

## NORTHERN AREA PLANNING COMMITTEE

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### MINUTES OF THE NORTHERN AREA PLANNING COMMITTEE MEETING HELD ON 9 MARCH 2016 AT COUNCIL CHAMBER - COUNCIL OFFICES, MONKTON PARK, CHIPPENHAM.

#### Present:

Cllr Tony Trotman (Chairman), Cllr Peter Hutton (Vice Chairman), Cllr Mollie Groom, Cllr Mark Packard, Cllr Sheila Parker, Cllr Toby Sturgis, Cllr Chuck Berry, Cllr Terry Chivers, Cllr Howard Greenman and Cllr Jacqui Lay (Substitute)

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#### 20 Apologies

Apologies were received from Cllr Crisp.

Cllr Crisp was substituted by Cllr Lay.

#### 21 Minutes of the Previous Meeting

The minutes of the meeting held on 17 February 2016 were presented.

#### **Resolved:**

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

#### 22 Declarations of Interest

There were no declarations of interest.

#### 23 Chairman's Announcements

The Chairman drew the meeting's attention to the following matters: The evacuation procedures; the procedure for public participation; and the policy on recording and broadcasting of meetings.

#### 24 Public Participation and Councillors' Questions

The Committee noted the rules on public participation and that there were no questions submitted.

25 **Planning Appeals**

The Committee noted the contents of the returned planning appeals update report.

26 **Planning Applications**

27 **15/12096/FUL - 3 Witts Lane, Purton, Wiltshire, SN5 4ER**

Robert Owen spoke against the application.

Mark Camble spoke in support of the application.

Cllr Geoff Greenaway (Purton Parish Council) spoke against the application.

The planning officer, Lee Burman, introduced the report which recommended that the application should be granted permission subject to the conditions outlined in the report. The application was for the demolition of an existing derelict cottage and the erection of 4 residential dwellings; photographs of the area, a map, a block plan and blueprints were shown. Planning permission for the demolition of the existing dwelling and the erection of four dwellings had previously been permitted, this application was a revision of the previous permission in respect of a 1.3m increase in the overall roof height of the new dwellings, inclusion of dormer windows to the rear elevations; erection of car ports instead of the previously approved attached garages and slightly varied mix of materials.

The officer explained that a new topographical survey had been conducted for the site; a slight reduction in surface level on parts of the site from the previous survey had been identified, however there was a variation in height across the site. It was outlined that there was no set vernacular or design character for the area and thus, the different design of the proposed buildings was not considered by officers to be out of character to the area. The officer informed those present that highways officers were satisfied that there would be sufficient off-street parking for the proposed dwellings, and no objections had been raised by design officers. The increase of 1.3 metres in roof height was not deemed significant enough to warrant refusal of the application, neither did officers consider the fence height to be overbearing. It was confirmed that ground floor slab levels would be a conditional requirement for permission.

Neither drainage engineers nor Thames Water had raised any concerns with the proposal. Members of the public had questioned the longer term maintenance of the proposed underground storage tank for water; the officer informed that the maintenance of the tank could either be through offer of adoption to the statutory undertaker (Thames Water) or to a management

company for the joint responsibility of future occupants of the proposed 4 dwellings.

The Committee was then invited to ask technical questions. The officer confirmed that site levels were indicated on the layout plan and were the same levels as the approved site layout plan and the topographical survey showed that there was a variation in height across the site. The officer explained that this site, as a corner plot, had been designed according to its prominent location. It was confirmed that the proposed 1.8 metre high fence had not been deemed high enough by the planning officers to warrant the application's refusal, nor had the proposed dwellings' height increase of 1.3 metres.

In response to concerns of traffic movement through Witts Lane, the officer confirmed that a Construction Method Statement could be conditioned. A condition on landscaping could also be added, if considered necessary by the Committee. The officer outlined the main advantages of car ports, as opposed to garages and explained that should an individual wish to convert their car port to habitable accommodation involving external alterations, they would need to seek planning permission but without any external alterations consent was not required unless conditions restricted such alterations.

Members of the public were then invited to speak, as detailed above.

The division member, Cllr Lay, supported the principle of development on the site; however, she raised concerns in respect of drainage, parking and roof height. The councillor considered the design was not in keeping with the local, rural area and the increased roof height would dominate neighbouring properties. The councillor also considered the need for conditions on a retaining wall and double yellow lines and hoped the application would be deferred to permit exploration of these issues. The planning officer advised that there were no planning reasons for deferral or refusal of the application.

In the debate that followed, members discussed that the management of the attenuation tank could be agreed following planning permission. Some members of the Committee considered the proposed parking to be insufficient in proportion to the bedroom numbers in the dwellings and felt the development to be too dense and overbearing in this locality. The Committee agreed that, should permission be granted it was important that the ground floor level of the development be established at the lowest height possible. It was acknowledged that ground levels, and therefore ridge height levels, varied in the locality. It was agreed that informatives could be added in respect of floor height, and to refer the consideration of double yellow lines to the Community Area Transport Group (CATG). The Committee considered that an informative to the applicant in respect of construction traffic on Witts Lane could address some concerns of the local member instead of a condition requiring approval of a construction method statement and agreed necessary conditions on landscaping.

Cllr Sturgis, seconded by Cllr Hutton, moved the officer's recommendation with the addition of standard conditions on landscaping and informatives that the lowest height of roof pitch be sought via use of floor slab levels, that Witts Lane is unsuitable as a through route for construction traffic and that need for waiting restrictions may be referred to the Community Area Transport Group as appropriate. The motion was put to the vote and passed.

**Resolved:**

**That planning permission be granted 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:**

**Revised Site Plan 15/39:01 Rev B received 18.02.16**

**Plot 1 Floor Plans 15/39:02 and Elevations 15/39:03 received 04.12.15**

**Plot 2 Floor Plans 15/39:04 and Elevations 15/39:05 received 04.12.15**

**Plot 3 Floor Plans 15/39:06 and Elevations 15/39:07 received 04.12.15**

**Plot 4 Floor Plans 15/39:08 and Elevations 15/39:09 received 04.12.15**

**Location & Site Plan 15/39:00 received 04.12.15**

**Drainage Foul 15/39:14 received 04.12.15**

**Drainage Storm 15/39:15 received 04.12.15**

**Landscaping Plan 15/39:20 received 04.12.15**

**Bin Store 15/39:21 received 04.12.15**

**Finishes Schedule 15/39:10 received 04.12.15**

**Fences 15/39:22 received 04.12.15**

**Topographical Survey 16625-200-01T received 15.02.16**

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

**3 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 and has been consolidated and surfaced (not loose stone or gravel). The areas shall be maintained for those purposes at all times thereafter.**

**REASON: In the interests of highway safety.**

**4 With regard to Plot 4, No development shall commence on site until visibility splays have been provided between the edge of the carriageway**

and a line extending from a point 2m metres back from the edge of the carriageway, measured along the centre line of the access, to the points on the edge of the carriageway 33metres to the east and 20metres to the west from the centre of the access in accordance with the approved plans. Such splays shall thereafter be permanently maintained free from obstruction to vision above a height of 0.6m above the level of the adjacent carriageway.

**REASON:** In the interests of highway safety.

**5** No part of the development hereby permitted shall be first brought into use until the 2m wide footway across the frontage of Plots 1, 2, and 3 has been provided and resurfaced in accordance with the details shown on the approved plans and a lowered kerb provided adjacent to Plot 3 (to cross Witts Lane). Full details shall have been submitted to and approved in writing by the Local Planning Authority prior to the works taking place.

**REASON:** In the interests of highway safety.

**6** With regard to Plots 1 and 2 no external alterations (including doors) shall be made to the car ports approved here in without formal approval of the Local Planning Authority via a planning application.

**REASON:** To ensure car ports remain open and available for car parking

**7** No construction activities shall be carried out within the curtilage of the site before 0730hrs in the morning on Mondays to Saturdays, nor after 1800hrs in the evening on Mondays to Fridays and 1400hrs in the afternoon on Saturdays, nor at any time on Sundays and Bank or Public Holidays. In addition there shall be no burning of waste on site at any time

**REASON:** To ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

**8** No development shall commence on site until the proposed ground floor slab levels of the development hereby permitted have been submitted to and agreed in writing by the Local Planning Authority prior to the works taking place.

**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.

**9 The dwellings hereby approved shall achieve Level 4 of the Code for Sustainable Homes. No dwelling shall be occupied until a final Code Certificate for it has been issued and submitted to, and approved in writing by, the local planning authority certifying that Code Level 4 has been achieved.**

**REASON: To ensure that the objectives of sustainable development set out Policy CP41 of the Wiltshire Core Strategy are achieved.**

**10 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:-**

- location and current canopy spread of all existing trees and hedgerows on the land;
- full details of any to be retained, together with measures for their protection in the course of development;
- a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
- finished levels and contours;
- means of enclosure;
- all hard and soft surfacing materials;
- tree(s), of a size and species and in a location to be agreed in writing with the Local Planning Authority, shall be planted in accordance with BS3936 (Parts 1 and 4), BS4043 and BS4428

**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, to ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.**

**11 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.

**12 INFORMATIVE TO APPLICANT:**

The applicant is advised that the development hereby approved represents chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. A separate Community Infrastructure Levy Liability Notice will be issued by the Local Planning Authority. Should you require further information with regards to CIL please refer to the Council's Website [www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinrastructurelevy](http://www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinrastructurelevy)

**13 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.

**14 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.

**15 INFORMATIVE TO APPLICANT:**

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.

**16 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.

**17 INFORMATIVE TO APPLICANT:**

Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

**18 INFORMATIVE TO APPLICANT:**

The applicant is advised that in seeking to discharge conditions in respect of ground floor slab levels to seek to achieve the lowest height at roof pitch level that is possible and as closely reflective of neighbouring properties as possible.

**19 INFORMATIVE TO APPLICANT:**

The applicant is advised that Witts Lane is unsuitable as a through route for construction traffic and it is recommended that contractors are advised of this and encouraged to use alternate routes.

**20 INFORMATIVE FOR APPLICANT:**

The applicant and future occupants of the dwellings hereby approved are advised that local road conditions are constrained and consideration as to any potential need for waiting restrictions (yellow lines) may be considered and addressed at the local Community Area Transport Group in due course.

28 **Malmesbury St Paul Without 13, 16, 17 and Lea Cleverton 1A Diversion Order and Malmesbury St Paul Without 15 Extinguishment Order**

Alistair Millington spoke in support of the application on behalf of Malmesbury St Paul Without Parish Council and on behalf of Sustrans.

The case officer, Michael Crook, introduced the report which recommended that “The Wiltshire Council Malmesbury St Paul Without 13 (part), 16 (part), 17 (part) and Lea and Cleverton 1A (part) diversion order and definitive map and statement modification order 2015” and “The Wiltshire Council Malmesbury Without 15 Extinguishment and Definitive Map and Statement Modification Order 2015” be forwarded to the Secretary of State for Environment, Food and Rural Affairs with a recommendation from Wiltshire Council that the Orders be confirmed without modification.

A map of the current Rights of Way and proposed routes were shown. The officer explained that the current landowner wanted to change the RoW on his land; in exchange he would provide a license for the public to use a route along the disused railway track. Wiltshire Council wanted the disused railway line to be used as a pedestrian-cycle route and it was noted that the Council had taken a contribution from the nearby housing development at Cowbridge to achieve this. Sustrans was also supportive of this proposal. The officer informed those present that the diversion of the public right of way would remove access right next to the landowner’s farm and would divert 2 rights of way to the edge of one field. The proposed diversion would also correct an anomaly where the line of the right of way across the river was following the line of the old bridge rather than the new bridge, which is in a different location. It was stated that although some objections had been raised by the public, no issues had been identified that would challenge the legal tests of the proposed diversion order.



The committee were then invited to ask technical questions. The officer confirmed that the PROW would be diverted, but that the diversions were relatively small.

Members of the public were invited to speak, as detailed above.

Cllr Sturgis spoke on behalf of the local member, Cllr John Thomson, and commented that the proposed route was generally supported by the local community.

In the debate that followed members supported the proposals, however, they encouraged the landowner to seek guidance from officers to try to avoid additional rights of way being claimed at some point in the future.

Cllr Sturgis, seconded by Cllr Chivers, moved the officer's proposal. The motion was put to the vote and passed.

**Resolved:**

**That "The Wiltshire Council Malmesbury St Paul Without 13 (part), 16 (part), 17 (part) and Lea and Cleverton 1A (part) diversion order and definitive map and statement modification order 2015" and "The Wiltshire Council Malmesbury Without 15 Extinguishment and Definitive Map and Statement Modification Order 2015" be forwarded to the Secretary of State for Environment, Food and Rural Affairs with a recommendation from Wiltshire Council that the Orders be confirmed without modification.**

29 **Urgent Items**

There were no urgent items.

(Duration of meeting: 15:00-16:23)

The Officer who has produced these minutes is Natalie Heritage, of Democratic Services, direct line 01225 718062, e-mail [natalie.heritage@wiltshire.gov.uk](mailto:natalie.heritage@wiltshire.gov.uk)

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