

NORTHERN AREA PLANNING COMMITTEE

DRAFT MINUTES OF THE NORTHERN AREA PLANNING COMMITTEE MEETING HELD ON 22 JUNE 2016 AT COUNCIL CHAMBER - COUNCIL OFFICES, MONKTON PARK, CHIPPENHAM.

Present:

Cllr Peter Hutton (Vice Chairman), Cllr Christine Crisp, Cllr Mollie Groom, Cllr Mark Packard, Cllr Toby Sturgis, Cllr Howard Greenman, Cllr Jacqui Lay (Substitute) and Cllr Chris Hurst

Also Present:

Cllr John Thomson and Cllr Alan MacRae

70 Apologies

Apologies were received from Councillors Chuck Berry, Howard Marshall and Terry Chivers.

Cllr Berry was substituted by Cllr Jacqui Lay for the meeting only.

71 Minutes of the Previous Meeting

The minutes of the meeting held on 1 June 2016 were presented.

Resolved:

To approve as a true and correct record and sign the minutes of the meeting held on the 1 June 2016.

72 Declarations of Interest

There were no declarations of interest.

73 Chairman's Announcements

There were no Chairman's announcements.

74 Public Participation and Councillors' Questions

The Committee noted the rules on public participation, and the Chairman emphasised that members of the public are permitted to lobby members in advance of the meeting, but at the meeting the circulation of new information, written or photographic which have not been verified by planning officers would not be permitted.

75 **Planning Appeals**

The Committee noted the contents of the appeals update.

76 **Planning Applications**

Attention was drawn to the late list of observations provided at the meeting and attached to these minutes, in respect of applications 16/03151/FUL & 16/03350/LBC and 15/10659/FUL as listed in the agenda pack.

77 **15/09143/OUT - Vale of the White Horse Inn, Station Road, Minety, Wiltshire SN16 9QY**

Mr Marc Willis spoke in support of the application.

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

The Planning Officer introduced the application for 6 dwellings and that the application was considered at the 4 May meeting and permission was granted subject to a s106 agreement. Officers identified that there had since been a material change in circumstances in relation to S106 requirements including affordable housing requirements owing to a change to the Planning Practice Guidance affecting applications of this size and following the recent court of appeal decision that effectively removes requirement for “tariff style “contributions The authority is currently considering the implications of the judgement, noting that whilst it is a not a blanket ban in relation to all development proposals of this scale and that assessments of all relevant the material circumstances is required, and that the PPG needs to be weighed in the balance against the adopted Local Plan as the prime consideration as defined by statute. In this case Officers identify that the Local Plan cannot be given full weight as it is not up to date due to the current absence of a deliverable Housing Land Supply. Officers noted other material considerations to be weighed in the balance including that there are significant other benefits arising from the development including maintaining the public house for the community; economic benefits arising from development, increased population, increased public house occupancy and to a limited extent increased housing and that there are no other material changes to the application previously considered at the meeting on the 4 May 2016.

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

It was noted that the local member was not able to attend the meeting, but the Chairman did relay a message that the local member was content with the application.

Councillor Tony Trotman proposed, subsequently seconded by Councillor Peter Hutton, that the officer’s recommendation be approved.

Councillor Trotman expressed his frustration as to the change in government policy, but noted that it was clear that the other benefits arising from development outweighed the loss of contributions.

The meeting unanimously;

Resolved

That authority is delegated to the Area Development Manager to GRANT planning permission, subject to conditions listed below and completion of a S106 legal agreement within six months of the date of the resolution of this Committee.

In the event of failure to complete, sign and seal the required section 106 agreement within the defined timeframe to then delegate authority to the Area Development Manager to REFUSE planning permission for the following reason:-

The application proposal fails to provide and secure the necessary and required enhancement to and retention of the local community facility of the public house and is therefore contrary to Policies CP1 & CP49 of the Wiltshire Core Strategy Adopted January 2015 and Paras 7, 14 & 17 of the National Planning Policy Framework March 2012.

1. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

REASON: To comply with the provisions of Section 92 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 of the following matters (in respect of which approval is expressly reserved) have been submitted to, and approved in writing by, the Local Planning Authority:

(a) The landscaping of the site;

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

REASON: The application was made for outline planning permission and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 5 (1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

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

GTB-646-10-3D
GTB-646-10-4D
GTB-646-50B
GTB-646-52A
GTB-646-53

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

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. 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 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.

7. Prior to the commencement of development details including design, external appearance and decorative finish of all railings, fences, gates, walls, bollards and other boundary treatments and means of enclosure shall be have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the development being occupied

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

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) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- e) wheel washing facilities;
- f) measures to control the emission of dust and dirt during construction;
- g) a scheme for recycling/disposing of waste resulting from demolition and construction works; and
- h) measures for the protection of the natural environment. i) hours of construction, including deliveries;

has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be complied with in full throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and/or 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 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.

9. No development shall commence on site until details of the proposed ground floor slab levels have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved levels details.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and/or 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.

10. No development shall commence on site until a scheme for the discharge of foul water from the site has been submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure that the development can be adequately drained

11. The development shall not be first occupied until foul water drainage has been constructed in accordance with the approved scheme.

REASON: To ensure that the development can be adequately drained

12. 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 together with permeability test results to BRE365, has been submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure that the development can be adequately drained

13. 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

14. Prior to commencement of development and Ecological Mitigation Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved plan shall be in general accordance with Section 6 of the submitted Ecological Appraisal (AD Ecology, dated 26th October, 2015) and include full details of:

- Construction methods for works in or near the pond and retained trees to reduce damage and disturbance to species and habitats
- Details of re-profiling and restoration of the pond margins
- The location and design of all bat and bird roosting / nesting features

The development shall be carried out in full accordance with the approved Ecological Mitigation Plan unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of Nature Conservation

15. No development shall commence on site until a noise impact assessment and scheme for protecting the residential properties and their curtilages against noise from both road traffic and railway noise has been submitted to and approved by the Local Planning Authority. Any works that form part of the scheme shall be implemented in full before any permitted dwelling is first occupied.

General: In discharging this condition the applicant should engage an Acoustic Consultant. The consultant should carry out a background noise survey and noise assessment according to BS8233: 2014 and demonstrate that internal

and external noise levels will not exceed the guideline noise levels contained in Section 7.7 of BS8233:2014. The report should also demonstrate that internal maximum noise levels in bedrooms will not normally exceed 45dB LAmax between the hours of 23:00 and 07:00.

REASON: In the interests of residential amenity.

16. No demolition, site clearance or development shall commence on site, and; no equipment, machinery or materials shall be brought on to site for the purpose of development, until a Tree Protection Plan showing the exact position of each tree/s and their protective fencing in accordance with British Standard 5837:

2012: "Trees in Relation to Design, Demolition and Construction - Recommendations"; has been submitted to and approved in writing by the Local Planning Authority, and;

The protective fencing shall be erected in accordance with the approved details. The protective fencing shall remain in place for the entire development phase and until all equipment, machinery and surplus materials have been removed from the site. Such fencing shall not be removed or breached during construction operations.

No retained tree/s shall be cut down, uprooted or destroyed, nor shall any retained tree/s be topped or lopped other than in accordance with the approved plans and particulars. Any topping or lopping approval shall be carried out in accordance British Standard 3998: 2010 "Tree Work – Recommendations" or arboricultural techniques where it can be demonstrated to be in the interest of good arboricultural practise.

If any retained tree is removed, uprooted, destroyed or dies, another tree shall be planted at the same place, at a size and species and planted at such time, that must be agreed in writing with the Local Planning Authority.

No fires shall be lit within 15 metres of the furthest extent of the canopy of any retained trees or hedgerows or adjoining land and no concrete, oil, cement, bitumen or other chemicals shall be mixed or stored within 10 metres of the trunk of any tree or group of trees to be retained on the site or adjoining land.

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

REASON: 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 enable the Local Planning Authority to ensure the retention of trees on the site in the interests of visual amenity.

17. The dwellings hereby approved shall achieve a level of energy performance at or equivalent to Level 4 of the Code for Sustainable Homes. No dwelling shall be occupied until evidence has been issued and submitted to, and approved in writing by, the local planning authority certifying that this level or equivalent has been achieved.

REASON: To ensure that the objectives of sustainable development equal or equivalent to those set out in Policy CP41 of the Wiltshire Core Strategy are achieved.

INFORMATIVES:

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 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.

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.

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.

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].

Mr David Sterling, Ms Lorrain Vaun-Davis and Ms Jane McDermott spoke in support of the application.

The Planning Officer introduced the application for an extension with associated listed building consent. In giving his presentation, the officer highlighted the character of the building and of the immediate area; its relation to buildings nearby; the planning history of the site and the relevance of planning appeal judgements; the possibility of alternative solutions to prevent damp in listed buildings; the implications of material and roof pitch with regard to damp-proofing; and the relevance planning policies to the proposals.

The Officer drew attention to late items highlighting that Building Control and Conservation officers accepted the veracity of the submissions but maintained and confirmed the position that there were less intrusive methods available to achieve the required damp prevention from rainwater ingress.

Members of the public were then invited to speak as detailed above. The local member, Cllr Alan Macrae spoke in support of the application.

The planning officer responded to comments raised by the public and again confirmed that the conservation and building control officer were of the view that less harmful and invasive means could be employed to address the water ingress problem and has been successfully applied to a similar listed building; and addressed the differences between this proposal and that granted permission next door.

Councillor Peter Hutton proposed, subsequently seconded by Councillor Trotman, that the officers recommendation for refusal be accepted.

Cllr Hurst stated that he believed that on balance permission should be granted for the application.

Resolved

That planning permission is REFUSED, for the following reason:

The proposed extension, by reason of its scale, siting and form would result in the unacceptable loss and obstruction of historic fabric, failing to conserve or enhance the listed building, its setting and the features of special architectural and historic interest it possesses. Accordingly, the proposals conflict with Core Policy 58 of the adopted Wiltshire Core Strategy, Paragraphs 131, 132 and 134 of the National Planning Policy Framework, and Sections 16(2) and 66(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990.

That listed building consent is REFUSED, for the following reason:

The proposed extension, by reason of its scale, siting and form would result in the unacceptable loss and obstruction of historic fabric, failing to conserve or enhance the listed building, its setting and the features of special architectural and historic interest it possesses. Accordingly, the proposals conflict with Core Policy 58 of the adopted Wiltshire Core Strategy, Paragraphs 131, 132 and 134 of the National Planning Policy Framework, and Sections 16(2) and 66(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990.

79 **15/10659/FUL - Ashley, Common Road, Malmesbury, Wiltshire, SN16 0HN**

Mr Stuart Bulley, Mr Alan Hopkins and Caroline Bulley spoke in objection to the application and with reference to visual aids including their own illustrative material

Officers clarified that the illustrative material was provided by objectors and not the applicant or officers and that accuracy could therefore not be confirmed.

Mr Chris Beardsmore and Ms Charlotte Watkins spoke in support of the application.

Cllr Roger Budgen, St Paul Malmesbury Without Parish Council, spoke in objection to the application.

The Planning Officer introduced the application for the proposed erection of two detached dwellings and associated landscaping and demolition; attention was drawn to the additional condition outlined in late observation; the mix of character and materials used in neighbouring buildings; the size and scale of the development; the potential impact of the proposals on neighbouring properties; and that changes to the position of windows and glazing to address concerns regarding privacy.

The Officer drew attention to late items and additional proposed conditions.

In response to Chairs question, it was regarding materials and pitch of the roof. Cllr Sturgis – queried the floor level of the bungalow behind, identified that when he visited the site the building appeared to be level with the proposed first floor of one of the proposed dwellings. Cllr Sturgis identified that the plans submitted did not indicate the height of the dwellings to the rear and whether the bungalow at the back was at the same ridge height of the proposed closest building.

The Chair asked, clarified that the proposal was two metres higher than the ridge of the existing bungalow.

Councillor Lay asked whether the new house would be substantially higher than the houses on either side. Officer stated that it would be higher than the neighbouring property to the side but not significantly higher.

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

The local member, Cllr John Thomson spoke in objection to the application.

During the debate that followed,

Councillor Toby Sturgis proposed, subsequently seconded by Councillor Howard Greenman, that the application be refused for the following reason:

The proposed development, by reason of its siting, scale and design, would result in a contrived and cramped form of development out of keeping with the character and appearance of its setting. The proposal therefore conflicts with Core Policy 57(iii) and (vi) of the adopted Wiltshire Core Strategy and Paragraphs 17 and 64 of the National Planning Policy Framework.

The position of the property by virtue of its close proximity to the neighbouring properties, have an overbearing impact upon and result in loss of amenity of neighbouring properties. The proposed development would therefore result in unacceptable levels of amenity for future and existing occupiers contrary to the requirements of with Core Policy 57(vii) of the adopted Wiltshire Core Strategy and Paragraphs 17 of the National Planning Policy Framework.

In the debate the following issues were highlighted: the size of the plot and proximity to neighbouring properties; the height of the proposals in relation to neighbouring properties, and the possibility for loss of privacy and be overbearing; that a number of councillors were familiar with site; and the impact on the streetscene would be harmful and out of character.

Following a vote, the meeting;

Resolved

That the application be REFUSED for the following reason:

The proposed development, by reason of its siting, scale and design, would result in a contrived and cramped form of development out of keeping with the character and appearance of its setting. The proposal therefore conflicts with Core Policy 57(iii) and (vi) of the adopted Wiltshire Core Strategy and Paragraphs 17 and 64 of the National Planning Policy Framework.

The position of the property by virtue of its close proximity to the neighbouring properties, have an overbearing impact upon and result in loss of amenity of neighbouring properties. The proposed development would therefore result in unacceptable levels of amenity for future and existing occupiers contrary to the requirements of with Core Policy 57(vii) of the adopted Wiltshire Core Strategy and Paragraphs 17 of the National Planning Policy Framework.

80 **Urgent Items**

There were no urgent items.

(Duration of meeting: 3.00 - 4.27 pm)

The Officer who has produced these minutes is Will Oulton of Democratic Services,
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