

## NORTHERN AREA PLANNING COMMITTEE

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### DRAFT MINUTES OF THE NORTHERN AREA PLANNING COMMITTEE MEETING HELD ON 14 MARCH 2012 AT COUNCIL CHAMBER - COUNCIL OFFICES, MONKTON PARK, CHIPPENHAM, SN15 1ER.

#### **Present:**

Cllr Desna Allen (Substitute), Cllr Peter Colmer, Cllr Christine Crisp, Cllr Peter Davis, Cllr Bill Douglas (Substitute), Cllr Peter Doyle, Cllr Peter Hutton, Cllr Toby Sturgis and Cllr Anthony Trotman (Chairman)

#### **Also Present:**

Cllr Chris Caswill and Cllr Jacqui Lay

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#### 9. **Apologies for Absence**

Apologies for absence were received from Cllrs Alan Hill, Howard Marshall, Mark Packard and Simon Killane.

Cllr Packard was substituted by Cllr Bill Douglas, and Cllr Marshall was substituted by Cllr Desna Allen.

#### 10. **Minutes**

The minutes of the meeting held on **22 February 2012** were presented.

It was,

#### **Resolved:**

**To approve the minutes as a correct record.**

#### 11. **Declarations of Interest**

Cllr Toby Sturgis declared a personal interest in Minute 16e: N/11/02514/FUL and N/11/03731/LBC - *Scarrott's Yard, Adjacent to 6 Old Court, Royal Wootton Bassett*, as the applicant's fairground business had been held on his land, but with no financial relationship. He stated the connection would not prejudice his decision.

#### 12. **Chairman's Announcements**

The Chairman explained the process of the meeting for those present.

The Chairman then noted the passing of former district and unitary Councillor, Peter Green, whose funeral was the day of the meeting, and invited Cllr Crisp to make a short statement. A minute's silence was then held in respect.

13. **Public Participation and Councillors' Questions**

The Committee noted the rules on public participation.

14. **Proposed Diversion of Purton Bridleway 104 - Known as Mud Lane**

**Public Participation:**

Mr Alan Roberts spoke in objection to the item.

Dr Richard Pagett spoke in objection to the item.

Mr Brian Freegard spoke in objection to the item.

Mr Richard Moseley spoke in support of the item.

Mr George Hawksworth spoke in support of the item.

Cllr John Crawford, Purton Parish Council, spoke in objection to the item.

The Rights of Way Officer introduced the item and presented the report, which recommended the Order be referred to the Secretary of State for the Environment, Food and Rural Affairs with the recommendation it be confirmed as made. Attention was also drawn to the late list of observations provided at the meeting.

The Rights of Way Officer outlined the history of the order and the current condition of the original and diverted bridleways, stressing that the diversion order had been made in the interests of the general public and the landowner, and that the legal criteria to support the order had been met.

The officer clarified that the options available for the Committee were to abandon the order, or to go with the officer's recommendation.

Members of the public then had the opportunity to address the Committee on the item, as detailed above.

The Committee then had the opportunity to further discuss the proposals.

It was,

**Resolved:**

**That the Order be referred to the Secretary of State for DEFRA for determination with the recommendation that it be confirmed as made.**

15. **Planning Appeals**

The Committee noted the update on the latest appeals.

16. **Planning Applications**

16 a) **N/11/03790/FUL - Rose Field, Hullavington**

The Planning Officer introduced the report which was recommended for approval. He drew attention to the late list of observations provided at the meeting, which altered the recommendation from temporary to permanent permission.

The Officer discussed previous objection to the site on highway grounds and efforts made to resolve these, and informed the Committee that approval would lead to an overprovision of Gypsy and Traveller pitches, but this was not considered detrimental to the Council's overall Core Strategy. Attention was also drawn to a recent appeal decision for a similar site near Semington.

The Committee then had the opportunity to ask technical questions to the officers. In response to queries, the Highways Officer clarified that the C1(South) junction, where all the traffic from the site would be diverted, had not been improved, and as the land was owned by a third party, further adjustments to the junction were not planned.

Cllr Toby Sturgis, representing the views of the Local Member, Cllr Jane Scott, then spoke in objection to the application.

A debate followed, where junction visibility, traffic increase and detrimental effect on local farmers were discussed.

It was,

**Resolved:**

**That the application be REFUSED for the following reason:**

**The C1n/C1s junction has substandard visibility to the left (south) and is considered to be "seriously deficient". Notwithstanding that although development would only give rise to modest additional daily vehicles movements at this junction, it is considered that the adverse impact on the highway would be material. The proposal fails to accord with Policy C3 of the North Wiltshire Local Plan 2011.**

16 b) **N/11/03802/DEM and N/11/03798/LDC - Chippenham Railway Station, Cocklebury Road, Chippenham**

**Public Participation**

Mrs Clare Evans spoke in support of the application.

Mrs Maureen Lloyd spoke in support of the application.

Mr Eric Stubbs spoke in support of the application.

The Planning Officer presented a report which recommended approval. He explained the current lack of lift facilities at Chippenham station and adequate provision for disabled or frail railway users. It was clarified that, at present, there were no plans for lift access on the north side of the station.

The Officer also stressed the presence of the Listed Building of the main station was a consideration, as was the appearance of the design, but that the plans had been amended several times during the planning process.

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

Members of the public then had the opportunity to address the Committee on the application, as detailed above.

The Local Member, Cllr Chris Caswill, requested the Committee defer the item to encourage a more appropriate visual design to be presented.

A debate followed, wherein the utilitarian design of the bridge was discussed, and specific materials for the cladding of towers and bridge assessed. Access to the lifts at night was also raised as a concern, which was clarified as a management issue for Network Rail. The environment consideration to reduce Wiltshire's carbon footprint by encouraging increased rail usage, and the need to provide for those currently unable to easily use the station was also discussed.

It was,

**Resolved:**

**In respect of 11/03802/DEM:**

**NO OBJECTION for the following reason:**

**The proposed demolition of the existing footbridge is considered to have a neutral or positive impact upon the setting of the Listed Building and the Chippenham Conservation Area. The replacement footbridge is considered likely to cause some harm to the Conservation Area and setting of listed building. However, the significant benefit to the community and users of the railway station through the creation of an accessible footbridge to the platform and rail services is considered to outweigh any harm that may be caused by the construction of the footbridge. The proposal is considered therefore to comply with the requirements of PPS5, with specific**

reference to Policy HE9.4. and Policies C3, HE1 and HE4 of the North Wiltshire Local Plan 2011.

**Subject to the following condition:**

**1. No development shall commence on site until details of the stone work and zinc cladding to the lift towers and finish of the footbridge 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:** In the interests of visual amenity and the character and appearance of the area.

**In respect of Listed Building Consent 11/3798/LBC:**

**Listed Building consent be GRANTED for the following reason:**

**The proposed demolition of the existing footbridge is considered to have a neutral or positive impact upon the setting of the Listed Building. The replacement footbridge is considered likely to cause some harm to the setting of listed building. However, the significant benefit to the community and users of the railway station through the creation of an accessible footbridge to the platform and rail services is considered to outweigh any harm that may be caused by the construction of the footbridge. The proposal is considered therefore to comply with the requirements of PPS5, with specific reference to Policy HE9.4.**

**Subject to the following conditions:**

**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. No development shall commence on site until details of the stone work and zinc cladding to the lift towers and finish (including painted) of the footbridge 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:** In the interests of visual amenity and the character and appearance of the area

**3. 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.**

**Site location plan; drawing Numbers 1031314/CHI/EAR/DRG: 001b; 002C; 003E; 004E; 005F; 006E; 008; and 008.1 and Drawing number 1031314/CHI/A/226 Rev F**

**Planning Statement Incorporating Design and Access Statement and Heritage Statement**

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

**INFORMATIVE:**

**Network Rail and the Train Operating Company should have consideration for the need to ensure that the lifts are made available for their timely use prior to and after the first and last trains of the day.**

**16 c) N11/02514/FUL and N/11/03731/LBC - Scarrott's Yard, Adjacent to 6 Old Court, Royal Wootton Bassett**

Public Participation:

Mr Vines spoke in support of the application.

Cllr Christopher Wannell, Royal Wootton Bassett Town Council, spoke in support of the application.

The Planning Officer presented the report and drew attention to the late list of observations provided at the meeting. The officer highlighted the highly visible nature of the site and the listed barn, inadequate provision of parking as a result of the lack of confirmed clear path to the proposed car ports with the in use depot, and the impact on amenity for neighbouring properties.

The Committee then had the opportunity to ask technical questions of the officers, where the closeness to the pavement of the proposed houses was queried.

Members of the Public then had the opportunity to address the Committee, as detailed above.

A debate followed, wherein the lack of likely traffic increase was mentioned, the right to dictate on the applicant's traditional way of life and human right's concerns was raised, and the lack of detrimental effect on the conservation area.

After discussion, it was,

**Resolved:**

**In respect of 11/02514/FUL**

**To DELEGATE to the AREA DEVELOPMENT MANAGER to APPROVE**

**For the following reasons:**

**The proposed development is considered to be in keeping with the character and appearance of the area, would not be detrimental to any residential amenities, highway safety or the setting of the Listed Building. Further the circumstances of the applicants have been taken into account as Travelling Showpeople and their need to continue to live and work on the site in the manner proposed. The development is thus considered to accord with Policies C3, HE1, HE4 and CF3 of the North Wiltshire Local Plan together with Core Policy 47 of the Wiltshire Core Strategy Pre-submission Document February 2012.**

**Subject to a S106 agreement to secure off site public open space provision together and**

**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.Contamination – see below as not able to cut and paste into this due to size.**

**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.** Attention is drawn to the Legal Agreement relating to this development or land which has been made pursuant to Section 106 of the Town and Country Planning Act 1990, Section 111 of the Local Government Act 1972, Section 33 of the Local Government (Miscellaneous Provisions) Act 1982 or other enabling powers.

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

**In respect of 11/03731/LBC**

**To APPROVE for the following reason:**

The proposed development by reason of its scale, design and detailing would be out of keeping with the character and appearance of the area; would fail to preserve the setting of the Grade II Listed Building contrary to National Guidance contained in PPS5.

**Subject to the following conditions:**

**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.

**16 d) N/11/03912/S73A - The Old Dairy, Market Place, Box, Corsham**

Public Participation:

Mrs Patricia Simpson spoke in objection to the application.

Mrs Lucy Wright spoke in support of the application.

Mrs Kate Smith spoke in support of the application.

Cllr Pauline Lyons, Box Parish Council, spoke in objection to the application.

The Planning Officer introduced the report which recommended approval and drew attention to the late list of observations provided at the meeting. It was clarified that the application was to vary several conditions from a previous application to permit additional usage of the application site only.

The Officer explained the key issues as in relation to highways impacts, neighbour amenity, impact on the conservation area, and the impact of increase noise and odour.

The Committee then had the opportunity to ask technical questions of the officers. Specifics on how noise levels would be compared were sought, and the circumstances of the applicants were also sought.

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

The Local Member, Cllr Sheila Parker, spoke in objection to the application.

A debate followed, wherein the number of days the applicants could conduct business beyond 8pm was discussed, and it was clarified that a monthly plan for which nights would be extended would have to be submitted to Council officers, and how the conditions could be monitored was asked.

After discussion, it was,

**Resolved:**

**That Planning Permission be GRANTED for the following reason:**

**The proposed variation to conditions, by virtue of the nature of the activities and hours of operation proposed, will not adversely affect the character or appearance of the site or its setting in a Conservation Area, and will not detrimentally affect highway safety or the residential amenity enjoyed by neighbours. The proposal therefore accords with Policies C3, HE1, HE4 and R5 of the adopted North Wiltshire Local Plan 2011.**

**Subject to the following conditions:**

**1. The coffee shop use shall only take place between the hours of 0800 hrs in the morning and 2300 hrs in the evening until 17 March 2013, after which date the hours of operation shall revert to 0800 hrs in the morning till 2000 hrs in the evening. The site shall then be used for a coffee shop and for no other purpose (including any other purpose in Class A3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended by the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005, (or in any provisions equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification).**

**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 and to enable monitoring of noise, nuisance and activity.**

**1. The following uses:**

- Private dinner or breakfast functions;
- Craft workshops;
- Cookery classes; or
- Children's parties

Are permitted in connection with the existing business only and for no other purpose (including any other purpose in Class A3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended by the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005 (or in any provisions equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification) for a period of 12 months ceasing on 17 March 2013 for the hours of 0800 hrs in the morning to 2300 hrs in the evening.

**REASON:** The Local Planning Authority wish to monitor the nature of the uses having regard to the circumstances of the case including the impact upon local residents and the local highway network.

**3. The coffee shop business and building shall not be sold, let or rented separate from the dwelling house (known as The Old Dairy).**

**REASON:** In order to minimise traffic generation and preserve the amenities of the occupiers of the dwellinghouse.

**4. The operation of the premises between the hours of 2000-2300 hereby permitted until 17 March 2013 shall be limited to not more than eight evenings per calendar month. The specific evenings per month for the duration of the permission shall be submitted to and approved in writing by the Local Planning Authority within one month of this permission. Such details shall also be kept on the premises.**

**REASON:** In the interests of residential amenity and to avoid nuisance.

**5. The operation of the premises for the hours of 2000 -2300 and activities hereby permitted until 17 March 2013 shall apply only to the following persons and their resident dependants:**

**Mr Simon Wright**

**Mrs Lucy Wright**

**REASON:** Regard has been paid to the personal circumstances of the applicant given the operation of the existing permitted use and the relationship with the adjacent dwelling within their ownership. The Local Planning Authority shall wish to consider separately any such proposal made by another applicant.

6. The level of noise emanating from the premises shall at no time exceed a rating level of 35dB (BS4142:1997) at the site boundary.

**REASON:** In the interests of residential amenity

### **INFORMATIVES**

1. Planning Permission has been and continues to be granted based on the uses within the red line. External areas outside the red line site boundary are being used in association with the business and this is unauthorised. As such the applicant is requested to cease such use and apply for planning permission.
2. In the event changes to the evening operations beyond 8pm, a formal application will be required to vary condition 5.
3. The applicant is reminded that notwithstanding this permission, any nuisance complaints can still be investigated under the Environmental Protection Act 1990.

#### **16 e) N/11/04105/FUL - Land to the Rear of Jugglers Cottage, Cherhill**

##### Public Participation:

Mr Rob Pickford spoke in objection to the application.

Mr Derek Weakford spoke in support of the application.

Mr Mike Quilter spoke in support of the application.

Mr Arlene Mudie spoke in support of the application.

Cllr David Willett, Cherill Parish Council, spoke in objection to the application.

The Planning Officer introduced the report which recommended the

application be delegated to the Area Development Manager to allow the signing of S106 agreements to cover Public Open Space and Affordable Housing. Attention was drawn to the late list of observations provided at the meeting.

The long distance from the Listed cottage and subservience to neighbouring properties of the application was highlighted and was of a modest design with separate access.

The Committee then had the opportunity to ask technical questions of the Committee, and the acceptability of the access was discussed.

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

A debate followed, wherein it was clarified that appropriate development is permitted within conservation areas, and that the local area had seen many developments in recent decades.

After discussion, it was,

**Resolved:**

**That the application is DELEGATED to the Head of Development Control to GRANT Planning Permission for the following reason:**

**The plans for the dwelling have now been significantly amended so that they reflect a simpler cottage style to be built in good quality brick with a grey slate roof, with traditional proportions and detailing. It is considered that the proposal now will preserve the character of the conservation area whilst allowing a new home and retention of the open character of the area. The proposal is therefore considered to comply with policies C3, H2, HE1 and HE4 of the North Wiltshire Local Plan 2011.**

**Subject to the signing of a S106 agreement in respect of Public Open Space and Affordable Housing**

**And 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.

**POLICY: C3**

**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) all species, planting sizes and planting densities, spread of all trees and 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) car park layouts;**
- (g) other vehicle and pedestrian access and circulation areas;**
- (h) hard surfacing materials;**

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

**POLICY: C3**

**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.

**POLICY:** C3

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.

**POLICY: C3**

**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.**

**POLICY: C3**

**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), no buildings or structures, or gate, wall, fence or other means of enclosure, other than those shown on the approved plans, shall be erected or placed anywhere on the site on the approved plans.**

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

**POLICY: C3**

**8. No works shall commence on site until details of all new or replacement rainwater goods (which shall be of metal construction and finished in black) and their means of fixing to the building have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.**

**REASON: In the interests of preserving the character and appearance of the listed building and its setting.**

**POLICY: C3**

**9. No works shall commence on site until details of all new external window and door joinery and/or metal framed glazing have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include depth of reveal, details of heads,**

sills and lintels, elevations at a scale of not less than 1:10 and horizontal/vertical frame sections (including sections through glazing bars) at not less than 1:2. The works shall be carried out in accordance with the approved details.

**REASON:** In the interests of preserving the character and appearance of the listed building and its setting.

**10. No development shall commence within the area indicated on the location plan outlined in red until:**

- a) A written programme of archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved by the Local Planning Authority; and
- b) The approved programme of archaeological work has been carried out in accordance with the approved details.

**REASON:** To enable the recording of any matters of archaeological interest.

**POLICY: C3**

**11. 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 areas shall be maintained for those purposes at all times thereafter.**

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

**POLICY: C3**

**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, 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.

**POLICY: C3**

**13. The gradient of the access way shall not at any point be steeper**

than 1 in 15 for a distance of 4.5 metres from its junction with the public highway.

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

**POLICY:** C3

14. 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.

306/001RevA, A11/SA193/01RevA, 02RevB, 03RevB, 04RevB dated 27th February 2012, Topographical survey 20th Dec 2011

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

**16 f N/12/00198/S73A - Phelps Parade, Unit 2, 119 The Pippin, Calne**

Public Participation:

Mr Mike O'Brien spoke in support of the application.

The Planning Officer presented the report which recommended approval. The Officer explained the history of the application, which had come before the Committee in November 2011.

The Committee then had the opportunity to ask technical questions of the officers. It was clarified that there are nearby establishments open until at least 11pm, and that there were no police concerns regarding anti-social behaviour specific to this application's location and business.

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

After discussion, it was,

**Resolved:**

**That Planning Permission be GRANTED for the following reason:**

**The proposal, due to its town centre location and limiting conditions, is considered to be compliant with policies C3, HE1 and NE9 of the North Wiltshire Local Plan 2011.**

**Subject to the following conditions:**

- 1. The development hereby permitted shall be begun before the expiry 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 (Compulsory Purchase) Act 2004.**

- 2. The use hereby permitted shall be for the sale of pizzas only and other hot food takeaway. There shall be no cooking or sale of food outside the hours of 09:00-23:00 on any day.**

**REASON: To protect the amenity of the area.**

- 3. Any fixed plant associated with the proposed development shall be sited and designed as to not exceed the following criteria: 45dB LAeq(1hr) and noise rating (NR) curve 40dBA, when measured 1m from any residential window.**

**REASON: To protect nearby residential amenity.**

- 4. The development hereby permitted shall be implemented in accordance with the submitted plans and documents listed below. No variations to 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:**

**C4728-A5-03, 02, 01, 04 and 05 dated 11th August 2011.**

**17. Urgent Items**

There were no urgent items.

(Duration of meeting: 6.00 - 9.25 pm)

The Officer who has produced these minutes is Kieran Elliott, of Democratic Services, direct line (01225) 718504, e-mail [kieran.elliott@wiltshire.gov.uk](mailto:kieran.elliott@wiltshire.gov.uk)

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