

## NORTHERN AREA PLANNING COMMITTEE

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### MINUTES OF THE NORTHERN AREA PLANNING COMMITTEE MEETING HELD ON 20 FEBRUARY 2013 AT COUNCIL CHAMBER - COUNCIL OFFICES, MONKTON PARK, CHIPPENHAM, SN15 1ER.

#### **Present:**

Cllr Peter Colmer, Cllr Christine Crisp, Cllr Peter Davis, Cllr Bill Douglas (Substitute), Cllr Peter Doyle, Cllr Mollie Groom (Substitute), Cllr Peter Hutton, Cllr Simon Killane, Cllr Mark Packard, Cllr Toby Sturgis and Cllr Anthony Trotman (Chairman)

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#### 27 **Apologies**

Apologies were received from Cllrs Alan Hill and Desna Allen.

Cllr Hill was substituted by Cllr Mollie Groom.

Cllr Allen was substituted by Cllr Bill Douglas.

#### 28 **Minutes of the previous Meeting**

The minutes of the meeting held on **30 January 2012** were presented. It was,

#### **Resolved:**

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

#### 29 **Declarations of Interest**

There were no declarations.

#### 30 **Chairman's Announcements**

There were no Chairman's announcements.

#### 31 **Public Participation and Councillors' Questions**

The Committee noted the rules on public participation.

## 32 The Definitive Map And Statement For Malmesbury Rural District Area

### Public Participation

Mr Maurice Moss spoke in support of the order.

Ms Susan Bobbett spoke in support of the order.

Mr Stuart Suter spoke in support of the order.

Cllr Paul Fuller, Lea and Cleverton Parish Council, spoke in support of the order.

The Rights of Way officer presented a report detailing the location and history of the proposed footpaths, and drew attention to the evidence submitted in support and objection to the order to amend the definitive map and statement to include the footpaths. It was noted that due to the objection received, the order had to go to the Secretary of State for determination, with a recommendation from the Committee.

The Committee then had the opportunity to ask technical questions of the officer. The current and historical use of the land was raised, along with whether new evidence could be submitted in support or objection. It was stated that new evidence could be submitted at any stage prior to determination.

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

The Local Member, Councillor Toby Sturgis, then spoke in support of the order.

A discussion followed, where use of the paths by the public prior to any determination, along with questions on what would happen to any obstructions placed on the footpaths should the Secretary of State approve the order. It was stated in response that until the order was approved, use of the footpaths would still be at risk of contention, but that if any additions were made which obstructed the use of the footpaths, in the event of approval they would have to be removed.

At the conclusion of debate, it was,

### **Resolved:**

**That the Wiltshire Council (Parish of Lea and Cleverton) Path No. 34, 35 and 36 Rights of Way modification Order 2012 is forwarded to the Secretary of State for Environment, Food and Rural affairs for determination with the recommendation that the order be confirmed.**

## 33 Planning Appeals

The Committee noted the contents of the appeals update.

34 **Planning Applications**

The Planning Committee determined the following applications:

35 **12/03960/FUL & 12/03961/LBC - 31 Gloucester Street, Malmesbury SN16 0AA**

**Public Participation**

Mr Stewart Shape spoke in objection to the application.

Mr Brian Leitch spoke in objection to the application.

Ms Kim Power spoke in objection to the application.

Mrs J Blurton spoke in support of the application.

Mr T Blurton spoke in support of the application.

The Area Development Manager presented a report which recommended permission be granted for change of use. It was noted the building was a listed building in a conservation area, and the location in the secondary retail frontage area and physical state of the building was highlighted. It was also stated that the building had been vacant for two years with little interest, and that the key issue was its viability as a retail unit.

The Committee then had the opportunity to ask technical questions of the officer. It was noted that in 2012 the Committee refused a change of use for the neighbouring property, and the robustness of the marketing of the property for retail use was raised.

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

The Local Member, Councillor Simon Killane, then spoke in objection to the application.

A debate followed, where it was noted the Town Council were in support of the application, and the viability of retail units in the town and the state of many listed buildings was discussed. The robustness of the marketing of the building for retail use was again raised, including the price at which it had been set, and its lack of viability debated.

Questions were also raised about whether Listed Building Consent could be approved even should the planning application be refused, and it was confirmed it could be.

At the conclusion of debate, it was,

**Resolved:**

**For Application 12/03960/FUL**

**That Planning Permission be REFUSED for the following reason:**

The proposed development would result in the unacceptable loss of a retail premises within the secondary retail frontage in a prominent location within the centre of Malmesbury. The loss of premises would be to the detriment of the vitality and viability of Malmesbury Town Centre and its future vitality and viability. Insufficient information has been provided to demonstrate that the property has been marketed at an appropriate price in an attempt to secure a retail use at the premises. The proposal is contrary to Policies C3, R2 and R6 of the adopted North Wiltshire Local Plan 2011 as well as the strategy and objectives of the Wiltshire Core Strategy Pre-Submission Draft February 2012.

**For Application 12/03961/LBC**

That Listed Building Consent be **GRANTED** for the following reason:

The proposed development by reason of its scale, design and siting is considered to be an acceptable addition to the property and the proposed alterations would not unduly affect the fabric or setting of the listed building. The proposed development is in keeping with the character and appearance of the area and would secure the future of the building and this will achieve objectives for preservation of the heritage asset in accordance with the National Planning Policy Framework and the North Wiltshire Local Plan 2011. The proposals are thus considered to comply with section 12 of the National Planning Policy Framework (2012) and with S.16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

**Subject to the following conditions:**

1. The works for which Listed Building Consent is hereby granted shall be begun before the expiration of three years from the date of this consent.

**REASON:** To comply with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) 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.

**Plans**

Existing elevations and sections

Site location plan

Existing floor plan

Associated photographs

**Property marketing  
Proposed elevations and sections  
Heritage asset statement  
Design and access statement  
Proposed floor plans**

**Date stamped 28.11.12**

**REASON: To ensure that the works are implemented as approved and in the interests of the listed building.**

**3. Notwithstanding the approved drawings, no works shall commence until details of the following have been submitted to and approved in writing by the Local Planning Authority**

**Large scale details of all external joinery including metal-framed glazing (1:5 elevation, 1:2 section) including vertical and horizontal cross-sections through openings to show the positions of joinery within openings, depth of reveal, heads, sills and lintels;**

**Large scale details (1:5 elevations, 1:2 sections) of new dormer construction, including window;**

**Large scale details of proposed balcony structure (1:10 elevations 1:5 sections);**

**Large scale details of all internal joinery, including staircases (1:5 elevation, 1:2 section);**

**Full details of proposed rooflights, which shall be set in plane with the roof covering;**

**Large scale details of new fireplace to living room;**

**Full details of external flues, background and mechanical ventilation, soil/vent pipes and their exits to the open air;**

**Full details of proposed meter and alarm boxes;**

**Large scale details of proposed eaves and verges (1:5 section);**

**Full details of proposed internal service routes;**

**Full details of external decoration to render, joinery and metalwork; and**

**Full details and samples of external materials.**

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

**REASON: In the interests of preserving the character and appearance of the listed building and its setting.**

**4. No development shall commence on site until details and samples of the materials to be used for the external walls, including timber cladding which shall be feather-edged boarding, 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 preserving the character and appearance of the listed building and its setting.

**5. Notwithstanding the submitted details (3799/51E) the new window to the west elevation of the first floor snug shall be a timber, double-hung sash window to match those on the first floor front elevation.**

**REASON:** In the interests of preserving the character and appearance of the listed building and its setting.

36 **Urgent Items**

There were no urgent items.

(Duration of meeting: 6.00 - 7.45 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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