

NORTHERN AREA PLANNING COMMITTEE

MINUTES OF THE NORTHERN AREA PLANNING COMMITTEE MEETING HELD ON 31 JULY 2013 AT COUNCIL CHAMBER - COUNCIL OFFICES, MONKTON PARK, CHIPPENHAM, SN15 1ER.

Present:

Cllr Desna Allen (Substitute), Cllr Glenis Ansell (Substitute), Cllr Christine Crisp, Cllr Mollie Groom, Cllr Chris Hurst, Cllr Peter Hutton (Vice-Chair), Cllr Mark Packard, Cllr Sheila Parker, Cllr Toby Sturgis, Cllr Anthony Trotman (Chairman) and Cllr Philip Whalley

Also Present:

Cllr Howard Greenman, Cllr Simon Killane, Cllr Linda Packard and Cllr Fred Westmoreland

84 **Apologies**

Apologies were received from Cllrs Marshall and Douglas.

Cllr Marshall was substituted by Cllr Ansell.
Cllr Douglas was substituted by Cllr Allen.

85 **Minutes of the previous Meeting**

The minutes of the meeting held on 10 July were presented.

Resolved:

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

86 **Declarations of Interest**

Cllr Sturgis declared an interest in agenda item 7c, 13/01174/FUL – The Forge, High Street, Malmesbury. He declared he would participate in the debate and vote with an open mind.

87 **Chairman's Announcements**

The Committee gave its thanks to Rosemary Lansdowne, Senior Planning Solicitor for her work over the past two years and wished her well in her new role.

88 **Public Participation and Councillors' Questions**

The Committee noted the rules on public participation.

89 **Planning Appeals**

The Committee noted the contents of the appeals update.

90 **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** and **7c** as listed in the agenda pack.

91 **13/01483/FUL - 1 Chestnut Road, Chippenham, Wiltshire SN14 0EY**

Public participation

Charles Manning spoke in support of the application.
Cllr John Scragg spoke in objection to the application

The officer introduced the report which recommended planning permission be delegated to the Area Development Manager to approve subject to the completion of a Section 106 agreement.

He explained that after negotiation the external finish had been amended so as to be predominately painted render, in keeping with the neighbouring property, No. 5 Chestnut Road. The Committee's attention was drawn to the known intermittent parking problems on Chestnut Road, and it was explained that planning proposals can only address the direct impacts of development and cannot be expected to remedy a pre-existing situation. The proposal made adequate provision to meet the needs of the development proposed for off street parking against the Council's adopted standards.

There were no technical questions asked.

Members of the public then had the opportunity to address the committee as detailed above.

The local member, Cllr Linda Packard spoke in objection to the application, noting the lack of a bay window being out of character and appearance with other properties in the area and the revised driveway arrangements resulting in a loss of a parking space.

In the debate that followed the Committee noted that there were other one off developments near the proposal and that the design was to the satisfaction of the officer.

Resolved:

To DELEGATE authority to the Area Development Manager to grant the application, subject to completion of a Section 106 legal Agreement, for the following reason:

The proposed development, by virtue of its location, siting, scale, massing, design and materials, is acceptable in principle and will not harm the character or appearance of the site or its setting.

The proposal will not result in detriment to residential amenity or highway safety and as such accords with Policies C3 and H3 of the adopted North Wiltshire Local Plan 2011 and Sections 6 and 7 of the National Planning Policy Framework.

And 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 details and samples of the materials to be used for the external walls and roofs have been inspected on site 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.

- 3. The development hereby permitted shall not be first occupied until the first five metres of the access, measured from the edge of the carriageway, has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.**

REASON: In the interests of highway safety.

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

5. 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.

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

**788/CAM/2013/1 rev A – Proposed Plans and Elevations
Received 16 July 2013**

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

92 **13/01147/FUL - Glen Echo, Lower Kingsdown Road, Corsham SN13 8BB**

Public participation

Mr Downes and Mr Stuchbury spoke in objection to the application.

Mr Stevens spoke in support of the application.

Cllr Pauline Lyons, Box Parish Council spoke in objection to the application.

The officer introduced the report which recommended planning permission be granted subject to conditions, and drew attention to the late observations tabled at the meeting. He highlighted the issues as being the principle of the development in the green belt, the impact on the openness of the green belt, the impact on the visual amenity of the street scene, the impact on the area of outstanding natural beauty, the impact on neighbouring amenity and land stability. He noted that the existing dwelling was in a poor state of repair and explained that the proposed building had been re-orientated by approximately 15 degrees which allowed for views down the valley and meant that no windows looked directly into the neighbouring property's lounge room. The Committee was reminded of paragraph 60 of the NPPF which stated that 'decisions should not attempt to impose architectural styles and they should not stifle innovation, originality or initiative. It is, however, proper to seek to promote local distinctiveness.'

The Committee then had the opportunity to ask technical questions of the officer during which the 4m hedge height was queried and it was confirmed that this

could be added as an informative or to the landscape management plan. The issue of subsidence was raised and it was explained that although there was no policy for it within the plan, the science was feasible, achievable and correct. Confirmation was given that the Council's Building Control Officers had reviewed the proposals and considered them to be sound based on the available information.

Members of the public then had the opportunity to address the committee as detailed above.

The local member, Cllr Sheila Parker spoke in objection to the application, noting that the increase in volume of 25% would have an impact on the openness of the green belt; the design was not in keeping with others and raised concern over destabilisation.

In the ensuing debate the Committee noted that the existing building was in a poor state of repair being an insurance write off and that a 25% increase in volume was acceptable.

Resolved:

To GRANT planning permission for the following reason:

The proposed development will not be materially larger than the dwelling it will replace and will preserve the openness of the Green Belt. The proposal would have a contemporary design but would not cause harm to the area or the landscape character of the Area of Outstanding Natural Beauty. The proposal would also not result in the loss of neighbouring residential amenity.

The proposal therefore accords with Policies C3, H4, NE1, NE4 and NE14 of the adopted North Wiltshire Local Plan 2011 and Sections 7, 9 and 12 of 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 samples and full details of the stone, timber and sedum roofs to be used on the development 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. 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 those Orders with or without modification), no development within Part 1, Classes A, B and E shall take place on the dwelling house(s) hereby permitted or within their curtilage.

REASON: In the interests of protecting the Green Belt from Inappropriate Development.

POLICY: National Planning Policy Framework.

4. 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- NE14.

- 5. 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.

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

Design and Access Statement – Received 19 April 2013.

Location/Block Plan 316.01 B – Received 19 April 2013.

Existing Floor Plans 316.02 B – Received 19 April 2013.

Existing Elevations 316.03 B – Received 19 April 2013.

Proposed Upper and Lower Ground Floor Plans 316.04 B – Received 19 April 2013.

Proposed First Floor Plan and Roof Layout 316.05 B - Received 19 April 2013.

Proposed Elevations 316.06 B - Received 19 April 2013.

Proposed Site Sections 316.07 B - Received 19 April 2013.

Shared Access/Parking Cross Sections 316.08 A – Received 21 May 2013.

Land Stability Report – Received 6 June 2013.

Email from applicant – Received 12 July 2013.

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

POLICY- C3, H4, NE1, NE4 and NE14

To delegate to the Area Development Manager to add an informative for maintaining the hedge line at 4m.

93 **13/01174/FUL - The Forge, High Street, Malmesbury, Wiltshire SN16 9AT**

Public participation

Ms Phillips spoke in objection to the application.

Mr McAleavy and Mr Andrew Poynton spoke in support of the application.

The officer introduced the report and drew attention to the late observations which recommended planning permission be delegated to the Area Development Manager to grant subject to the completion of a Section 106 agreement and conditions. He confirmed that the site was not within the town centre and not considered a retail unit. The applicants had worked with officers to maintain a more industrial style frontage and submitted revised plans which maintained the parapet wall at its current level.

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

Members of the public then had the opportunity to address the committee as detailed above.

The local member, Cllr Simon Killane noted the clarification over the change of use and confirmed that further discussions with Malmesbury Town Council on both this and the work done to mitigate privacy concerns had resulted in the removal of any objections.

A short discussion took place regarding evolving buildings and accepting alternate uses for properties.

Resolved:

To DELEGATE to the Area Development Manager to grant planning permission subject to the completion of a Section 106 Agreement for the following reason:

The proposed development, by virtue of its design and revised appearance, will not harm the character or appearance of the host dwelling or its setting in a Conservation Area and will not in any case result in the loss of residential amenity. The proposal therefore accords with Policies C3, H3, CF3 and HE1 of the adopted North Wiltshire Local Plan 2011 and Sections 7 and 12 of 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. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match in material, colour and texture those used in the existing building.**

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

POLICY- C3 and HE1 of the North Wiltshire Local Plan 2011.

- 3. No development shall commence on site until a sample wall panel, not less than 1 metre square, has been constructed on site, inspected and approved in writing by the Local Planning Authority. The panel shall then be left in position for comparison whilst the development is carried out. Development shall be carried out in accordance with the approved sample.**

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

POLICY- C3 and HE1 of the North Wiltshire Local Plan 2011.

4. 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 those Orders with or without modification), no development within Part 1, Classes A, B, C, D and E shall take place on the dwellinghouse(s) hereby permitted or within their curtilage.

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 enlargements.

POLICY- C3 and HE1 of the North Wiltshire Local Plan 2011.

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

Design and Access Statement - Received 18 April 2013.

Site Location and Block Plan - Received 18 April 2013.

Plan View Existing - Received 18 April 2013.

Plan View Proposed - Received 18 April 2013.

Existing Elevations - Received 18 April 2013.

Section Plan - Received 9 June 2013.

Revised Proposed Elevations - Received 11 June 2013.

Email from applicant - Received 12 June 2013

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

POLICY- C3, H4, BD2 and HE1 of the North Wiltshire Local Plan 2011

94 **13/01254/FUL - Garages at Stubbs Lane, Kington St Michael, Chippenham, Wiltshire SN14 6HX**

Public participation

Mr Watt-Jones spoke in objection to the application.

Mr and Mrs Labouchere and Mr Richards spoke in support of the application.

The officer introduced the report which recommended planning permission be refused. He noted the site benefits from consent for a dwelling, however the approved scheme was not well supported. He explained that the proposal's scale, bulk, mass and especially height did not respect characteristics and

constraints of the location. Additional information had been submitted by the applicants at the start of the meeting regarding the drainage and flooding matters however there had been no time to review and therefore this could not be commented on. The ecologist had signed off the approved scheme however as the proposal now included a basement element this information would need to be updated. He acknowledged that he had not asked the applicants to submit further information due to the costs involved and that refusal was also recommended around the design and character and the lack of a Section 106 Agreement.

The Committee then had the opportunity to ask technical questions of the officer and it was noted that examples of materials shown was a preferred option to ensure appropriateness.

Members of the public then had the opportunity to address the committee as detailed above.

The local member, Cllr Howard Greenman spoke in support of the application, recognising the lack of support for the existing scheme and noting the proposal was more sympathetic to its surroundings. He drew the Committee's attention to their decision on a previous application heard at this meeting and urged them not to be inconsistent with their decision-making.

A debate followed, during which concerns were raised over the scale of the proposal and materials used. The Committee noted that there was a variety of properties within the village that were made out of a variety of materials including Bradstone. It was noted that the parish council and villagers were in support of the application and the design was in keeping with other two storey properties in the village. Concerns were raised over the use of aluminium windows in a conservation area, the need to see sample panels of the materials used, the risk of flooding and the effect on the water voles.

A motion to move the officers recommendation was seconded. A vote was taken and lost.

Resolved:

To DELEGATE authority to the Area Development Manager in consultation with the Chairman of Northern Area Planning Committee to grant the application for the following reason:

The development is considered to respect the character of the locality, to preserve the character and appearance of the conservation area and will not have a harmful impact upon the setting of the Grade II* listed Church of St Michael and its Grade II listed lychgate. The proposal complies with Policies C3, H3, HE1 and HE4 of the adopted North Wiltshire Local plan and the National Planning Policy Framework.

Subject to:

- i. The submission of satisfactory assessments and information to resolve the outstanding matters relating to flood risk and ecology;**
- ii. Conditions to be drafted by the Area Development Manager in consultation with the Chair of the Northern Area Planning Committee to include approval of sample materials; and**
- iii. Completion of a legal agreement to secure the contribution of £26,000 contribution towards affordable housing and £7,400 towards improvement to the Kington St Michael Recreation Ground.**

95 **Urgent Items**

There were no urgent items.

(Duration of meeting: 6.01 - 8.25 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

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.

Item 7b - 13/01147/FUL - Glen Echo, Lower Kingsdown Road, Corsham, SN13 8BB

Building Control: No objection, the structural engineering report appears sound.

Item 7c - 13/01174/FUL The Forge, High Street, Malmesbury, Wiltshire, SN16 9AT

Recommendation should read: "Delegate to Permit subject to S106 agreement"

Letter from Mr Williams FRICS of Graham Singer Chartered Surveyors making additional comments:

- There would be little demand from retailers to take this property given the low demand in general and existing vacant units in town centre.
- Access to the Forge by car, let alone larger vehicles is problematic.
- The building is large enough for industrial use but not suitable given traffic concerns and noise from production and deliveries.

Officer Comments: This supports some of the comments made in the Committee report.

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