

NORTHERN AREA PLANNING COMMITTEE

MINUTES OF THE NORTHERN AREA PLANNING COMMITTEE MEETING HELD ON 25 JUNE 2014 AT COUNCIL CHAMBER - COUNCIL OFFICES, MONKTON PARK, CHIPPENHAM, SN15 1ER.

Present:

Cllr Glenis Ansell (Substitute), Cllr Chuck Berry (Substitute), Cllr Christine Crisp, Cllr Mollie Groom, Cllr Chris Hurst, Cllr Peter Hutton (Vice-Chair), Cllr Simon Killane, Cllr Toby Sturgis, Cllr Anthony Trotman (Chairman), Cllr Nick Watts (Substitute) and Cllr Philip Whalley

Also Present:

Cllr Howard Greenman

67 **Apologies**

Apologies were received from Councillors Mark Packard, Howard Marshall and Sheila Parker.

Councillor Parker was substituted by Councillor Chuck Berry.
Councillor Marshall was substituted by Councillor Glenis Ansell.
Councillor Packard was substituted by Councillor Nick Watts.

68 **Minutes of the Previous Meeting**

The minutes of the meeting held on 4 June 2014 were presented for consideration and it was,

Resolved:

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

69 **Declarations of Interest**

Councillor Peter Hutton declared a non-pecuniary interest in application 13/05214/FUL: Malmesbury Tennis Club, due to the contribution of the council's Public Protection Team (Environmental Health), given his position as Portfolio Holder for Public Protection, but declared he had no involvement in this specific application in any way, and therefore participated and voted on the item.

70 **Chairman's Announcements**

There were no announcements.

71 **Public Participation and Councillors' Questions**

The Committee noted the rules on public participation.

72 **Planning Applications**

Attention was drawn to the late list of observations provided at the meeting, provided in an agenda supplement.

73 **13/05214/FUL - Malmesbury Tennis Club, Tetbury Hill Gardens, Tetbury Hill, Malmesbury, SN16 9JP**

Public Participation

Mr Miles Edmeston, Chairman of Malmesbury Tennis Club, spoke in support of the application.

Mr Chris Miles spoke in support of the application.

Mrs Jo Kitching spoke in support of the application.

The Area Team Leader presented their report which recommended the application be approved. The key issues were stated to include the access and impact on highways, residential amenity and local ecology. Attention was drawn to the late observations and the proposed alteration of some conditions, as well as noting that the applicant's had stated that a temporary permission would not enable them to secure the grant funding being sought from the Lawn Tennis Association.

Members then had the opportunity to ask technical questions of the officer. Details were sought on the timing controls for the operation of the floodlighting, noise concerns and the enforcement of a traffic management scheme.

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

The Local Member, Councillor Simon Killane, then spoke in support of the application provided the work to mitigate the concerns of residents was achieved.

A debate followed, where the community benefit of expanding the Tennis Club was raised, but that this would increase traffic to the site and that the proposed Travel Plan needed to be sufficient and should be reviewed in the future to ensure this.

At the conclusion of debate, it was,

Resolved:

That authority be delegated to the Area Development Manager to grant Planning Permission subject to agreement of an amendment to the Travel Plan to incorporate provisions for review at appropriate intervals to be agreed with the applicant and subject to the following conditions:

- 1 The development of the tennis courts and mini court 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 practice wall hereby approved shall be discontinued and the land restored to its former condition on or before a date 12 months from when first brought into use in accordance with a scheme of work, including a timetable for restoration, first submitted to and approved in writing by the Local Planning Authority.

REASON: The use may be potentially detrimental to the amenities of neighbouring occupiers in terms of noise and light pollution, but there is insufficient evidence to enable the authority to be sure of its effect.

- 3 The floodlights hereby approved shall not be illuminated outside the hours of 09:00 to 21:30 on any day and shall be controlled on a timer.

REASON: In the interests of residential amenity.

- 4 During the construction phase no machinery shall be operated, no process shall be carried out and no delivery shall be taken or dispatched from the site outside of the following hours; Monday to Friday 07:30 to 18:00, Saturday 08:00 to 13:00, nor anytime on Sundays or public holidays.

REASON: In the interests of residential amenity.

- 5 All development shall be carried out in accordance with the recommendations set out in Section 4 of the submitted Ecological Appraisal (Clarke Webb Ecology Limited, 8th November 2012), unless otherwise agreed in writing with the Local Planning Authority.

REASON: To safeguard protected species during the construction phase of development.

- 6 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.
- Details of general arboricultural matters such as the area for storage of materials, concrete mixing and use of fires;
- Plans and particulars showing the siting of the service and piping infrastructure this should also include details of the floodlighting;
- A full specification for the construction of any no-dig specification and extent of the areas to be constructed using a no-dig specification;
- Details of the works requiring arboricultural supervision to be carried out by the developer's arboricultural consultant, including details of the frequency of supervisory visits and procedure for notifying the Local Planning Authority of the findings of the supervisory visits; and
- 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.

- 7
- a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work).
 - b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species and shall be planted at such time, as may be specified in writing by the Local Planning Authority.
 - c) No equipment, machinery or materials shall be brought on to the site for the purpose of the development, until a scheme showing the exact position of protective fencing to enclose all retained trees beyond the outer edge of the overhang of their branches in accordance with British Standard 5837 (2012): Trees in Relation to Construction, has been submitted to and approved in writing by the Local Planning Authority, and; the protective fencing has been erected in accordance with the approved details. This fencing shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the Local Planning Authority.

In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) above shall have effect until the expiration of five years from the first occupation or the completion of the development, whichever is the later.

REASON: To enable the local planning authority to ensure the retention of trees on the site in the interests of visual amenity.

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

- 3684/05 - Site location plan, date stamped 22nd October 2013
- Tree Constraints Plan, May 2014
- 3684/51 Rev C - Existing and proposed site layouts & existing photographs, received 2nd April 2014
- Malmesbury Tennis Club Travel Plan, received 3rd June 2014

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

INFORMATIVE:

Any alterations to the approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the Local Planning Authority before commencement of work.

The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence.

If you intend carrying out works in the vicinity of the site boundary, you are also advised that it may be expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996.

74 **14/03544/FUL - Land At Hazelwood Farm, Seagry Road, Sutton Benger, Wiltshire**

Public Participation

Mrs Kathy Smedley spoke objection to the application.

Mr David Wynne-Davies spoke in objection to the application.

Mr Bruce Groves spoke in objection to the application.

Cllr Glenda Woodville, Sutton Benger Parish Council, spoke in objection to the application.

The Senior Planning Officer presented their report which recommended the application be delegated for approval subject to the signing of a s.106 legal

agreement. Key issues were stated to include the principle of development, impact upon drainage, ecology, highway safety, character and appearance of the area, and s.106 contributions. It was noted there was extant permission to demolish the farm building currently on the site and redevelop for residential purposes. Attention was also drawn to the late observations and some proposed amended conditions.

Members of the Committee then had the opportunity to ask technical questions of the officer. In response to queries it was stated the accesses into the site had been designed to accommodate waste collection services. It was also confirmed that although the adjacent development site was now being undertaken by the same developers, each was still subject to their own legal agreements. Further detail was sought on flooding in the area and it was confirmed that the ponds that had previously been included as part of the application had been for ecological mitigation, not flood mitigation, and that this was now considered unnecessary with the increased public open space alongside the river in the north of the site.

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

The Local Member, Councillor Howard Greenman, then spoke in objection to the application due to the unsuitability of the site due to flooding and drainage concerns, and requested further negotiations towards the extent of and targeting of s.106 contributions, particular with regards play equipment.

A debate followed, where the design and density of the site was assessed, along with the measures taken to mitigate flood risk on the site. On and off site s.106 contributions were debated, along with parking provision and amount of affordable housing.

At the conclusion of debate, it was,

Resolved:

That subject to the completion of a S106 legal agreement to secure contributions in respect of on-site affordable housing and public open space, and off-site contributions in respect of primary and secondary education provision, drainage improvements, leisure provision and play equipment, to delegate to the Area Development Manager to GRANT planning permission, subject to the following conditions:

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 2) No development shall commence on site until all the existing buildings on site have been permanently demolished and all of the demolition materials and debris resulting there from has been removed from the site.

REASON: In the interests of the character and appearance of the area and neighbouring amenities.

- 3) No development shall commence on site until a sample panel of stonework to be used in the external surfaces of the development hereby permitted, 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 area.

- 4) No development shall commence on site until a sample panel of the render to be used on the external walls not less than 1 metre square, has been made available 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 and retained as such in perpetuity.

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

- 5) 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 buildings 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.

- 6) No part of the development hereby permitted shall be first brought into use until the access (road width at entrance to site 5.5m width), and layout have been completed in accordance with details shown on the approved drawing RHSW.5320.02.SA001 'Site Access Arrangements'. The areas shall be maintained for those purposes at all times thereafter.**

REASON: In the interests of highway safety.

- 7) No part of the development hereby permitted shall be first brought into use and parking spaces have been completed in accordance with the details shown on the approved plans and Parking Schedule submitted 10 June 2014). 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.

- 8) No part of the development shall be first occupied until the visibility splays shown on the approved plans have been provided with no obstruction to visibility as detailed on drawing RHSW.5320.02.SA001 'Site Access Arrangements'. The visibility splays shall be maintained free of obstruction at all times thereafter.**

REASON: In the interests of highway safety

- 9) 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 RHSW.5320.02.SA001 'Site Access Arrangements'**

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

- 10)The dwelling known as Plot 74 of the development hereby permitted shall not 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.

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

- (i) Full details of the estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls / walls, service routes, surface water outfall, visibility splays, accesses, carriageway gradients, driveway gradients, car parking and street furniture, including timetable for provision of such works unless an alternative timetable is agreed in the approved details;**
- (ii) Full details of the improvements to Public Footpath 8;**
- (iii) Submission of a Landscape and Ecological Management Plan, to include details of pre and post-construction measures together with monitoring details; and**
- (iv) Full details and samples of all external materials.**

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

REASON: In the interests of the character, appearance, amenity and highway safety of the area.

12) Notwithstanding references to the introduction of ponds, the ecological mitigation measures detailed in the approved Ecological Assessment [EAD Ecological Consultants, December 2012] shall be carried out in full prior to the first occupation of the development and in accordance with the approved timetable detailed in the Ecological Assessment.

REASON: To mitigate against the loss of existing biodiversity and nature habitats.

POLICY: National Planning Policy Framework paragraph 118.

13) The necessary parts of the East stone boundary wall shall be carefully dismantled and stored in a dry and secure place for re-use wherever possible in the works to construct the replacement East stone boundary wall. The materials shall not be disposed of or otherwise taken off-site without the prior written approval of the Local Planning Authority.

REASON: In the interests of preserving the character and appearance of the Conservation Area and its setting.

14) Finished floor levels shall be set no lower than 55.305 metres above Ordnance Datum in accordance with the Flood Risk Assessment (Hydrock, dated March 2014, Ref: R/C14161/002).

REASON: To reduce the risk of flooding to the proposed development and

future occupants.

15) No development shall commence until a surface water drainage scheme for the site incorporating sustainable drainage details, in accordance with the Flood Risk Assessment (Hydrock, dated March 2014, Ref: R/C14161/002), has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include details of how the scheme shall be maintained and managed after completion.

REASON: To prevent the increased risk of flooding and ensure future maintenance of the surface water drainage system.

16) 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.

17) No materials, including spoil arising from excavation works, shall be deposited (either permanently or temporarily) within Flood Zone 3 as delineated by the red line separating the development area and the informal public open space area shown on the 'Planning Layout' drawing in Appendix B, and the 'EA Flood Zone Mapping' in Figure 1 on page 4, of the Flood Risk Assessment (Hydrock, dated March 2014, Ref: R/C14161/002).

REASON: To ensure that there will be no increased risk of flooding to other land/properties due to impedance of flood flows and/or reduction of flood storage capacity.

18) 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 shall be carried out in accordance with DEFRA and Environment Agency's "Model Procedures for the Management of Land Contamination CLR11" and other authoritative guidance and a report detailing the site investigation and risk assessment shall be submitted to and approved in writing by the Local Planning Authority.

Step (iii) If the report submitted pursuant to step (i) or (ii) indicates that remedial works are required, full details have been submitted to the Local Planning Authority and approved in writing and thereafter implemented prior to the commencement of the development or in accordance with a timetable that has been agreed in writing by the Local Planning Authority as part of the approved remediation scheme. On completion of any required remedial works the applicant shall provide written confirmation to the Local Planning Authority that the works have been completed in accordance with the agreed remediation strategy.

REASON: To ensure that land contamination can be dealt with adequately prior to the use of the site hereby approved by the Local Planning Authority.

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

- (i) the parking of vehicles of site operatives and visitors;**
- (ii) loading and unloading of plant and materials;**
- (iii) storage of plant and materials used in constructing the development;**
- (iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;**
- (v) wheel washing facilities;**
- (vi) measures to control the emission of dust and dirt during construction;**
- (vii) a scheme for recycling/disposing of waste resulting from demolition and Construction works;**
- (viii) measures for the protection of the natural environment;**
- (ix) hours of construction, including deliveries; and**
- (x) demolition works and disposal of demolition materials**

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.

- 20) The development hereby permitted shall be carried out in accordance with the following approved plans:

RHSW.5320.02.SH001 rev A - Storey Height Plan
RHSW.5320.02.SL001 rev A - Slab Levels
RHSW.5320.02.SS001 rev A - Site Section A-A
RHSW.5320.02.SS002 rev A - Street Scenes

Received 2 April 2014

House Type Booklet (Proposed Floor Plans and Elevations)

Received 3 April 2014

RHSW.5320.02.AP001 rev B - Adoption Plan
RHSW.5320.02.BM001 rev C - Boundary Material Plan
RHSW.5320.02.DM001 rev B - Dwelling Material Plan
RHSW.5320.02.LP001 rev B - Location Plan
RHSW.5320.02.PL001 rev D - Planning Layout
RHSW.5320.02.SA001 - Site Access Arrangements
SB.LS.07 rev B - Proposed Planting Plots 64 to 84 and Associated Open Space

Received 10 June 2014

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

21)INFORMATIVE TO APPLICANT:

Any alterations to the approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the Local Planning Authority before commencement of work.

22)INFORMATIVE TO APPLICANT:

This permission shall be read in conjunction with an Agreement made under Section 106 of the Town and Country Planning Act, 1990 and dated the [INSERT].

23)INFORMATIVE TO APPLICANT:

The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence.

If you intend carrying out works in the vicinity of the site boundary, you are also advised that it may be expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996.

24)INFORMATIVE TO APPLICANT:

Please note that Council offices do not have the facility to receive material samples. Please deliver material samples to site and inform the Planning Officer where they are to be found.

25)INFORMATIVE TO APPLICANT:

Under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws the prior written consent (Flood Defence Consent) of the Environment Agency is required for any proposed works (permanent or temporary) or structures (including any surface water drainage outfall) in, under, over or within 8 metres of the top of the bank of the Sutton Benger Brook, designated a 'main' river. The need for this consent is over and above the need for planning consent. The applicant is advised to contact Daniel Griffin on 01258 483421 to discuss the scope of our controls.

26)INFORMATIVE TO APPLICANT:

The development should include water efficient systems and fittings. These should include dual-flush toilets, water butts, water-saving taps, showers and baths, and appliances with the highest water efficiency rating (as a minimum). Greywater recycling and rainwater harvesting should be considered. An appropriate submitted scheme to discharge the condition will include a water usage calculator showing how the development will not exceed a total (internal and external) usage level of 105 litres per person per day.

75 **14/03953/FUL - Flistridge Farm, Upper Minety, Malmesbury, Wiltshire, SN16 9PY**

Public Participation

Mr Hans Kuropatwa, applicant, spoke in support of the application.

Mrs Charlotte Watkins, town planner, spoke in support of the application.

Cllr Charles Cook, Minety Parish Council, spoke in support of the application.

The Area Team Leader presented their report which recommended the application be refused. Key issues were stated to include the impact of the proposal on the open countryside. It was stated that officers considered the proposed ancillary accommodation being tantamount to a new dwelling due to its separation from the main dwelling. Reference was made to late observations relating to the matters considered in the determination of the application.

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

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

The Local Member, Councillor Chuck Berry, then spoke in support of the application, stating that a restriction against the ancillary dwelling being separately sold could be imposed.

A debate followed, where the scale and amenity of the proposed ancillary accommodation was discussed, along with its significant distance from the main dwelling and location next to the existing stable doors.

At the conclusion of debate, it was,

Resolved:

That the application be refused for the following reason:

The proposed location of the ancillary accommodation separate to the main dwelling house known as Flisteridge Farm is considered to be inappropriate for the purpose of providing ancillary accommodation for elderly relatives and does not achieve an adequate level of residential amenity for future occupants. By way of its design, scale and location the proposed extension is considered tantamount to a new dwelling in the open countryside remote from local services, facilities and transport services and is therefore unsustainable. Due to these reasons the development is contrary to policies NE15, C3 and H8 of the adopted North Wiltshire Local Plan 2011.

76 **Urgent Items**

There were no urgent items.

(Duration of meeting: 6.00 - 8.30 pm)

The Officer who has produced these minutes is Kieran Elliott of Democratic Services, direct line 01225 71504, e-mail kieran.elliott@wiltshire.gov.uk

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