

NORTHERN AREA PLANNING COMMITTEE

MINUTES OF THE NORTHERN AREA PLANNING COMMITTEE MEETING HELD ON 19 MAY 2010 AT COUNCIL CHAMBER, WILTSHIRE COUNCIL OFFICES, MONKTON PARK, CHIPPENHAM.

Present:

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

Also Present:

Cllr Mollie Groom

51. **Apologies for Absence**

An apology for absence was received from Cllr Howard Marshall.

52. **Minutes**

Resolved:

To confirm and sign the minutes of the meeting held on 28 April 2010, subject to correcting the apology for absence received to read Cllr Bill Douglas.

53. **Declarations of Interest**

Cllr Peter Doyle declared a personal and prejudicial interest as a member of Wootton Bassett Town Council in respect of the following application, because this proposal could facilitate the delivery of Station House to the Town Council :-

Application No 07/02168/FUL – Former St Ivel Site, Station Road, Wootton Bassett – Erection of 60 One bedroom Apartments and Associated Parking and Landscaping.

Cllr Doyle stated that he would withdraw from the meeting during consideration of this application.

54. **Chairman's Announcements**

The Chairman reported that the judgement had been received regarding an appeal lodged by the Council in respect of the Planning Inspector's decision at Sandpit Lane, Calne (08/2438), as set out in the Appendix to these minutes.

55. **Public Participation**

Members of the public addressed the Committee as set out in Minute No 57 below.

56. **Planning Appeals**

The Committee received a report setting out a schedule of:-

- (i) forthcoming hearings and public inquiries scheduled to be heard between 19 May and 31 December 2010.
- (ii) planning appeal decisions decided between 14 April and 7 May 2010.

Resolved:

To note the contents of the report.

57. **Planning Applications**

1a **07/02168/FUL - Former St Ivel Site, Station Road, Wootton Bassett - Erection of 60 One Bedroom Apartments and Associated Parking and Landscaping - Electoral Division Wootton Bassett South**

The Committee received a presentation by the Case Officer which set out the main issues in respect of the application.

After discussion,

Resolved:

To delegate to the Area Development Manager for approval subject to a legal agreement to secure the provision of one two bedroom dwelling and one three bedroom dwelling:

For the following reason:

The proposed development is acceptable in terms of its appearance, impact upon the amenity of the area and the benefits secured for the local community. The Council considers that as Wootton Bassett

continues to expand the provision of a public building for the use of the Town Council is an important material consideration. The application proposal therefore complies with Policies C3 and BD2 of the North Wiltshire Local Plan 2011.

1b 09/01300/REM - 18-19 Dianmer Close, Hook, Lydiard Tregoz - Erection of Three 4 Bedroom Houses and Garages with Associated Drive - Electoral Division Wootton Bassett East

The Committee received a presentation by the Case Officer which set out the main issues in respect of the application.

Cllr Mollie Groom, the local Member, expressed her concern regarding potential dangers to properties arising from flash flooding which she considered would be exacerbated by additional dwellings. The detailed views of the Council's Land Drainage Engineer had been received in which he concluded that although the drainage system in Dianmer Close was not a straight forward system, it provided a well considered solution to the problems of positioning a development in this difficult area.

After further discussion,

Resolved:

To approve the reserved matters, subject to the following conditions:-

1. 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.

2. (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.

3. No development shall commence on site until details of any screen walls and/or fences have been submitted to and approved in writing by the Local Planning Authority. The screen walls and/or fences shall be erected in accordance with the approved details prior to the occupation of the dwelling(s) hereby permitted and shall be maintained as such at all times thereafter.

REASON: To prevent overlooking & loss of privacy to neighbouring property.

4. Before the development hereby permitted is first occupied all first floor bathroom, toilet and shower room windows shall be glazed with

obscure glass only and the windows shall be maintained with obscure glazing at all times thereafter.

REASON: In the interests of residential amenity and privacy.

5. No development shall commence on site until details of the 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: In the interests of visual amenity and the character and appearance of the area.

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 to, or extensions or enlargements of 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 enlargements.

7. The development hereby permitted shall not be occupied until the drainage works set out within the submitted Surface Water Assessment Report and accompanying drainage layout plan have been completed in full.

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

8. Prior to the commencement of development a detailed scheme for the future maintenance and management of the proposed surface water storage/attenuation tank and all associated piping, as set out within the submitted Surface Water Assessment Report, shall have been submitted to and approved in writing by the Local Planning Authority. The future maintenance and management of such items shall be undertaken in complete accordance with such details approved.

Reason: To ensure the proposed drainage scheme is properly managed and maintained into the future to continue to provide effective drainage of the site.

POLICY-C3

Informatives:

1. This approval of matters reserved discharges condition 01 of outline planning permission 06/01488/OUT dated 02/08/2006, but does not by itself constitute a planning permission.

Reason for Decision

The proposed development is for the erection of three new dwellings of a scale, design and appearance that is appropriate to the context of Dianmer Close. The layout of development on this site of significant size is such that it would allow for development to avoid a detrimental impact upon the amenities of existing occupiers. Accordingly, the proposal is considered to comply with the provision of Policy C3 and H3 of the adopted North Wiltshire Local Plan 2011.

1c 10/00825/FUL & 10/00826/LBC - The Mansells, Upper Minety, Malmesbury - Extension to Existing South Elevation to Create 2-Storey Bay - Electoral Division Minety

The Committee received a presentation by the Case Officer which set out the main issues in respect of the application.

The Committee then received statements from the following members of the public expressing their views regarding this application.

The following people spoke in favour of the proposal

Mr Omar Malik, the applicant

Cllr Graham Thorne, Chairman of Minety Parish Council

After discussion,

Resolved:

To refuse listed building consent and planning permission for the following reason:-

The proposals would damage the listed building and features of special architectural and historic interest without sufficient justification.

1d 10/01021/FUL - Grove Farm, Startley, Chippenham - Extensions and Alterations to Dwelling - Electoral Division Brinkworth

The Committee received a presentation by the Case Officer which set out the main issues in respect of the application.

The Committee then received a statement from Mr David Pearce, consultant, in support of the application.

Cllr Toby Sturgis, the local Member, considered that the application should be supported as it complied with virtually all the relevant planning policies.

The Committee was also informed that Great Somerford Parish Council raised no objections to the proposal.

After discussion,

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. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) there shall be no further extension of the dwelling beyond that being the subject of this planning permission.

Reason: In order to safeguard the amenity of the area by enabling the Local Planning Authority to consider individually whether planning permission should be granted for extensions and to comply with Policies C3 and H8 of the North Wiltshire Local Plan (2011).

Reason for decision

The proposed scale, form and materials of the proposed extension are considered to be in keeping with the host dwelling and without detriment to surrounding amenities. The proposed extension is therefore considered to comply with the provisions of Policies C3 and H8 of the adopted North Wiltshire Local Plan 2011.

58. **Urgent Items**

There were no urgent items.

(Duration of meeting: 6.00pm – 7.10pm)

The Officer who has produced these minutes is Roger Bishton, of Democratic Services, direct line (01225) 713035, e-mail roger.bishton@wiltshire.gov.uk

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APPENDIX

Member Briefing

Sandpit Lane Appeal Strike Out Judgement

Members may recall that following the decision to allow an appeal at Sandpit Lane, Calne (08/2438) the Council sought to challenge that decision in the High Court (under section 288 of the Town and Country Planning Act 1990).

Subsequently the applicants issued an application to 'dispose of the (Councils) claim – effectively to strike it out – as they believed the challenge was bound to fail.

The 'strike out' claim was heard in mid-April with a formal decision from the Judge on 12th May 2010.

The conclusion reached by the Judge was that the Inspector had not erred in law in making his decision and thus a Section 288 challenge to that decision could not succeed

Even if the Council were to win an appeal against this strike-out judgement (and be allowed to continue to the main Section 288 hearing) the judgement provides a clear indication of the reasoning which would be applied in deciding the Section 288 challenge. That is whether the Inspector's decision was so seriously flawed in law that it should not stand and should therefore be re-submitted to the Secretary of State for determination.

The judgement unequivocally sets out a High Court Judge's view that the Inspector's decision was not so seriously flawed as to merit resubmission. Counsel's advice therefore is that there is no benefit in the Council incurring further substantial costs in continuing the challenge where there is little or no chance of succeeding.

A point to note is that the judge did severely criticise the appellant for its underestimate of the time the strike out hearing would take thus having its application listed much earlier than would otherwise have been the case.

19th May 2010