

## NORTHERN AREA PLANNING COMMITTEE

---

### **DRAFT MINUTES OF THE NORTHERN AREA PLANNING COMMITTEE MEETING HELD ON 29 MAY 2013 AT COUNCIL CHAMBER - COUNCIL OFFICES, MONKTON PARK, CHIPPENHAM, SN15 1ER.**

#### **Present:**

Cllr Mary Champion (Substitute), Cllr Bill Douglas, Cllr Chris Hurst, Cllr Peter Hutton (Vice-Chair), Cllr Simon Killane (Substitute), Cllr Jacqui Lay (Substitute), Cllr Mark Packard, Cllr Sheila Parker, Cllr Toby Sturgis, Cllr Anthony Trotman (Chairman) and Cllr Philip Whalley

#### **Also Present:**

Cllr Chuck Berry, Cllr John Thomson and Cllr Dick Tonge

---

#### **45 Apologies**

Apologies were received from Councillor Christine Crisp, Councillor Mollie Groom and Councillor Howard Marshall.

Councillor Crisp was substituted by Councillor Mary Champion.

Councillor Groom was substituted by Councillor Jacqui Lay.

Councillor Marshall was substituted by Councillor Simon Killane.

#### **46 Minutes of the Previous Meeting**

The minutes of the meeting held on 24 April 2013 were presented.

#### **Resolved:**

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

#### **47 Declarations of Interest**

Councillor Simon Killane declared an interest in agenda items 7b and 7c as Chairman of the Malmesbury Neighbourhood Steering Group. He declared he would participate in the debate and vote for each item with an open mind.

48 **Chairman's Announcements**

The Chairman announced that agenda items 7d and 7h had been withdrawn from the meeting.

49 **Public Participation and Councillors' Questions**

The Committee noted the rules on public participation.

50 **Planning Appeals**

The Committee noted the contents of the appeals update.

51 **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, 7b, 7c, 7e and 7f as listed in the agenda pack.

**Additional Information**

52 **N/13/00054/FUL - Field adjacent Old Inn, Upper Minety, Malmesbury, SN16 9PR**

Public Participation

Mr Mark Willis spoke in objection to the application.  
Mr Alex Maddon spoke in objection to the application.  
Mr Charles Cook spoke in objection to the application.  
Mr Jonathon Joyce spoke in support of the application.  
Mr Richard Kitson spoke in support of the application.  
Mr Matthew Harrison spoke in support of the application.  
Councillor Graham Thorne spoke in support of the application.

The senior planning officer presented a report which recommended that planning permission be granted subject to conditions and following the signing of a section 106 agreement. The proposal was for ten affordable houses arranged in four blocks on a greenfield site within Upper Minety. The officer described the policies considered and the main issues faced. The officer then went through the design and layout of the scheme.

The committee then had the opportunity to ask technical questions of the officer. The use of cladding on the development was raised.

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

The local councillor, Councillor Chuck Berry, then spoke in favour of the application, to support Minety Parish Council.

A discussion took place in which the highways officer explained the proposal would result in a small increase in traffic and the junction concerned was not deemed to be a dangerous one. With respect to site selection and evidence of methodology, much work had been undertaken at the pre-application stage. There was a need in the area for affordable housing and the availability of sites that met with the criteria was important. A letter had been received regarding

water voles at the site and it was felt this could be addressed within the conditions of the proposal.

**Resolved:**

**For Application N/13/00054/FUL**

**That planning permission be DELEGATED to the area development manager, subject to the signing of a Section 106 in respect of the:**

- **Retention of the dwellings as affordable housing in perpetuity**
- **Education contributions of - £19,155 (sum to be confirmed in late observations)**
- **Public open space contributions of - £20,130.**

**For the following reason:**

**This proposed development for 10 affordable housing units is acceptable as it is considered to be an exception site in terms of policy H7 of the North Wiltshire Local Plan. It is considered acceptable in terms of its location, impact on the surrounding area in terms of its access and impact on the highway network and local drainage conditions, its scale layout and detailed design and complies with the policy framework at this time**

**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. 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.**

**6229D Design & Access Statement RevA  
6229D Site Analysis  
6229D 7901 External Material Schedule**

**White Design Drawings  
6229D 0101 Site Location Plan  
6229D 0102 Site Context Plan  
6229D 0103 Site Survey  
6229D 0104C Site Proposed Layout *10<sup>th</sup> MAY 2013***

**6229D 0111 Unit 1 Floor Plans  
6229D 0112 Unit 2 Floor Plans  
6229D 0113 Unit 3 Floor Plans**

**6229D 0114 Unit 4 Floor Plans**

**6229D 211 Unit 1 Sections**

**6229D 212 Unit 2 Sections**

**6229D 213 Unit 3 Sections**

**6229D 214 Unit 4 Sections**

**6229D 0301B Site Elevations Across Site 10<sup>th</sup> MAY 2013**

**6229D 0302B Site Elevations - Through Site 10<sup>th</sup> MAY 2013**

**6229D 0303 Site Elevations - Long 10<sup>th</sup> MAY 2013**

**6229D 0311A Unit 1 Elevations 10<sup>th</sup> MAY 2013**

**6229D 0312A Unit 2 Elevations 10<sup>th</sup> MAY 2013**

**6229D 0313 Unit 3 Elevations**

**6229D 0314 Unit 4 Elevations**

**6229D TRADA Feather Edged Detail**

**6229D 0501 Site View**

#### **Other Drawings and Docs**

- Extended Phase 1 Habitat Survey - Chalkhill
- Geotechnical Report - Integrale
- Housing Needs Survey - Wiltshire
- Notice on Landowners - WRHA
- Post Consultation Meeting Responses - Answers to Questions - WRHA
- Pre Consultation Meeting Handout - Questions and Answers - WRHA
- Statement of Community Involvement - WRHA
- – Tracking Plan
- –Flood Risk assessment
- Proposed Site Layout Revc – CEC

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

- 3. All boundary hedgerows to be managed as part of the public open space shall be managed favourably for the conservation of brown hairstreak butterfly. Favourable management practices shall include:**

- Hedgerows shall be trimmed no more than once every three years;
- Hedgerows shall be layed or coppiced no more than once every seven years;
- Hedgerow management shall be carried out in February; and
- Chemical treatments shall not be applied within 5m of the base of hedgerows.

**REASON:** To conserve local populations of brown haristreak butterfly.

- 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 undertaken and until:

- a) The Local Planning Authority has been provided with written confirmation that, in the opinion of the developer, the site is likely to be free from contamination which may pose a risk to people, controlled waters or the environment. Details of how this conclusion was reached shall be included.
- b) If, during development, any evidence of historic contamination or likely contamination is found, the developer shall cease work immediately and contact the Local Planning Authority to identify what additional site investigation may be necessary.
- c) In the event of unexpected contamination being identified, all development on the site shall cease until such time as an investigation has been carried out and a written report submitted to and approved by the Local Planning Authority, any remedial works recommended in that report have been undertaken and written confirmation has been provided to the Local Planning Authority that such works have been carried out. Construction shall not recommence until the written agreement of the Local Planning Authority has been given following its receipt of verification that the approved remediation measures have been carried out.

**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. *No demolition, site clearance or development shall commence on site until an Arboricultural Method Statement (AMS) prepared by an arboricultural consultant providing comprehensive details of construction works in relation to trees shall be submitted to, and approved in writing by, the Local Planning Authority. All works shall subsequently be carried out in strict accordance with the approved details. In particular, the method statement must provide the following:-*
  - **A specification for protective fencing to trees during both demolition and construction phases which complies with BS5837:2012 and a plan indicating the alignment of the protective fencing;**
  - **A specification for scaffolding and ground protection within tree protection zones in accordance with BS5837:2012;**
  - **A schedule of tree works conforming to BS3998:2010;**
  - **Details of general arboricultural matters such as the area for storage of materials, concrete mixing and use of fires;**
  - **A full specification for the construction of any arboriculturally sensitive structures and sections through them, including the**

installation of boundary treatment works, the method of construction of the parking areas including details of the no-dig specification and extent of the areas of the parking areas to be constructed using a no-dig specification;

- Details of all other activities, which have implications for trees on or adjacent to the site.

**REASON:** In order that the Local Planning Authority may be satisfied that the trees to be retained on and adjacent to the site will not be damaged during the construction works and to ensure that as far as possible the work is carried out in accordance with current best practice and section 197 of the Town & Country Planning Act 1990.

6. No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:

- (a) indications of all existing trees and hedgerows on the land;
- (b) details of any to be retained, together with measures for their protection in the course of development;
- (c) all species, planting sizes and planting densities, spread of all trees and hedgerows within or overhanging the site, in relation to the proposed buildings, roads, and other works;
- (d) car park layouts;
- (e) other vehicle and pedestrian access and circulation areas;
- (f) hard surfacing materials;
- (g) minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);
- (h) 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.

7. 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.

- 8. 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**

- 9. No development shall commence on site until details of the design, external appearance and decorative finish of all railings, fences, gates, walls, bollards and other means of enclosure have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the development being occupied.**

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

**POLICY-C3**

- 10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any 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**

- 11. No development shall commence on site until details of the design location and proposed collection service for refuse and recycling facilities (including location and range of facilities) have been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until the approved facilities have been completed and made available for use in accordance with the approved details and they shall be**

subsequently maintained in accordance with the approved details thereafter.

**REASON:** In the interests of public health and safety.

**POLICY- C3**

**12.**No development shall commence on site until a scheme for the proposed bridging and piping of the drainage ditches adjacent to the site, to include precise details of the construction of the proposed vehicular and pedestrian accesses have been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until these works have been constructed in accordance with the approved scheme.

**REASON:** To ensure that the development can be adequately drained.

**POLICY- C3**

**13.**No part of the development hereby permitted shall be first brought into use until the access (including visibility splay), and parking spaces have been completed in accordance with the details shown on the approved plans (Drawing titled Site Layout – Proposed numbered 6229 D 0104 Rev c). The areas shall be maintained for those purposes at all times thereafter.

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

**14.**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. In line with (Drawing titled Site Layout – Proposed numbered 6229 D 0104 Rev c).

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

**53**     **N/11/04092/FUL - Malmesbury Garden Centre (Sainsburys application)**

Public Participation

Ms Iris Thompson spoke in objection to the application.

Mr Mike Stone spoke in objection to the application.

Mr Bruno Moore spoke in favour of the application.

Mrs Sue Wright spoke in favour of the application.

Mr Guy Perry spoke in favour of the application.



Councillor Kim Power spoke in objection to the application.

The area development manager presented a report which recommended planning permission be refused. He explained that each supermarket application would be considered in turn, however there were a number of common issues to consider, such as the size of the site, its location, the impact on the town centre, the prospect of linked trips, the non-food element of the proposal and the neighbourhood plan. The area development manager highlighted that the petrol filling station had been removed from the original Sainsbury's application. This site was currently used as a garden centre and physically out of town, making the prospect of linked trips limited. A vehicular roundabout was proposed to improve the entrance to the site. The proposal was for a mixed-use development comprising a foodstore, relocated builder's merchants and employment floor space.

The committee then had the opportunity to ask technical questions of the officer. The accident status of the junction was raised, fixing the non-food element to a specific number of square metres, and the movements of the large articulated vehicles using the existing builder's merchants.

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

The local councillor, Councillor John Thompson, then spoke in favour of the application.

A discussion followed in which it was noted that the impact of the proposal on a single property was not sufficient grounds for a refusal. It was thought to be unfortunate the applications had not waited for the neighbourhood planning process. The difference in the non-food elements of the applications was considered to be small. Concern was raised regarding people travelling out of the Malmesbury community area at present for their food shopping.

**Resolved:**

**For Application N/11/04092/FUL**

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

- 1. "The proposed development will result in the creation of a food store in an out of town location some 1.2km from the existing Malmesbury shopping area. The proposed foodstore is considered to have an adverse impact upon the vitality of the existing town centre. The site is not sequentially preferable. The application does not comply with Policy R4 (Proposals Outside Town Centre Primary and Town Centre Secondary Areas) of the North Wiltshire Local Plan 2011; the retail element of the National Planning Policy framework (in particular paragraph 27; Policy 38**

**of the pre-submission draft Wiltshire Core Strategy and the policies in the draft Malmesbury Neighbourhood Plan.”**

**2. “The 3.9 ha (approximate) site is allocated for B1 and B2 employment uses in the North Wiltshire Local plan and this allocation is continued in the pre-submission draft of the Wiltshire Core Strategy and is supported through the draft Malmesbury Neighbourhood Plan. Around 2.4 ha of the site will be given over to non-employment based uses, namely retail. A retail use does not comply with the long term aims of the current or emerging planning policies in local documents. The application is contrary to the requirements of Policy BD1 (Employment Land) of the North Wiltshire Local Plan 2011; Core policies 13 and 35 of the pre-submission draft Wiltshire Core Strategy and the objectives of the draft Malmesbury Neighbourhood Plan”**

**Further advice regarding the impact on the landscape and visual appearance will be reported at the Northern Area Planning Committee and may result in additional reasons for refusal.**

**54 N/12/00165/FUL- Land to Rear of Avon Mills (Waitrose application)**

Mr Jonathan Davies spoke in objection to the application.  
Mr John Shillibeer spoke in objection to the application.  
Ms Caroline Moore spoke in objection to the application.  
Ms Lesley Bennett spoke in support of the application.  
Mr Jonathan Banham spoke in support of the application.  
Mr Keith Neil-Smith spoke in support of the application.  
Councillor John Gundry spoke in support of the application.

The area development manager presented a report which recommended permission be granted subject to conditions. It was noted the town centre site had a surrounding earth bank and soft landscaping in order to help it blend in with the surroundings. Since the original submission, the car park had been moved to leave a greater area intact around the historic Avon Mills buildings. The proposal was to provide a foodstore with associated car parking, servicing, pedestrian, cycle and vehicular access, landscaping and boundary treatments.

The committee then had the opportunity to ask technical questions of the officer. It was stated that a service yard management plan could be included in the conditions of the application. It was confirmed the majority of the trees would be native deciduous species, however combined with the earth banks, they should hide the supermarket from view.

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

The local councillor, Councillor Simon Killane, spoke in favour of the application.

A debate followed, which covered the following main points; contributions towards the bus service, the closeness of the site to the town centre and the potential for linked trips, light pollution from the car parking area at night, the structure of the historic Avon Mills buildings, the amenities included in the application, and finding a balance between conservation and the survival of the market town. The area development manager clarified that the objectors had submitted a list of concerns and that some of these could be honed into viable conditions.

**Resolved:**

**For Application N/12/00165/FUL**

**That planning permission be GRANTED subject to the following conditions:**

- **A legal agreement to secure community benefits including highways improvements; provision of pedestrian/cycleway; a pedestrian crossing; traffic calming on the A429; Travel Plan for staff; public car parking on the site to facilitate linked trips and a comprehensive town centre enhancement strategy.**
- **Conditions to include (but not exclusively): securing landscaping proposals; restricting sales areas for comparison goods; restricting use of any part of the store as a pharmacy, post office; securing implementation of lighting scheme; securing a construction method statement; securing a service yard management plan; and securing drainage works.**

**For the following reason:**

**“The economic case for additional retail development in Malmesbury is clear cut. The site meets the sequential test and there are no other comparable sites that would meet the needs of the town. These facts weigh heavily in favour of the proposal. Whilst the heritage and landscape objections are understood, the Council has concluded that the potential harm would be less than substantial. However, there are significant public benefits that are likely to accrue from this proposal. The site’s location and the application proposal itself are considered to complement the existing town centre. Through the provision of publicly available parking on the site the possibility of linked trips is encouraged. The applicants have offered a package of measures (secured through a legal agreement) that are considered beneficial to the economy and amenity of the town (including a town centre enhancement strategy; traffic calming measures on the A429; a pedestrian footway/cycleway; a pedestrian crossing and Travel Plan). The proposal is considered to comply with policies C2 (Community Infrastructure); C3 – (Development Control Core Policy); HE1 (Development in Conservation Areas); NE15 (The Landscape and character of the countryside); and R4 ( Proposals**

outside town centre primary and town centre secondary areas) of the North Wiltshire Local Plan 2011; The National Planning Policy framework (in particular In particular the sections relating to ensuring the vitality of town centres (paragraphs 24 to 27) and the protection of heritage assets (paragraphs 17 and 128 to 134); the policies of the Wiltshire Core Strategy pre-submission document and the Draft Malmesbury Neighbourhood Plan”

*To note: On 30 May, an Article 25 notice was received which instructed Wiltshire Council not to issue the decision until such time as the Secretary of State had considered whether to recover the application.*

55 **N/12/03466/FUL and N12/03477/LBC - ITEM WITHDRAWN**

56 **N/13/00244/FUL - 8 Willowbrook and Ashgrove House, Purton, SN5 4AG**

Public Participation

Mr John Playfair spoke in objection to the application.

Mrs Barbara Kersey spoke in objection to the application.

Mr Mark Beggs spoke in objection to the application.

Mr Simon Chambers spoke in favour of the application.

Councillor Geoff Greenaway spoke in objection to the application.

The area development manager presented a report which recommended permission be granted subject to conditions. The proposed development was for a physical expansion of the site, but not to increase staff or resident numbers, but to allow for single occupier rooms in accordance with the spaces currently permitted by Wiltshire Council. The access to the building and the use of the building were considered by officers to be acceptable.

The committee then had the opportunity to ask technical questions of the officer. There were no technical questions.

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

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

A discussion followed during which it was established no Section 106 agreements had been sought or offered and that the footway was used at present.

**Resolved:**

**For Application N/13/00244/FUL**

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

In accordance with paragraph 187 of the National Planning Policy Framework, Wiltshire Council has worked proactively to secure this development to improve the environmental conditions of the area. The proposed conversion is considered to be acceptable in the context of the surrounding area and would preserve the character and appearance of this part of the Malmesbury Conservation Area. The property has been marketed for a period of over 24 months without success and therefore the change of use is considered to be acceptable in this instance and is in accord with policies C3 and H3 of the North Wiltshire Local Plan 2011.

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. 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

LPC/3142/1

Location Plan

LPC/3142/EX/1 – Existing Plan

LPC/3142/EX/2 – Existing Elevation

LPC/3142/2A – Proposed Site Layout

LPC/3142/3A – Proposed Ground Floor Plan

LPC/3142/4A – Proposed First Floor Plan

LPC/3142/5A – Proposed Elevations

Received 29.01.13

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

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 part of the development hereby approved shall be first brought into use until the parking area shown

on the approved plan, LPC/3142/3A, has been consolidated, surfaced and laid out in accordance with the approved details. The use of the car parking spaces shall only be for the use staff car parking. There shall be no deliveries, visitor parking via this car parking space. 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.

5. Pursuant to condition 4, no part of the development hereby approved shall be first brought into use until details of a sign saying 'Staff Parking Only' has been submitted to and approved in writing by the Local Planning Authority. The sign shall be erected on site in a position agreed in writing with the Local Planning Authority and shall be retained on site in perpetuity.

**REASON –** To ensure the parking spaces remain available for staff parking at all times.

6. The extension (building) hereby permitted shall not be occupied at any time other than for purposes ancillary to the use of the site known as property known as Ashgrove House Nursing Home.

**REASON:** The additional accommodation is sited in a position where the Local Planning Authority, having regard to the reasonable standards of residential amenity, access, and planning policies pertaining to the area, would not permit a wholly separate / additional unit.

7. 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 brought into use until surface water drainage has been constructed in accordance with the approved scheme.

**REASON:** To ensure that the development can be adequately drained.

57 **N/13/00477/FUL & N/13/00478/LBC- Horse and Jockey, Public House, Gosditch, Ashton Keynes, SN6 6NZ**

Public Participation

Mr Simon Jefferson spoke in objection to the application.  
Mr Malcolm Carter spoke in objection to the application.  
Ms Jackie Pembroke spoke in support of the application.  
Mr Nigel Whitehouse spoke in support of the application.  
Mr Guy Collister spoke in support of the application.  
Mr David Wingrove spoke in objection to the application.

The area team leader presented a report which recommended that planning permission and listed building consent be delegated subject to conditions. The proposal comprised the change of use of the buildings and grounds from a public house to form a single, six bedroom residential dwelling. The main issue related to the application was the loss of the public house as a facility in Ashton Keynes. Marketing and viability reports had been produced regarding the property and the viability report had concluded that the reopening of the Horse and Jockey as a pub business had no sound financial basis and would be highly unlikely to be successful. The building was run down internally and there was already another local public house.

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

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

The local councilor, Councillor Chuck Berry, then spoke in support of keeping the building as a public house.

A discussion took place where it was raised there was insufficient evidence the building had been marketed to reflect its state, a public house in a similar position had been turned around in Little Somerford, the potential of visiting cyclists to use the public house and the importance of community assets.

**Resolved:**

**For Application N/13/00477/FUL**

**That planning permission be DEFERRED to ask the applicant to submit additional information on the marketing exercise carried out on the property and for Wiltshire Council to seek independent advice regarding the viability of the business and the justification for the proposed change of use.**

58 **N/13/00795/FUL & N/13/00870/LBC - 8 Monks Lane, Neston, Corsham, SN13 9PH**

**Public Participation**

Mr Mark Willis spoke in support of the application.

The area team leader presented a report which recommended that planning permission be refused for a pitched roof garage with a glazed linking section to the existing building. Concerns were raised with the use of materials and the setting of the listed building.

The committee then had the opportunity to ask technical questions of the officer. A question was raised about whether a condition on the application could be the building remained as a garage, and it was confirmed it could be.

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

The local councillor, Councillor Dick Tonge, then spoke in support of the application.

The visual impact of the proposal, the use of unsympathetic materials and the issue of setting a precedent in the local area were discussed.

**For Application N/13/00795/FUL**

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

**The proposed development, by reason of its siting, scale, massing, design and materials, will fail to conserve or enhance the character or appearance of the listed building and its setting and therefore fails to accord with Policies C3, HE4 and H8 of the adopted North Wiltshire Local Plan 2011 and Sections 7 and 12 of the National Planning Policy Framework.**

**In respect of 13/00870/LBC**

**Listed Building Consent be REFUSED for the following reason:**

**The proposed works, by reason of their siting, scale, massing, design and materials, will have a detrimental impact on the listed building and its setting contrary to the provisions of The Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990.**

59 **N/13/00846/FUL - ITEM WITHDRAWN**

60 **Urgent Items**

There were no urgent items.

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)

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



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 28th May 2013.**

**Item 7(a) – 13/00054/FUL – Field Adjacent Old Inn, Upper Minety**

Amendment to text in respect of Planning policy

**6. Planning Policy- Wiltshire and Swindon Structure Plan revoked 20/05/2013**

It has been confirmed that the proposed gated entrance into the open space will be a swing gate or kissing gate therefore entrance into the area will not be restricted.

Clarification of finished floor levels as shown on drawing number 6229 D 0301B as confirmed by agent on 28<sup>th</sup> May 2013. This varies from the comments expressed in section DESIGN AND LAYOUT in particular paragraph two.

*The FFL of Unit 2 is the same as Unit 1 - and these are the lowest on the site at 100.90. The ridge height of unit 2 is the lowest on the site.*

*All Unit FFLs are at least 300mm above surrounding EGL, with Unit 2 FFL 900mm above EGL as the flood plan is at 100.00, and roadway fronting this has the SUDs tanking which must be 100.70 (to ensure the tanking is above the 100.00 flood plain level). The difference between unit 2 FFL and EGL is only notable within the gardens, with steps and an accessible ramp down to EGLs. Flooding report requires no development on floodplain to maintain this area (see COMMENTS in email 17/4/2013 and borrow and share analysis on flooding layout).*

These finished floor levels are considered acceptable given the position of the units on the site and in relation to the context. The units do not sit adjacent to existing properties but read as a self contained group.

Further comments received from the Highway Engineer in conjunction with the Highway Drainage Engineer are, as follows.

*I can confirm that I have spoken to Danny Everett this afternoon. From a highways drainage view we have no concerns. This is on basis that the drainage system within the site (permeable paving) will not be connecting to any highway system in the locality. I also note that the roads will remain un-adopted. With regard to water from the site entering the highway, this should not take place as the roads will have permeable paving.*

*With regard to the piping of the ditches for vehicular and pedestrian access I am happy to adhere to the condition we agreed. But as a note Danny suggested that when details are submitted, we will only approve pipes with a 450mm diameter.*

Further clarification from the housing officer in respect of the proposed tenure of the residential units.

*It is 10 affordable rent homes. Affordable rented homes will be made available to tenants at up to a maximum of 80% of market rent and allocated in the same way as social housing is at present.*

The Education Officer has been consulted in order to that the total education costs required can be given as these were not fully confirmed in the report.

The figure given is and this is to be included within the 106 agreement payments.

2 primary places and 2 secondary places.

Present multipliers are £12713 for primary and £19155 for secondary

Therefore total requested = £25426 for primary and £38310 for secondary

Total request for education = £63736

**3 further letters received 1 in support of scheme although issue of drainage and surface water raised- this matter is addressed in the report.**

**2 letters of objection have been received –**

**Water voles have been raised as an issue-**

**This matter has been raised with the councils ecologist who has commented in full. The conclusion of the ecologist is that a condition to ensure minimal disruption to the habitat of any water voles found would be satisfactory, therefore the following additional condition should be attached to any permission granted-**

***15- Prior to commencement of development a Water Vole Mitigation Statement shall be submitted to and approved by the Local Planning Authority. The mitigation statement shall include:***

- ***A detailed survey of all watercourses adjacent to the site boundaries, mapping all water vole burrows***
- ***Methods to protect all water vole burrows and suitable habitats within 5m of construction works, which shall be retained in situ from damage and disturbance***
- ***Methods and timescales to exclude water voles from those burrows which cannot be retained in situ***
- ***Methods to restore and enhance any damaged water vole habitats***

***All construction works shall be carried out in full accordance with the approved mitigation strategy unless otherwise agreed in writing with the Local Planning Authority.***

***REASON- In order to minimize and protect any water voles on this site.***

**Further issues have been raised in respect of the officers report. These are -**

- **Local Support-** this is covered in the officers report. It is recognized that there is a split between residents in Upper Minety and those in Minety.
- **Policies** are covered in officers report.
- **The availability of other sites** is also addressed.
- **It is considered by officers that a fair and due process has been followed.**

---

**Item 7(b) – 11/04092/OUT – Malmesbury Garden Centre, Crudwell Road, Malmesbury, Wiltshire, SN16 9JL**

**Since the report was drafted a number of further letters of objection and support have been received. The current total as at 13:00 on 29<sup>th</sup> May was:**

**198 letters of support received (key points as summarized in report)**

**315 letters of objection received (key points as summarized in report)**

**NORTHERN AREA PLANNING COMMITTEE ADDITIONAL INFORMATION**  
**29<sup>th</sup> May 2013**

The Malmesbury Neighbourhood Plan Steering Group (MNPSG) have analysed the responses to the Draft Neighbourhood Planning document and have summarized the responses where they relate to issues of a retail planning:

The following information can be used to show how local people view the proposed sites and in fact because of the pre existing plans, often refer to the supermarkets by brand name rather than by site name. Feedback has been collated from those people who made particular reference to a potential supermarket site(s) or supermarket(s) and also those who stated in some way that they supported or agreed with the draft Neighbourhood Plan.

- Some people came along to more than one event or gave more than one similar feedback, so their feedback is being amalgamated into one entry.
- Some people commented on more than one site or supermarket in their feedback. (N.B Therefore percentages will not calculate to 100% in total).
- There were no specific questions on the feedback forms and some residents did not comment at all about the supermarkets or sites only other areas of interest.
- The Avon Mills Site is identified in the draft Neighbourhood Plan.

<b>Feedback Comments</b>	<b>Number of Residents Who Gave Feedback<sup>[1]</sup></b>	<b>Percentage of Residents Who Gave Feedback</b>
<b>Feedback pro Avon Mills Site/ Waitrose</b>	<b>167</b>	<b>64%</b>
<b>Feedback contra Avon Mills Site/ Waitrose</b>	<b>58</b>	<b>22%</b>
<b>Feedback pro Sainsburys/ Garden Centre Site</b>	<b>26</b>	<b>10%</b>
<b>Feedback contra Sainsburys/ Garden Centre Site</b>	<b>26</b>	<b>10%</b>
<b>Feedback indicating preference for the Co-Op to be expanded or taken over and/or no supermarket at all</b>	<b>34</b>	<b>13%</b>

---

<sup>[1]</sup> Included a very few local people just outside the designated Plan area, but who use Malmesbury town facilities.

It should be noted that an objector has submitted a different analysis of the submitted responses. However, this (albeit initial) analysis has been provided by the Steering Group in good faith to reflect the work that has been carried out and the responses received. The neighbourhood Plan in its current unadopted form carries little weight, but is a useful indicator of the views expressed locally.

---

**Item 7(c) – 12/00165/FUL – Land to the Rear of Avon Mills, Malmesbury, Wiltshire**

Since the report was drafted a number of further letters of objection and support have been received. The current total as at 13:00 on 29<sup>th</sup> may was:

190 letters of *objection* have been received raising issues as detailed in the report

In addition to the petition with 66 signatures reported a further e-petition with 121 signatures objecting to the application has been received from the Malmesbury Greenfield Group.

505 letters of *support*. (This included 405 letters which were identically worded supporting the proposal and identifying the following benefits:

- More choice for residents of Malmesbury helping to retain trade in the town
- Location around 300m from town centre is close enough to encourage linked trips
- Car park can be used by customers and those visiting the town centre
- Store is primarily a food store
- Financial support to provide a series of measures promoting and supporting the town centre
- Highway improvements plus pedestrian crossing.)

A petition supporting the application with 41 signatures has also been received.

(Please note comments above regarding the analysis of the MNPSG)

---

**Item 7(e) - 13/00244/FUL– 8 Willowbrook & Ashgrove House, Purton, Wiltshire, SN5 4AG**

Section 10. Recommendation is incorrect and should be replaced with;  
In accordance with paragraph 187 of the National Planning Policy Framework, Wiltshire Council has worked proactively to secure this development to improve the social, economic and environmental conditions of the area. The proposed physical extension is considered to be acceptable in the context of the surrounding area and would not impact unduly on the character or appearance of the area. The use of the building as an improved facility to an existing residential care home is considered acceptable in the context of existing residential uses and impact on amenities of local residents has is considered acceptable. The proposal is therefore in accord with policies C1 and C3 of the North Wiltshire Local Plan 2011.

Comments have been received objecting to the application. These are summarised below;

- Incorrect information on website regarding neighbour notification
- No site notice posted
- Description of works not explicit enough
- Above results in disregard for planning procedures and should therefore be refused as insufficient consultation

#### **Officer Comments**

As noted in the main body of the report, site notices were erected at the time of the application and when notified by the Parish Council that they were no longer in situ, fresh site notices were erected in Willowbrook and on Station Road which allowed 21 days for comments to be received from that date.

In respect of the information on the website there is an anomaly where comments received are grouped with neighbour notification letters. This is an IT issue which should be resolved with the introduction of the new IT system. Neighbours were consulted inline with the neighbour notification procedure adopted by the Council. Broadly, this includes notification of any neighbours who lives adjacent to the site or is within 4 metres. The following properties were sent letters on 01.02.13. The consultation process was therefore conducted correctly.

5, 6, 7, 9, & 10 Willowbrook

61, 62 & 64 Station Road

75 & & 76 Witts Lane

The Bramleys

Protea

Deva House

10 Station Road

In respect of the description of the work, it is for a new building and link to a residential care home to be used for residential care. The wording of the description is therefore considered sufficient to indicate the nature of the works proposed.

---

#### **Item 7(f) - 13/00477/FUL and 13/00478/LBC – The Horse and Jockey, Gosditch, Ashton Keynes**

##### **Agent's Response to Parish Council Comments**

A letter dated 14<sup>th</sup> May 2013 was received making the following points:

Survey had a response rate of 27% so 73% did not reply.

Statute requires applications to be determined in accordance with the development plan policies unless material considerations indicate otherwise.

Attention is drawn to the policies of the development plan relating to the loss of valued local facilities, which highlight the requirement for the business no longer being viable, the marketing of the premises and for there to be alternative facilities within walking distance.

**NORTHERN AREA PLANNING COMMITTEE ADDITIONAL INFORMATION**  
**29<sup>th</sup> May 2013**

With regard to viability:

The applicant is the owner of a local food business serving the pub and restaurant trade and is therefore well aware of viability issues. Evidence submitted by the owner and subsequently Perry Bishop and chambers confirms that significant expenditure would be required for the building to reopen as a pub, and that it is doubtful that it would be viable once opened.

With regard to alternative local services:

The application demonstrates a wide range of community facilities, all within convenient distance, including a pub.

It is questioned that the Pub was a valued local facility in recent years.

With regard to marketing:

The level of interest initially shown was primarily due to the low rent of £20,000 for the first 3 years and the low buy-in amount of £5,000. However no viable offers were received. All of the interested parties had limited availability of funds; insufficient to fund the deposit and the refurbishment, pay the rent, and finance the running of the business as loss making for a period of time until trade was developed.

Detail of the reason for rejecting the offers made is given in the letter.

With regard to intent:

The applicant acknowledges that they seek the change of use for their own occupation, as a single family dwelling. Had a developer bought the premises there could well have been pressure for more intensive development.

As there is no guarantee that change of use would be forthcoming the pub use is a secondary option but given the viability findings this is unlikely to be realistic.

Reference is made to "another interested party". However this person is unknown to the applicant and no approach to the applicant has been made.

It is believed that all relevant points raised by the Parish Council have been addressed.

---