

NORTHERN AREA PLANNING COMMITTEE

MINUTES OF THE NORTHERN AREA PLANNING COMMITTEE MEETING HELD ON 28 OCTOBER 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 Mark Packard, Cllr Sheila Parker, Cllr Toby Sturgis, Cllr Chuck Berry, Cllr Terry Chivers, Cllr Ernie Clark and Cllr Howard Greenman

Also Present:

Fiona Rae, Cllr Baroness Scott of Bybrook O.B.E, Lee Burman, Mark Staincliffe, Vicky Roberts and Cllr Bob Jones MBE

112 Apologies

Apologies for absence were received from Cllr Chris Hurst.

113 Minutes of the Previous Meeting

The minutes of the meeting on 7 October were presented and, subject to the amendment that 'Cllr Howard Marshall was no longer a member of the Committee' at minute no.106, it was:

Resolved:

To confirm as a true and correct record the minutes of the meeting held on 7 October 2015.

114 Declarations of Interest

Cllr Bob Jones MBE declared a disclosable pecuniary interest in respect of item 6a 15/07861/FUL - Meadowpark School, The Old School House, High Street, Cricklade, Wiltshire, SN6 6DD. Cllr Bob Jones MBE explained that he supplied services to Meadowpark School and noted that he would not speak as local member or participate in any way.

Cllr Howard Greenman declared a disclosable pecuniary interest in respect of item 6c 15/07510/FUL - Hullavington Garage, The High Street 29A, Hullavington, Chippenham, Wiltshire, SN14 6DP. It was noted that Cllr Howard

Greenman would not participate in the debate or the vote for item 6c and would leave the room when it was considered.

115 **Chairman's Announcements**

There were no Chairman's announcements.

116 **Public Participation and Councillors' Questions**

The Committee noted the rules on public participation.

117 **Planning Applications**

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

118 **15/07861/FUL - Meadowpark School, The Old School House, High Street, Cricklade, Wiltshire, SN6 6DD**

Andrew Miles, Rajvinder Kular, and James Averies spoke in support of the application.

Nicholas Rose, Richard Sergeant, and Brian Parrish spoke in opposition to the application.

Cllr John Coole, Cricklade Town Council, spoke in objection to the application.

The Planning Officer drew attention to the late observations and introduced the report which recommended that planning permission be refused. The application was for the erection of a building to provide two classrooms. It was explained that the application also proposed an increase in pupils from 48 to 84. It was commented that the school itself and the neighbouring property were both Grade II Listed buildings and located within a conservation area. The Planning Officer highlighted that a parking plan had been provided by the applicant. There was a gravel parking area with 14 spaces, 9 of which were reserved for staff parking, and a tarmacked area providing an additional 12 spaces for use in pickup and dropoff times; this was also used as a school play area during the day.

The Committee then had the opportunity to ask technical questions and it was confirmed that the parking provision met Wiltshire Council standards. The Highways Officer also noted that individual parking bays could be defined in a gravelled area using a plastic grid and inserts. It was highlighted that the gravelled area was under the control of Meadowpark School and, as such, any irregular parking could likely be monitored and rectified. It was also clarified that the site was considered to have a medium probability of flooding and had been categorised as a flood zone 2 area by the Environment Agency.

The Highways Officer clarified that the proposal complied with Wiltshire Council parking requirements but that it was not possible to force parents to use to allocated dropping off and setting down points. It was also commented that the current Travel Plan required the school gates to be locked during the day but, if the Committee were minded to grant planning permission, a renewed Travel Plan would likely require the gates to be kept open during the day.

The Planning Officer advised that the building in question did not reflect a historic burgage plot, due to its width being wider than a traditional burgage plot. It was advised that there may be the potential to reduce the width to that of a burgage plot.

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

The Highways Officer clarified that some highways concerns raised could be addressed through other enforcement avenues. It was explained that a planning application could only be refused if the effect on the network was severe which was not the case for this application. The Planning Officer also clarified that the scale of the building was roughly twice the size of the existing building in terms of width but similar in terms of height.

Councillor Peter Hutton proposed, subsequently seconded by Councillor Toby Sturgis, that permission be delegated to officers to grant permission. Following advice from the officers, the proposer and seconder agreed that the permission should subject to the agreement of an appropriate Travel Plan.

In the debate that followed, the Committee recognised that Meadowpark, as an Outstanding school, was an asset to the local community area and advocated consultation between the school and town council to address highways issues. Some members commented that highways and parking issues were probably the most contentious issue at most primary schools in the country. The Committee highlighted the importance of an updated Travel Plan and expressed a desire to see a delineation of parking spaces on the gravelled parking provision.

It was noted that issues of sewerage and flooding had been considered acceptable by external consultees. It was also considered that the proposed development would not result in significant harm to the character and appearance of the Cricklade Conservation Area, the setting of the adjacent Listed Buildings, and the open landscape from the River Thames.

The Committee considered the benefits of the development in terms of educational provision compared with the potential harm identified and considered the expansion of the school to be justifiable.

Following a vote, the meeting;

Resolved:

To DELEGATE authority to the Area Development Manager to grant planning permission subject to the agreement of an appropriate Travel Plan and 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:

Site Location Plan – Received 11 August 2015

Block Plan – LPC,2529,15,01 – Received 11 August 2015

Parking Plan – LPC,2529,15,03 – Received 11 August 2015

Proposed Elevations – LPC,2529,15,02A – Received 9 October 2015

Travel Plan – Reference TBC

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

3. No development shall commence on site until details of the external materials 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: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, in the interests of visual amenity and the character and appearance of the area.

4. No part of the development shall be brought into use until the water butt shown on plan reference LPC,2529,15,02A has been erected at the site, in accordance with the approved plans. Thereafter, the drainage system shall be maintained to be operational at all times.

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

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting or amending that Order with or without modification), no foul water drainage systems shall be installed within the building hereby approved without prior written consent by the Local Planning Authority.

REASON: To ensure that the development is provided with a satisfactory means of foul drainage within an area liable to flooding.

6. The operation of the parking and traffic management at the site shall be undertaken strictly in accordance with the details approved in Travel Plan (reference TBC). No alteration to operation of the parking and traffic management at the site shall be undertaken at the site without prior written consent by the Local Planning Authority.

REASON: In the interests of road safety and reducing vehicular traffic to the development.

7. The capacity of the school shall be limited to a maximum of 84 pupils and related staff.

REASON: In the interests of road safety and reducing vehicular traffic to the development

8. No development shall commence on site until details of any required means to access to the building by disabled users 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: To ensure the building is accessible by all.

119 **15/08926/FUL - The Paddocks, Grittleton, Chippenham, Wiltshire, SN14 6AL**

Simon Chambers spoke in support of the application.

The Planning Officer introduced the report which recommended that planning permission be granted subject to conditions. The application was for the erection of a replacement dwelling. The proposal was to build a replacement dwelling for the existing structure on the site that had been granted a Certificate of Lawfulness for use as a dwelling on 30 June 2015. It was noted that the replacement dwelling was larger but was considered to be a high quality design. The proposal invoked a contemporary approach and used modern materials.

The Committee then had the opportunity to ask technical questions and the Planning Officer explained that the level of amenity space on the site was considered to be acceptable under central government guidance and local polices (Core Policy 57 of the Wiltshire Core Strategy).

It was noted that, under s.191 of the Town and Country Planning Act 1990 and s.4 of the Planning and Compensation Act 1991, any building that has been used as a residential dwelling for an uninterrupted period of four years was immune from enforcement action. It was confirmed that Wiltshire Council's Legal team had been involved in this matter and that, in accordance with the legislation, it was considered that, on the balance of probabilities, the land subject to the Certificate of Lawfulness application had been in residential (C3)

use for an uninterrupted period of four years or more. It was also explained that, the details of the property had been passed on to the Council Tax team who would take further actions as necessary; this was standard procedure on the grant of a Certificate of Lawfulness. It was also clarified that the mobile home identified in pictures of the site constituted operational development and that the Certificate of Lawfulness covered both the log cabin and the mobile home.

The planning officer explained that certificates of lawful existing use were considered on the balance of probabilities on the evidence submitted and the evidence held by the Council. In considering these applications local and national planning policies could not be taken into consideration.

The Planning Officer confirmed that the proposed roof was to be made of zinc which was of a good quality and, with sufficient insulation, would be sufficient to reduce noise caused by rainfall. It was also clarified that the same access served all the buildings on the site and that all land was under the ownership of one individual.

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

The Planning Officer responded to comments from the public.

The local member, Cllr Baroness Jane Scott, OBE, noted that the site in question was located on the edge of two parish council boundaries and expressed concerns about the process of consultation with parish councils for the Certificate of Lawfulness. The local member urged consultation with all proximate parish councils where future proposals were near to parish council boundaries. Concern was also expressed about the design of the proposal and its effect on the Area of Outstanding Natural Beauty (AONB).

The Planning Officer explained that the Localism Act 2011 gave Local Authorities more authority in enforcement terms but it was noted in the case officer report that there was not a clear case for positive deception. It was also explained that if officers identified unlawful developments when visiting a site their colleagues in planning enforcement were notified and formal investigations were undertaken. . However, it was noted that all previous applications on this site had occurred in excess of four years' ago and, as such, it had not been apparent that the unlawful development had not been undertaken at this stage.

The Legal Officer clarified that there was no statutory requirement to consult with parish councils for Certificates of Lawfulness, although it may be considered to be reasonable this is set out in Annex 8 to Circular 10/97, as superseded by paragraph 8, Lawful Development Certificates, of the Planning Practice Guidance.

Councillor Terry Chivers proposed, subsequently seconded by Councillor Peter Hutton, that the permission be granted in accordance with the officer's recommendation.

In the debate that followed, the Committee expressed concern about the size of the replacement dwelling. Some members of the Committee also commented that the proposal did little to enhance the Area of Outstanding Natural Beauty (AONB).

The Committee recognised that, in this instance, a Certificate of Lawfulness had been granted and that, although some members expressed concerns about the design of the proposal, the application constituted an improved building and thus conformed with saved policy H4 of the North Wiltshire Local Plan but requested that permitted development rights for further extensions and out buildings was removed. Officers confirmed that the case officer report included such a condition.

Following a vote, the meeting;

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:**

Site Location Plan, LPC/3630/EX/1A, LPC/3630/EX/2, LPC/3630/SD1/1A, LPC/3630/SD1/2A and LPC/3630/SD1/3 registered by the LPA on 10 September 2015.

- 3. No development shall commence on site until the exact 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: The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, in the interests of visual amenity and the character and appearance of the area.

- 4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (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.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), no garages, sheds, greenhouses and other ancillary domestic outbuildings shall be erected anywhere on the site on the approved plans.

REASON: To safeguard the character and appearance of the area.

6. **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.
7. **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.
8. **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.

Admin Note: Cllr Howard Greenman left the meeting at this point owing to his disclosable pecuniary interest in item 6c.

120 **15/07510/FUL - Hullavington Garage, The High Street 29A, Hullavington, Chippenham, Wiltshire, SN14 6DP**

John Welch, Andy Rowell, and Dudley Hewitt spoke in support of the application.

Tim Rothwell spoke in opposition to the application.

Cllr Maggie Bawden, Hullavington Parish Council, spoke in relation to the application.

The Planning Officer introduced the report which recommended that planning permission be refused. The application was for ancillary accommodation to a garage, shop, and Post Office. The Planning Officer noted that the site was situated on a corner plot between The High Street and Frog Lane and was not in a conservation area. It was also explained that there were concerns relating to the impact of the proposal on the neighbouring property at No. 29 High Street. It was considered that the proposal would significantly enclose the rear garden of the neighbouring property and result in significant harm to residential amenity from loss of light.

There were no technical questions.

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

The Planning Officer responded to comments from the public and explained that there was no evidence to directly demonstrate that the Post Office would shut unless this accommodation was provided. It was stressed that the current application was to be considered in terms of the impact to neighbouring properties and the streetscene.

The local member, Cllr Baroness Scott, OBE, explained that Hullavington Parish Council had supported the application in principle to protect the local shop and garage but that some concerns remained; these were addressed in the agenda pack. The local member expressed sympathy for the protection of local services but noted that there might be an alternative option for development that had a reduced impact on the neighbouring property.

In the debate that followed, the Committee discussed the impact of the proposal on the amenity space and loss of light to the neighbouring property.

Cllr Toby Sturgis proposed, subsequently seconded by Cllr Peter Hutton, that planning permission be granted subject to standard conditions and an additional condition relating to the materials used on the wall facing the neighbouring property. Having been put to the vote, the motion was not passed.

The Committee considered the proposal to have an unacceptable impact on the light to, and amenity space of, the neighbouring property. It was also suggested that an alternative design might be able to achieve a balance between the community need for local services and the amenity and light to the neighbouring property, No. 29 High Street.

Cllr Terry Chivers proposed, subsequently seconded by Cllr Ernie Clark, that the application be refused in accordance with the officer's recommendation.

Following a vote, the meeting;

Resolved:

To REFUSE planning permission for the following reason:

- 1. The proposed development would, by reason of its height, length of projection along the rear boundary line of the adjoining dwelling and orientation result in an unacceptable loss of light to the occupiers of the dwelling of No.29 High Street and an unacceptable loss of light, overshadowing and sense of enclosure to the amenity space of the same unit. Therefore, the proposal is contrary to Core Policy 57 vii of the Wiltshire Core Strategy.**

121 **Urgent Items**

There were no urgent items.

(Duration of meeting: 3.00 - 5.25 pm)

The Officer who has produced these minutes is Fiona Rae, of Democratic Services,

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