

## NORTHERN AREA PLANNING COMMITTEE

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### **DRAFT MINUTES OF THE NORTHERN AREA PLANNING COMMITTEE MEETING HELD ON 24 APRIL 2013 AT COUNCIL CHAMBER - COUNCIL OFFICES, MONKTON PARK, CHIPPENHAM, SN15 1ER.**

#### **Present:**

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

#### **Also Present:**

Cllr Judy Rooke

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#### **37 Apologies**

Apologies were received from Cllr Desna Allen, Cllr Peter Colmer and Cllr Peter Doyle.

Cllr Allen was substituted by Cllr Howard Marshall.

Cllr Colmer was substituted by Cllr Mollie Groom.

Cllr Doyle was substituted by Cllr Chuck Berry.

#### **38 Minutes of the Previous Meeting**

The minutes of the meeting held on 20 February 2013 were presented.

#### **Resolved:**

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

#### **39 Declarations of Interest**

Cllr Judy Rooke declared an interest in agenda items 7b and 7c because her property backed onto Rowden Lane. She declared she would participate in the debate and would not be voting.

40 **Chairman's Announcements**

Given the forthcoming election on 2 May 2013, the Chairman thanked all councillors for their contributions to the Northern Area Planning Committee. He especially thanked Cllr Peter Davis for his long-standing commitment and he wished him very well in his retirement.

41 **Public Participation and Councillors' Questions**

The Committee noted the rules on public participation.

42 **Planning Appeals**

The Committee noted the contents of the appeals update.

43 **Planning Applications**

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

The Planning Committee then determined the following applications:

**43a 13/00040/S73A - 9 Saddleback Close, Calne, Wiltshire, SN11**

**Public Participation**

Mr Alan Simpson spoke in support of the application.

The Area Development Manager presented a report which recommended permission to be granted subject to conditions. It was noted this was a retrospective application and the permitted development rights had been removed. The principle of the development, the impact on the character and appearance of the area and Conservation Area and the impact on existing neighbours and potential occupants were also noted. It was stated that while the building was not ideal, it would be considered acceptable with a different finish.

The Committee then had the opportunity to ask technical questions of the officer.

The local councillor, Cllr Howard Marshall, then spoke in objection to the application.

A discussion followed in which it was noted that a number of complaints had been received by the local councillor from neighbours in the wider area who found the structure not in keeping with the neighbourhood and its protrusion

from the building line as having a negative impact on views in the Conservation Area.

During the debate councillors raised concerns regarding the overbearing view from the neighbours' properties and that the building disrupted the design of the area.

**Resolved:**

**For Application 13/00040/S73A**

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

**The car port, store and sun room was considered to be unacceptable in as much as it projected beyond the rear elevation of 9 Saddleback Close by about 3.0 metres. The resulting structure was considered to have a detrimental impact upon the appearance of the property and the immediate surroundings and the Conservation Area, particularly when viewed from the public footpath to the west and south of the property. The building subject to this application failed to comply with Policies C3 (i and ii) (Development Control Core Policy); HE1 (Development in Conservation Areas) and H8 (iii) (residential extensions).**

**43b 12/04160/FUL - Land Adj Rowden Lane, Chippenham, Wiltshire**

**Public Participation**

Mr James Warner spoke in objection to the application.

Mr Colin Thomas spoke in objection to the application.

Ms Georgina Pepperdine spoke in objection to the application.

The Senior Planning Officer explained that since the report had been written, and following legal advice, it had come to light that tying this application to the legal agreement proposed by 13/00202/S106 was not possible and that 12/04160/FUL must be accompanied by its own legal agreement. The officer recommendation was subsequently altered to delegation to receive an updated ecological survey and to allow for the drawing up of a suitably worded S106 agreement. It was noted that the main change to the original application had been to allow for the oil pipeline to the west of parcel A and to allow for changes to the parking layout in parcel B to comply with Wiltshire current parking standards. The proposed reduction in affordable housing contributions would make the development viable at the present time and was supported by the Wiltshire Council housing team

The Committee then had the opportunity to ask technical questions of the officer. It was noted that the type of houses had not changed since the original application, but some dormer windows would be re-orientated.

Completion of an ecological survey had not been possible due to the weather and the late Spring.

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

The local councillor, Cllr Judy Rooke, then spoke in objection to the application.

A discussion followed regarding the extent to which the application had been changed since the application in 2002, the house types on the site and the education provisions involved. It was noted that Chippenham Town Council had no objection to the application.

**Resolved:**

**For Application 12/04160/FUL**

**To DELEGATE authority to the Area Development Manager to grant PERMISSION subject to receipt and approval of an updated Ecological Survey and to allow the drawing up of a suitably worded S106 agreement to cover Affordable Housing, Public Open Space (including all the incidentals such as ditch and hedge maintenance), Highways and Education.**

**43c 13/00202/S106 - Land Adj Rowden Lane, Chippenham, Wiltshire**

The Senior Planning Officer explained this application had been debated with the previous item. It was clarified that the revised Affordable Housing figures applied for were a total of 13 units with 4 in Parcel A and 9 in Parcel B and this was considered acceptable by the Wiltshire Council housing team.

The Committee then had the opportunity to ask technical questions of the officer. It was confirmed that a Section 106 agreement was specific to each planning application. A separate permission was therefore required from the agreement related to the earlier application. It was underlined the Government continually pushed local authorities for development to be viable.

The local councillor, Cllr Judy Rooke, then spoke in objection to the application.

**Resolved:**

**For Application 13/00202/S106**

**That planning permission be DEFERRED for two cycles for information on**

**Application 12/04160/FUL to be received and considered.**

**43d 11/02763/FUL - Land at Moredon Bridge**

Public Participation

Mr Peter Crawford spoke in support of the application.

Cllr Jeffrey Greenaway spoke in objection to the application.

The Area Team Leader explained that comments by email had been received from Haydon Wick Parish Council since the report had been written. His recommendation had been amended to delegate authority to grant planning permission to the Area Development Manager subject to the recommended conditions and the signing of a Section 106 agreement to cover the matters identified in the report. It was noted this was the second phase of a development which had earlier been agreed on appeal. The application had been influenced by changed circumstances and in particular the Secretary of State's decision with respect to Ridgeway Farm. The Spatial Plans team now had no in principle objection to the application with regards to ecological concerns.

The Committee then had the opportunity to ask technical questions of the officer. A flood risk assessment had been completed and found the scheme's mitigation sites would be suitable. In relation to drainage, drainage engineers would be aware of the Ridgeway Farm development and its implications, however assessment could only be made on the basis of what was already there.

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

The local councillor, Cllr Jacqui Lay, then spoke in objection to the application.

During the debate concerns were raised regarding flood risks.

**Resolved:**

**For Application 11/02763/FUL**

**That planning permission be DELEGATED to the Area Development Manager subject to the recommended conditions and the signing of a Section 106 agreement to cover the matters identified in the report.**

**Subject to the following conditions:**

- (1) **WA1 FULL PLANNING PERMISSION -COMMENCEMENT 3 YEARS**

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) WB1 SUBSEQUENT APPROVAL OF MATERIALS FOR WALLS & ROOFS**

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

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

**Policy C3**

**(3) WC1 APPROVAL OF LANDSCAPING BEFORE COMMENCEMENT**

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:-

- location and current canopy spread of all existing trees and hedgerows on the land;
- full details of any to be retained, together with measures for their protection in the course of development;
- a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
- finished levels and contours;
- means of enclosure;
- car park layouts;
- other vehicle and pedestrian access and circulation areas;
- all hard and soft surfacing materials;
- minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);
- 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.

**POLICY-[C3]**

**(4) WC2 LANDSCAPING TO BE CARRIED OUT & MAINTAINED**

All soft landscaping comprised in the approved details of landscaping shall

be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

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

**POLICY-[C3]**

**(5) WC6 PROTECTION OF RETAINED TREES**

No demolition, site clearance or development shall commence on site, and; no equipment, machinery or materials shall be brought on to site for the purpose of development, until a Tree Protection Plan showing the exact position of each tree/s and their protective fencing in accordance with British Standard 5837: 2012: "Trees in Relation to Design, Demolition and Construction -Recommendations"; has been submitted to and approved in writing by the Local Planning Authority, and;

The protective fencing shall be erected in accordance with the approved details. The protective fencing shall remain in place for the entire development phase and until all equipment, machinery and surplus materials have been removed from the site. Such fencing shall not be removed or breached during construction operations.

No retained tree/s shall be cut down, uprooted or destroyed, nor shall any retained tree/s be topped or lopped other than in accordance with the approved plans and particulars. Any topping or lopping approval shall be carried out in accordance British Standard 3998: 2010 "Tree Work – Recommendations" or arboricultural techniques where it can be demonstrated to be in the interest of good arboricultural practise.

If any retained tree is removed, uprooted, destroyed or dies, another tree shall be planted at the same place, at a size and species and planted at such time, that must be agreed in writing with the Local Planning Authority.

No fires shall be lit within 15 metres of the furthest extent of the canopy of any retained trees or hedgerows or adjoining land and no concrete, oil, cement, bitumen or other chemicals shall be mixed or stored within 10 metres of the trunk of any tree or group of trees to be retained on the site or adjoining land.

[In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs 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.

**POLICY-[C3]**

**(6) WD8**

The roads, including footpaths and turning spaces, shall be constructed so as to ensure that, before it is occupied, each dwelling has been provided with a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.

**REASON:** To ensure that the development is served by an adequate means of access.

**POLICY {C3}**

**(7) WD12**

No part of the development hereby permitted shall be first occupied until 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.

**POLICY {C3}**

**(8) WE3 NO ADDITIONS/EXTENSIONS OR EXTERNAL ALTERATIONS**

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}**

**(9) WE15 USE OF GARAGE**

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), the garage(s) hereby permitted shall not be



converted to habitable accommodation.

**REASON:** To secure the retention of adequate parking provision, in the interests of highway safety.

**POLICY-[C3]**

**(10) WG3 DISPOSAL OF SEWERAGE-SUBMITTED & IMPLEMENTED**

No development shall commence on site until details of the works for the disposal of sewerage including the point of connection to the existing public sewer 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 and does not increase the risk of flooding or pose a risk to public health or the environment.

**POLICY-[C3]**

**(11) WG4 DISPOSAL OF SEWERAGE -IMPLEMENTED**

The development hereby permitted shall not be occupied until the approved [sewage disposal] [drainage] works proposed have been completed in accordance with the submitted and approved details.

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

**POLICY-[C3]**

**(12) WH2A CONTAMINATION INVESTIGATION - SUBMIT AND IMPLEMENT**

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 should

be carried out in accordance with DEFRA and Environment Agency's "Model Procedures for the Management of Land Contamination CLRII" 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.

**POLICY-[C3]**

#### **(13) WH6 FLOOD RISK ASSESSMENT (IMPLEMENTATION)**

The mitigation measures detailed in the approved Flood Risk Assessment (FRA) dated 12/9/12 shall be carried out in full prior to the first occupation of the development and/or in accordance with the approved timetable detailed in the FRA.

**REASON:** In the interests of flood prevention.

**POLICY:** National Planning Policy Frameworks paragraphs 100-103.

#### **(14) WM4 CONSTRUCTION METHOD STATEMENT**

No development shall commence on site (including any works of demolition), until a Construction Method Statement, which shall include the following:

- a) the parking of vehicles of site operatives and visitors;
- b) loading and unloading of plant and materials;
- c) storage of plant and materials used in constructing the development;
- d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- e) wheel washing facilities;
- f) measures to control the emission of dust and dirt during

**construction;**

- g) a scheme for recycling/disposing of waste resulting from demolition and construction works; and**
- h) measures for the protection of the natural environment.**
- i) hours of construction, including deliveries;**

**has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be complied with in full throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement.**

**REASON: To minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase.**

**POLICY-[C3]**

**(15) WH8**

**Management and maintenance of all habitats shall be carried out in strict accordance with the management prescriptions set out in the approved Ecological Management Plan (Waterman, April 2013, Document ref: EED13466\_R\_1\_4\_4\_LM), unless otherwise agreed in writing with the Local Planning Authority. Upon commencement of development, annual monitoring reports shall be submitted to the Local Planning Authority, as required by the Ecological Management Plan, annually for a period of at least five years.**

**Reason: To protect and enhance the nature conservation interests at the site**

**Policy NE7**

**(16) WH8**

**Prior to commencement of development, detailed proposals for the restoration of the River Ray (as approved by the Environment Agency) shall be submitted to and approved by the Local Planning Authority. The Detailed River Restoration Proposals shall be in accordance with the principles of the approved preliminary concept, as shown on Drawing Ref CPM2658a/20 (Figure 5 of the approved Ecological Management Plan), and shall include timescales for carrying out and completing the works. All restoration works shall be carried out in strict accordance with the approved Detailed River Restoration Proposals, and shall be completed within the approved timescales unless otherwise agreed in writing with the Local Planning Authority.**

**Reason: To protect and enhance the nature conservation interest of the River Ray**

**Policy NE7**

**(17) WM13 APPROVED PLANS**

The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

Archaeological Report 12/9/11  
Arboricultural survey & Constraints Report 12/8/11  
Design and Access Statement 12/8/11  
Drainage Layout (Revised) 9/2/13  
Flood Risk Assessment and Drainage Strategy 12/9/11  
Ecological Assessment 12/9/11  
Ecological Management Plan including plan Ref CPM2658a/20 4/4/13  
Environmental Noise Assessment 12/9/11  
Geo-Environmental & Geo-Technical Report 12/9/11  
Landscape & Visual Appraisal 12/9/11  
Landscape Specification 12/8/11  
Statement of Community Involvement 25/8/11  
Transport Statement 12/9/11  
Waste Audit and Management Strategy 12/9/11  
Site Location Plan 12/8/11  
Topographical Survey 12/9/11  
Highway Layout 9/4/13  
Car Parking Schedule 14/3/12  
Footpath Diversion 9/4/13  
Revised Landscape Proposals WAIN17762-10 Sheets 1 to 3 15/3/12  
House Type Planning Drawings – 1552 (1 – 27 various revisions – full list to follow) 18/10/11  
Revised Site Layout 14/3/11  
Revised Street Elevations 1552/103 REV B 18/10/11

**REASON:** For the avoidance of doubt and in the interests of proper planning.

**POLICY-[C3]**

44 **Urgent Items**

There were no urgent items.

(Duration of meeting: 6.00pm - 8.15pm)

The Officer who has produced these minutes is Alexa Smith, of Democratic Services, direct line (01249) 706610, e-mail [alexa.smith@wiltshire.gov.uk](mailto:alexa.smith@wiltshire.gov.uk)

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