawings, details of all dwarf walls and enclosures for the undercroft car parking spaces and the details of method of enclosure for plots 16, 68 & 73 shall be submitted to and approved in writing by, the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To define the permission and in the interests of visual amenity.

7. Notwithstanding the approved elevation plans, the development shall be carried out in accordance with the approved dwelling materials layout RA.DML.02 Rev E dated 17th September 2012.

Reason: To define the permission and ensure a satisfactory development.

8. 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).

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.

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.

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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.

The Council’s drainage engineer states that he has no objections.

Area Development Manager - The agent has supplied cross sections to demonstrate that the 2.5 storey dwellings will sit comfortably in relation to the houses in Wenhill Heights.

The outstanding consultations responses have been received and the recommendation is now for PERMISSION subject to the conditions listed.

Item 7(d) – 12/1291/FUL - Four Oaks Park, Lydiard Plain, Swindon SN5 0AL

Lydiard Millicent Parish Council have submitted additional representations as follows:

“Firstly, we consider that that, in view of the delay since initially published, the material considerations in the Officer’s proposals are sufficiently important to have warranted a re-advertisement of this application, for proper consideration by all parties including this Parish Council, particularly in respect of the ‘horse trading’ over the number of extra pitches, and the removal of the Community building.

*The mitigation of the removal of the 4 temporary pitches (presumably only **4 caravans**) is irrelevant, as these temporary pitches have not been in use for years.*

*The doubling of the size of this site’s capacity is therefore totally unacceptable - 5 extra sites means **10 more caravans**, and the adverse impact on the local area, and neighbours, will be significant.*

As the site is situated in open countryside within the Great Western Community Forest and Royal Braydon Forest areas, we consider this larger development will unreasonably prejudice the amenities of the neighbouring dwellings and land.

*The statement under **Point 11 is incorrect**, as LMPC have consistently objected to the siting of any proposed extension on the Southern boundary against the bridleway, which originally was a contributory factor to previous NWDC refusals. Pitches against this boundary will be perceived as a deterrent to the public right of way.*

Also, Mr Taylor, the immediate neighbour, has consistently opposed the extensions on this site.

Despite the stated reason, the position of the existing site - far from services - is also still unacceptable, especially because of the large proposed percentage increase in numbers.

*Even under the existing planning guidelines, **remoteness from services and lack of sustainability**, has always been a consideration on planning viability.*

You admit that various conditions on previous Approvals have been totally ignored, and not enforced by NWDC & WC over the years - storage of materials on pitches, lack of child’s play area, car park, paddock, etc. We have no confidence that any such restrictions on the current application will be adhered to, or enforced.

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We see no sufficient reasons for the refusal of 2011 to be overturned, and would strongly recommend refusal of this application.”

Rights of Way Officer – no objections.

Spatial Plans – detailed comments are on the file and website. The comments conclude:

The adopted traveller policy for the consideration of this site is contained in the North Wilts local plan, structure plan and the government’s planning policy on traveller sites.

Assessment of these documents raises two concerns about the application:

- establishing a traveller community in a location some distance from local services which if submitted new would be contrary to the location criteria within emerging core policy 47 and adopted policies. The proposal would also create a large site (11 permanent and 4 transit) and consolidate the location.
- The overall number of pitches provided in the north and west HMA when considered against the requirement identified in core policy 47 of the emerging core strategy.

This is a well established site and the proposal is to accommodate family expansion. The issues and options consultation for the Gypsy and Travellers Site Allocation DPD carried out in 2010 recognised that moderate growth of existing sites to accommodate family expansion provided there are no adverse impacts arising is desirable as a way to meet need (para 4.6.1). Furthermore, the location is not more remote than other sites within Wiltshire which have been approved at appeal which provides some local insight into what is an acceptable distance from services.

In relation to need, there is currently a shortfall against core strategy policy of 3 pitches. There are other applications under consideration but each site should be considered on its merits at the time of application and although an increase of 5 pitches would result in a small over supply against the requirement set out in core policy 47 this would be minimal and consistent with advice in the governments ‘planning policy on traveller sites’.

The revised site layout which proposes removing the transit sites and replacing them with an amenity area/play area to improve the site overall would help alleviate concerns about a potential site of 15 pitches (although 11 pitches is still relatively large) and would improve the local environment for residents consistent with the emerging core policy 47 and will help improve the appearance of the site by reducing its visual impact.

The amended plans are therefore considered, on balance, to be consistent with adopted and emerging policy.

These comments have not considered the question of the design and layout of specific plots and building, the layout and use of the amenity area or the personal circumstances of the applicant.

Principal Ecologist – confirms the nearest SSSI is 1.5km from the site and is not affected by these proposals.

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Area Development Manager comments:

There is an error on the top of page 45 which refers to noise nuisance from the community building. The community building does not form part of this application and this paragraph should be disregarded.

The applicants are bona fide Gypsies. No information has been specifically submitted in terms of the proposed occupants other than their names and relationships. As they are family members, by association they are considered to have Gypsy status. The proposed condition also seeks to ensure all occupants of the site are Gypsies as well.

In terms of changes to the application, the only significant change to the original application which was received on 14 May, has been the agreed removal of the retained 4 transit pitches from the scheme. The scheme therefore represents a reduction in the number of pitches on this site. This does not materially alter the substance of the received objections and as the only other changes have been regard to the minor alterations to the internal layout which does not affect any third parties, it was not considered necessary to undertake any further consultation and delay a decision further beyond the two months already incurred.

The “horsetrading” has followed in part from concerns both the Parish Council and officers have had about the way the site was developed not having regard to the original permissions in 1994 which included children’s play area, paddock and what was developed instead which was a massive area used for the open storage of building materials.

It is considered that this is a positive step forward given these concerns can be controlled through the implementation of this permission and the associated conditions. Notwithstanding this application and any permission, enforcement action could still be pursued.

The additional five pitches were not objectionable with the previous application which was refused solely on the grounds of the large community building. Nothing has materially changed or advanced in policy terms. The number of pitches needed for the 2011-2016 period has reduced given permissions that have come forward.

The community building has never formed part of this current application – it was not the subject of “horse-trading”.

The transit pitches benefit from permission and regardless of their consistent use for the last several years, which is accepted to have been intermittent, they could be used to their full extent. This is a valid material consideration.

The doubling of the site within its physical confines is not objectionable in so far as it allows for extended family members and accords with the intent of emerging policy. It is accepted that it is not a small site (approx 5/6 pitches) but it is not a large site either – the latter typically no more than 15 pitches. The site would not exceed the size of Chelworth Lodge permitted further to the north. The scale of that site being acceptable to the Council as well as the Planning Inspector who determined the appeal based on the same adopted policies we have today.

The previous application determined by the Committee less than a year ago was not refused on grounds of impact of additional pitches on the forest allocations. Furthermore, Ridgeway Farm for 800 houses was not refused on the grounds of its location within the GWCF. There

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are no other environmental constraints. There are no nearby SSSI's and the nearest County Wildlife Sites are 150 metres to the east beyond the main road and 200 metres to the west.

Objections were not received in respect of this application in relation to the public footpath as with previous applications. The pitches will not obstruct the right of way and no objection has been raised from the RoW Officer not could an objection be made solely on perception of a neighbour use or persons.

The neighbour objected to the previous application but not this one. For the avoidance of doubt only objections/representations submitted to a current application can be considered and referred to.

The main report considers fully to the locational aspect of this development in policy terms including new national policy as does the Spatial Plans Officer in the main comments and the conclusions outlined above. The site is not a new site, it is well established in the open countryside, this is what sets it apart for new sites in comparable locations, that and it being for extended family members who are bona fide Gypsies.
Recommendation as per main report.

Area Development Manager

Visibility splay details have been provided to the satisfaction of highways and thus condition 3 is unnecessary and should be removed.

Conditions 11 and 12 (to be renumbered) of the report relate to the specific application rather than the site as a whole and thus require to be amended.

Plans are now listed.

Accordingly for clarification and ease of reference the updated conditions for the application are as follows:

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 part of the development hereby approved shall be first brought into use until the parking area shown on the approved plans has been consolidated, surfaced and laid out in accordance with the approved details. This area shall be maintained and remain available for this use at all times thereafter.

REASON: To ensure that adequate provision is made for parking within the site in the interests of highway safety.

3. 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.

4. 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.

5. No development shall commence on site until details of the works for the disposal of sewerage have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be first occupied until the approved sewerage details have been fully implemented in accordance with the approved plans.

REASON: To ensure that the proposal is provided with a satisfactory means of drainage.

6. 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.

7. Prior to the commencement of development, 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.

8. Prior to the occupation of any of the pitches hereby permitted, the children's' play area shall be provided in accordance with details, including full details of the proposed play equipment , which shall be submitted to and approved in writing by the Local Planning Authority. The play equipment shall be erected in accordance with the approved details and maintained for a minimum period of five years thereafter unless otherwise agreed in writing.

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

9. The site shall not be permanently occupied by persons other than Gypsies and Travellers as defined in Annex 1 of Planning Policy for Traveller Sites, March 2012.

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REASON: Planning permission has only been granted on the basis of a demonstrated unmet need for accommodation for gypsies and travellers and it is therefore necessary to keep the site available to meet that need.

10. There shall be no more than eleven (11) permanent pitches on the site.

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

11. There shall be no more than twenty two (22) caravans as defined in the Caravan Sites and Control of Development Act 1960 and the caravans Sites Act 1968, of which no more than eleven (11) shall be a static caravan or mobile home and no more than eleven (11) shall be a touring caravan, shall be stationed on the site at any time.

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.

12. No more than five 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.

13. Except for the keeping of commercial vehicles as defined in condition 12 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.

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.

Plans: Revised site details dated 11/9/12
Splay details dated 14/5/12

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