

NORTHERN AREA PLANNING COMMITTEE

MINUTES OF THE NORTHERN AREA PLANNING COMMITTEE MEETING HELD ON 1 APRIL 2015 AT COUNCIL CHAMBER - COUNCIL OFFICES, MONKTON PARK, CHIPPENHAM.

Present:

Cllr Tony Trotman (Chairman), Cllr Peter Hutton (Vice Chairman), Cllr Christine Crisp, Cllr Mollie Groom, Cllr Chris Hurst, Cllr Sheila Parker, Cllr Toby Sturgis, Cllr Philip Whalley, Cllr Terry Chivers and Cllr Bill Douglas (Substitute)

32 **Apologies**

Apologies for absence were received from Cllr Howard Marshall and Cllr Mark Packard who was substituted by Cllr Bill Douglas.

33 **Minutes of the Previous Meeting**

Resolved:

To confirm as a true and correct record the minutes of the meeting held on 11 March 2014.

34 **Declarations of Interest**

There were no declarations of interest.

35 **Chairman's Announcements**

The Chairman explained that items on this agenda were to be re-determined as work on site had not yet commenced and changes to the Planning Practice Guidance had been made since the applications were originally determined.

36 **Public Participation and Councillors' Questions**

The Committee noted the rules on public participation.

37 **Planning Applications**

37a N/13/01868/FUL- 52 Corn Gastons, Malmesbury, Wiltshire, SN16 0LY

John Harris spoke in support of the application.

The planning officer introduced the report which recommended that planning permission be approved, subject to the conditions in the report and attention was brought to the late items. It was explained that the application was considered by Committee in 2014, at which time Members resolved to delegate authority to Officers to approve the application subject to conditions and completion of a Section 106 legal agreement. However since that time, changes to the National Planning Practice Guidance relating to planning contributions warranted reconsideration of the application.

There were no technical questions.

Members of the public then addressed the Committee as detailed above.

In the debate that followed the Committee expressed its continued support for the development.

Resolved

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. The development hereby permitted shall be carried out in accordance with the following approved plans: 3802/01A and 04A, 3802/50A and 51.**

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

- 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. Prior to the commencement of development details of the drainage of the site must be submitted and approved by the local planning authority. If the water will discharge to Wessex Water sewer then the applicant must submit a copy of the agreement to the council. If not then a SuDS scheme will need to be submitted to and approved by the local planning authority, these details to be accompanied by BRE 365 percolation tests and soak away calculations.

REASON: In the interest of ensuring the site is adequately drained.

5. No part of the development hereby permitted shall be first occupied until the access, turning area and parking spaces have been completed in accordance with the details shown on the approved plans. The surface treatment of the parking areas to be a consolidated surface. The areas shall be maintained for those purposes at all times thereafter.

REASON: In the interests of highway safety.

6. 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.

7. Prior to any works commencing on the site the hedge along the northern boundary of the access to the site shall be trimmed and cut back to ensure that the maximum width of the driveway is available to ensure safe use by vehicles and pedestrians. The hedge shall be maintained as such thereafter to ensure adequate visibility and safe passage for all users.

REASON: In the interests of highway and pedestrian safety.

8. 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) wheel washing facilities;
- e) measures to control the emission of dust and dirt during construction;
- f) a scheme for recycling/disposing of waste resulting from construction works; and
- g) 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.

INFORMATIVES:

1. The applicant is advised to consult with the Head Teacher and School Governors of Malmesbury School adjacent to the site in respect of any future proposals to erect gates or other enclosures to the site access.

37b N/13/01296/FUL - Land Adjacent to Sedgewick House, Old Hardenhuish Road, Chippenham, Wiltshire SN14 6HH

Matthew Stephen encouraged that the original conditions applied to the consent be transferred to a new resolution.

The planning officer introduced the report which recommended that permission be granted, subject to the conditions in the report, as amended by the late observations. It was explained that the application had originally been to Committee in July 2014 however due to changes in National Planning Practice Guidance a Section106 legal agreement was no longer required and the application was to be re-determined.

There were no technical questions.

Members of the public then addressed the Committee as detailed above.

In the debate that followed, Members expressed support for the officer's

recommendation, and requested that the local member be advised of the amendment to condition 15. However, the Committee commented it was unfortunate that the community would lose the financial contributions.

Resolved:

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 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.

- 3. 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) hedgerows within or overhanging the site, in relation to the proposed buildings, roads, and other works;
(d) finished levels and contours;
(e) means of enclosure;
(f) hard surfacing materials;**

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

- 4. 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.

5. (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 (2005): 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.

6. The existing hedge between Nos 12 and 14 Bythebrook and the application site shall not be removed and shall be retained at a height of at least 3:00 metres. Should any section of the hedge be removed or die it shall be replaced with appropriate planting during the next planting season.

REASON: To preserve the visual amenity and privacy of the development.

7. Prior to the commencement of development details of any proposed retaining walls to be built on the site shall be submitted to and approved in writing by the local planning authority and implemented and maintained strictly in accordance with the approved plans.

REASON: To safeguard the visual amenity of the area and in the interests of highways safety.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), the garage(s) hereby permitted shall not be converted to habitable accommodation.

REASON: To safeguard the amenities and character of the area and in the interest of highway safety.

9. No part of the development hereby permitted shall be first brought into use/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.

10. 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.

11. The development hereby permitted shall be carried out in accordance with the approved Flood Risk assessment dated September 2012 by PBA and the following mitigation measures detailed in the FRA:

1. Finished floor levels are set no lower than 68.25 above Ordnance Datum (AOD)

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme.

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

12. No development shall commence on site until details of the works for the disposal of sewerage 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.

13. The mitigation measures in paragraphs 5.4 and 5.6 of the approved Ecological Assessment prepared by BSG Ecology and received 8th May 2013 shall be carried out in full prior to the first occupation of the development and/or in accordance with the timetable detailed in the Ecological assessment.

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

14. No development shall be undertaken within 8 metres of the bank of the Hardenhuish brook which would restrict access for the purposes of maintenance by the water authority.

REASON: To safeguard access for maintenance of the watercourse.

15. 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;
- j) construction traffic may only access the site from Old Hardenhuish Lane via the entrance to Sedgwick House;

has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement without the prior written permission of the Local Planning Authority.

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.

- 16. Prior to the occupation of the development the proposed dwellings an area from which refuse bins can be collected shall be agreed in writing by the local planning authority.

REASON: In the interests of public and visual amenity.

- 17. Notwithstanding the submitted plans planning permission is not granted by this decision for the erection of gates at the proposed entrance to the site at Bythebrook.

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

- 18. The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Site Location plan
 - P538-01-01
 - Tree Survey
 - T12/0128/p/0014; T12/0128/p/01-0001 through T12/0128/p/01-000113

**P538-01-03
P538-01-04
P538-01-05
P538-01-06
P538-01-07
P538-01-10
P538-01-13
P538-01-14
Design and Access Statement
All dated 22/5/13
P538-01-02A
P538-01-09A
P538-01-08A
All Dated 09/10/13**

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

INFORMATIVES:-

- 1. 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.**
- 2. The applicant should note that the grant of planning permission does not include any separate permission which may be needed to erect a structure in the vicinity of a public sewer. Such permission should be sought direct from Thames Water Utilities Ltd / Wessex Water Services Ltd. Buildings are not normally allowed within 3.0 metres of a Public Sewer although this may vary depending on the size, depth, strategic importance, available access and the ground conditions appertaining to the sewer in question.**
- 3. 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.**

37c 11/02514/FUL and 11/03731/LBC - Scarrott's Yard, adjacent to 6 Old Court, Royal Wootton Bassett

Chris Wannell spoke in support of the application and suggested some of the conditions on the permission originally granted were excessive.

The planning officer introduced the report which recommended that permission be granted for both the planning permission and listed building consent subject to the conditions in the report. It was explained that due to changes in the National Planning Practice Guidance, a Section 106 legal agreement was no longer required and the application was to be redetermined.

There were no technical questions.

Members of the public then addressed the Committee as detailed above.

The local member, Cllr Chris Hurst, gave his condolences to the applicant's family and questioned the severity of condition 8.

The planning officer advised that condition 8 was in place as the site was subject to storage use by the applicant which constrained use for general residential purposes and that the applicant could apply to vary the conditions.

In the debate that followed the Committee supported the officer's recommendation. Some members felt that some conditions applied under delegated powers had not been appropriate and hoped an application to vary these conditions could be decided by officers. The planning officer confirmed that an application to vary the condition would not go to Committee unless it was called in.

Resolved:

To grant permission for both applications, subject to the following conditions:

11/02514/FUL

- 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 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.

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

(1) Full details of the design, colour and materials for all new external doors, windows, dormers, stairs, gates and railings including cills, reveals and setback details for doors and windows shown on elevations at a scale of no less than 1: 5 (1:10 doors & gates) and sections to at a scale of no less than 1:2 (1:5 doors & gates).

(2) Full details of the new roofs, including sections, eaves & verge details at 1:5.

(3) Full details of the new chimneys, including elevations at no less than 1:5.

(4) Full details of the new service routes, flues, vents and mechanical extracts, including exit points. Items 1 to 4 shall be completed prior to the commencement of any works. The works shall be carried out in accordance with the approved details.

REASON: In the interests of preserving the character and appearance of the conservation area and Listed Building.

4. No development/works shall commence on site until a sample panel for the brickwork, 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 and the Listed Building.

5. No development/works 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, the character and appearance of the area and the Listed Building.

6. No development/works shall commence on site until a sample panel of the render to be used on the external walls 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.

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

7. 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.

8. The dwellings hereby permitted shall not be occupied at any time other than by members of the Scarrott family in association with the use of the adjacent yard, known as Scarrotts Yard.

REASON: The dwellings are 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 dwellings in conjunction within the retained business use of the yard in which the dwellings are located.

9. The car ports hereby permitted shall not be converted to a garage. There shall be no erection of doors/gates or lockable device against the car port.

REASON: to ensure that adequate car parking is provided at the site in the interest of highway safety.

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), The carports hereby permitted shall not be converted to habitable accommodation.

REASON: To safeguard the amenities and character of the area and in the interest of highway safety.

11. 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. Dwg no: 2011-11-1, 2, 3A, 4A, 5 and 6 dated 25 July 2011

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

INFORMATIVES:

1. 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.
2. The applicant's attention is drawn to the contents of the attached letter from Wessex Water received 3 August 2011.

3. 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.

In respect of 11/03731/LBC

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

REASON: To comply with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be implemented in accordance with the submitted plans and documents listed below. No variation from the approved plans should be made without the prior approval of the local planning authority. Amendments may require the submission of a further application.

Plans: Dwg no: 2011-11-1, 2, 3A, 4A, 5 dated 25 July 2011 2011-11-6 6 dated 31 October 2011

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

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

- (1) Full details of the design, colour and materials for all new external doors, windows, dormers, stairs, gates and railings including cills, reveals and setback details for doors and windows shown on elevations at a scale of no less than 1: 5 (1:10 doors & gates) and sections to at a scale of no less than 1:2 (1:5 doors & gates).

- (2) Full details of the new roofs, including sections, eaves & verge details at 1:5.

- (3) Full details of the new chimneys, including elevations at no

less than 1:5.

(4) Full details of the new service routes, flues, vents and mechanical extracts, including exit points.

Items 1 to 4 shall be completed prior to the commencement of any works. The works shall be carried out in accordance with the approved details.

REASON: In the interests of preserving the character and appearance of the conservation area and Listed Building.

4. No development/works shall commence on site until a sample panel for the brickwork, 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 and the Listed Building.

5. No development/works 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, the character and appearance of the area and the Listed Building.

6. No development/works shall commence on site until a sample panel of the render to be used on the external walls 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.

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

38 **Urgent Items**

There were no urgent items.

(Duration of meeting: 3.00 - 3.25 pm)

The Officer who has produced these minutes is Libby Beale, of Democratic Services, direct line 01225 718214, e-mail elizabeth.beale@wiltshire.gov.uk

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