

NORTHERN AREA PLANNING COMMITTEE

**DRAFT MINUTES OF THE NORTHERN AREA PLANNING COMMITTEE MEETING
HELD ON 10 JULY 2013 AT COUNCIL CHAMBER - COUNCIL OFFICES,
MONKTON PARK, CHIPPENHAM, SN15 1ER.**

Present:

Cllr Chuck Berry (Substitute), Cllr Christine Crisp, Cllr Mollie Groom, Cllr Chris Hurst,
Cllr Sheila Parker, Cllr Anthony Trotman (Chairman) and Cllr Philip Whalley

Also Present:

Cllr Howard Greenman

71 **Apologies**

Apologies were received from Councillor Bill Douglas, Councillor Peter Hutton and Councillor Mark Packard.

Councillor Peter Hutton was substituted by Councillor Chuck Berry.

72 **Minutes of the Previous Meeting**

The minutes of the meeting held on 19 June 2013 were presented.

Resolved:

To approve as a true and correct record and sign the minutes, with the amendment that Councillor Desna Allen and Councillor Mark Packard left the room after the first item for urgent business at Chippenham Town Council.

73 **Declarations of Interest**

There were no declarations of interest.

74 **Chairman's Announcements**

There were no Chairman's announcements.

75 **Public Participation and Councillors' Questions**

The Committee noted the rules on public participation.

76 **Planning Appeals**

The Committee noted the contents of the appeals update.

77 **Planning Applications**

Attention was drawn to the late list of observations provided at the meeting and attached to these minutes, in respect of applications 7b, 7d and 7e as listed in the agenda pack.

Additional Information 10.07.13

78 **N/13/00755/FUL - Land Adj 2 Box Cottages, Sutton Benger, SN15 4RD**

Public Participation

Mr James Bolton spoke in objection to the application.
Mr Brian Weetch spoke in support of the application.
Mrs Elaine Weetch spoke in support of the application.

The area development manager introduced the application. There had been permission for a single storey dwelling on the site but this had since lapsed. Concern was raised over the size and height of the proposed dwelling.

The committee then had the opportunity to ask technical questions of the officer. There were no questions raised.

Members of the public then had the opportunity to address the committee with their views, as detailed above.

The local councillor, Councillor Howard Greenman highlighted the applicants had been involved in a lengthy process to work with the planning department from the pre-application stage and to address their concerns.

A short discussion took place regarding communication with the planning department, whether this was a suitable proposal for the plot and the want for a clearer drawing of the proposal.

Resolved:

For Application N/13/00755/FUL

Planning Permission be REFUSED for the following reasons:

- 1. The proposed development, by reason of its siting, scale, massing and design, represents an unjustified intrusion into the countryside and would be detrimental to the character and appearance of the site and its**

setting in a Conservation Area. The proposal will also negatively impact upon the residential amenity of neighbouring properties and therefore fails to accord with Policies C3, NE15, HE1 and H3 of the adopted North Wiltshire Local Plan 2011 and Sections 7, 11 and 12 of the National Planning Policy Framework.

2. In the current absence of a Section 106 Legal Agreement in respect of the relevant off-site financial contributions, the proposal also conflicts with Policies H6 and CF3 of the adopted North Wiltshire Local Plan 2011.

79 **N/13/00011/FUL and N/13/00012/CAC - Hazelwood Farm, Sutton Benger, SN15 4RX**

Public Participation

Mr Michael Sideras spoke in objection to the application.

Mr Groves spoke in support of the application.

Miss Sophia Thorpe spoke in support of the application.

The development control team leader introduced the application. The application had been brought back from the previous planning committee meeting to provide the additional information requested regarding the capacity of Seagry Brook and the situation with regards to M4 drainage. It was clarified that the proposed development would reduce the existing surface water discharge rate into Seagry Brook by 50% and M4 water did not affect the brook.

The committee then had the opportunity to ask technical questions of the officer. This covered whether the road surfaces in the proposal would be permeable, which could not be guaranteed.

Members of the public then had the opportunity to address the committee with their views, as detailed above.

The local councillor, Councillor Howard Greenman commented the information provided by the Environment Agency was inadequate and he requested the detailed capacity of the brook before the M4 was constructed and in the present day.

A short discussion took place regarding the site not being in a major flood risk area, whether the proposed development was considered suitable in terms of its nature and location, maintenance of the brook and links proposed with the former chicken factory site .

Resolved:

For Application N/13/00011/FUL

Planning Permission be delegated to the Area Development Manager to be GRANTED, subject to completion of the Section 106 Agreement for the following reason:

The proposed development, by reason of its siting, layout, access, design and materials, will not harm the character or appearance of the site or its setting in a Conservation Area. The proposed drainage and ecological mitigation measures are adequate, as is the level of S106 provision. As such, the proposal accords with Policies C3, NE11, HE1, H3, H6 and CF3 of the adopted North Wiltshire Local Plan 2011 and Sections 7, 10, 11 and 12 of the National Planning Policy Framework.

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 of the development hereby permitted 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 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 buildings 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.

4 No part of the development hereby permitted shall be first brought into use until the access (road width at entrance to site 5.5m width), and layout have been completed in accordance with details shown on the approved plans ITB6118-GA-006 Revision B 'Proposed Site Access

Arrangements'. The areas shall be maintained for those purposes at all times thereafter.

REASON: In the interests of highway safety.

5 No part of the development hereby permitted shall be first brought into use and parking spaces have been completed in accordance with the details shown on the approved plans (drawing ITB6118-GA-010 Revision A titled 'Proposed Parking Arrangements' and parking schedule included in Table 1 of the Technical Note – Post Application Matters). The areas shall be maintained for those purposes at all times thereafter.

REASON: To ensure that adequate provision is made for parking within the site in the interests of highway safety.

6 No part of the development shall be first occupied until the visibility splays shown on the approved plans have been provided with no obstruction to visibility as detailed on drawing ITB6118GA-009 Revision B 'Proposed Site Access Arrangements'. The visibility splays shall be maintained free of obstruction at all times thereafter.

REASON: In the interests of highway safety.

7 The roads, including footpaths and turning spaces, shall be constructed so as to ensure that, before it is occupied, each dwelling has been provided with a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway. In line with (Drawing 'Service Margin Provision' numbered ITB6118-GA-12 Rev B).

REASON: To ensure that the development is served by an adequate means of access.

8 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 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 and mitigate against flood risk.

9 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, no extensions,

fencing, walls, outbuildings, sheds, greenhouses or any other type of building shall be erected, no orchards or other extensive planting, and no raising of ground levels, shall be permitted within Flood Zone 3, as delineated on the Flood Map in Appendix D and the Site Layout Plan in Appendix E of the Flood Risk Assessment.

REASON: To ensure that there will be no increased risk of flooding to other land/properties due to impedance of overland flood flows and/or reduction of flood storage capacity and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions/extensions.

10 No materials, including spoil arising from the excavation of the conservation ponds, shall be deposited (either permanently or temporarily) within Flood Zone 3 as delineated on the Flood Map in Appendix D and the Site Layout Plan in Appendix E of the Flood Risk Assessment during the course of development.

REASON: To ensure that there will be no increased risk of flooding to other land/properties due to impedance of flood flows and/or reduction of flood storage capacity.

11 No development shall commence on site until a scheme for the discharge of surface water from the site, incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall also include details of how the scheme shall be maintained and managed after completion. 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.

12 No development shall commence on site until details of the works for the disposal of sewerage including the point of connection to the existing public sewer have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be first occupied until the approved sewerage details have been fully implemented in accordance with the approved plans.

REASON: To ensure that the proposal is provided with a satisfactory means of drainage and does not increase the risk of flooding or pose a risk to public health or the environment.

13 The development hereby permitted shall not be first occupied until the approved sewage disposal works proposed have been completed in accordance with the submitted and approved details.

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

14 No development shall commence on site until an investigation of the history and current condition of the site to determine the likelihood of the existence of contamination arising from previous uses has been carried out and all of the following steps have been complied with to the satisfaction of the Local Planning Authority:

Step (i) A written report has been submitted to and approved by the Local Planning Authority which shall include details of the previous uses of the site for at least the last 100 years and a description of the current condition of the site with regard to any activities that may have caused contamination. The report shall confirm whether or not it is likely that contamination may be present on the site.

Step (ii) If the above report indicates that contamination may be present on or under the site, or if evidence of contamination is found, a more detailed site investigation and risk assessment shall be carried out in accordance with DEFRA and Environment Agency's "Model Procedures for the Management of Land Contamination CLR11" and other authoritative guidance and a report detailing the site investigation and risk assessment shall be submitted to and approved in writing by the Local Planning Authority.

Step (iii) If the report submitted pursuant to step (i) or (ii) indicates that remedial works are required, full details have been submitted to the Local Planning Authority and approved in writing and thereafter implemented prior to the commencement of the development or in accordance with a timetable that has been agreed in writing by the Local Planning Authority as part of the approved remediation scheme. On completion of any required remedial works the applicant shall provide written confirmation to the Local Planning Authority that the works have been completed in accordance with the agreed remediation strategy.

REASON: To ensure that land contamination can be dealt with adequately prior to the use of the site hereby approved by the Local Planning Authority.

15 Notwithstanding the approved drawings, no works shall commence until details of the following have been submitted to and approved in writing by the Local Planning Authority:

(i) Full details of the estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls / walls, service routes, surface water outfall, visibility splays, accesses, carriageway gradients, driveway gradients, car parking and street furniture, including

timetable for provision of such works unless an alternative timetable is agreed in the approved details;

- (ii) Submission of a Landscape and Ecological Management Plan, to include details of pre and post-construction measures together with monitoring details; and
- (iii) Full details and samples of all external materials.

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

REASON: In the interests of the character, appearance, amenity and highway safety of the area.

16 Notwithstanding the approved drawings, the development hereby permitted shall not be first occupied until details of the following have been submitted to and approved in writing by the Local Planning Authority:

- (i) Full details of the improvements to Public Footpath 8 (including specification details and in line with drawing titled 'Indicative Footpath 8 Improvements' numbered ITB6118-GA008 Revision A); and
- (ii) Full details of the Seagry Road traffic calming measures including specification details (in line with drawing titled 'Potential gateway feature and visual narrowing on Seagry Road' numbered ITB6118-GA-007 Revision C).

The 10th (tenth) dwelling shall not be first occupied until the Seagry Road traffic calming measures have been provided in accordance with the approved details;

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.

17 Finished floor levels shall be set no lower than 55.305 metres above Ordnance Datum.

REASON: To reduce the risk of flooding to the proposed development and future occupants.

18 No development shall commence on site (including any works of demolition), until a Construction Method Statement, which shall include the following:

- (iii) the parking of vehicles of site operatives and visitors;
- (iv) loading and unloading of plant and materials;
- (v) storage of plant and materials used in constructing the development;

- (vi) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- (vii) wheel washing facilities;
- (viii) measures to control the emission of dust and dirt during construction;
- (ix) a scheme for recycling/disposing of waste resulting from demolition and construction works; and
- (x) measures for the protection of the natural environment.
- (xi) hours of construction, including deliveries; and
- (xii) demolition works and disposal of demolition materials

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: 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.

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

121207-HF-TPP rev A-AM - Tree Protection Plan

Received 21 December 2012

- 1117.11 A - House Type 'B': Plot nos. 15, 16, 17, 20 & 21**
- 1117.12 A - House Type 'C1': Plot nos. 1 & 9**
- 1117.13 A - House Type 'C2': Plot nos. 2 & 3**
- 1117.14 A - House Type 'E': Plot nos. 8 & 13**
- 1117.15 A - House Type 'F1': Plot no. 19**
- 1117.16 A - House Type 'F2': Plot no. 14**
- 1117.17 A - House Type 'G1': Plot no. 18**
- 1117.18 A - House Type 'G2': Plot no. 12**
- 1117.20 A - Garages to Plot nos. 13, 14 & 19**

Received 11 February 2013

MWA 1117.22 - Garden Stores: Typical Design

Received 27 February 2013

274/P4 rev B - Landscape Strategy

Received 11 March 2013

1117.10 B - House Type 'A': Plot nos. 6 & 7

1117.19 B - House Type 'D': Plot nos. 4, 5, 10 & 11

Received 19 March 2013

**1117.06 H - Proposed Site Plan
1117.21 C - Proposed Site Plan**

Received 15 May 2013

**ITB6118-GA-006 Revision B - Proposed Site Access Arrangements
ITB6118-GA-010 Revision A - Proposed Parking Arrangements
ITB6118-GA-009 Revision B - Proposed Site Access Arrangements
ITB6118-GA-008 Revision A - Indicative Footpath & Improvements
ITB6118-GA-007 Revision C - Potential gateway feature and visual
narrowing on Seagry Road**

Received 21 June 2013

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

INFORMATIVES:

1 Any alterations to the submitted and 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.

2 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.

3 There must be no interruption to the surface water drainage system of the surrounding land as a result of the operations on the site. Provisions must be made to ensure that all existing drainage systems continue to operate effectively and that riparian owners upstream and downstream of the site are not adversely affected.

4 Under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws the prior written consent (Flood Defence Consent) of the Environment Agency is required for any proposed works (permanent or temporary) or structures (including any surface water drainage outfall)

in, under, over or within 8 metres of the top of the bank of the Sutton Benger Brook, designated a 'main' river. The need for this consent is over and above the need for planning consent. The applicant is advised to contact Daniel Griffin on 01258 483421 to discuss the scope of the Environment Agency's controls.

Resolved:

For Application N/13/00012/CAC

Conservation Area Consent be GRANTED, for the following reason:

The proposed development, by virtue of the extent, type and quality of buildings to be demolished and prospect of a suitable replacement, will not harm the character or appearance of the Conservation Area or its setting. As such, the proposal accords with Policies C3 and HE2 of the adopted North Wiltshire Local Plan 2011 and Section 12 of the National Planning Policy Framework.

And subject to the following conditions:

1 The works for which Conservation Area 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 building operations shall commence on site until all the existing buildings on site have been permanently demolished and all of the demolition materials and debris resulting there from has been removed from the site.

REASON: In the interests of the character and appearance of the area and neighbouring amenities.

3 No development shall commence on site (including any works of demolition), until a Construction Method Statement, which shall include the following:

(xiii) the parking of vehicles of site operatives and visitors;

(xiv) loading and unloading of plant and materials;

(xv) storage of plant and materials used in constructing the development;

(xvi) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;

(xvii) wheel washing facilities;

(xviii) measures to control the emission of dust and dirt during construction;

(xix) a scheme for recycling/disposing of waste resulting from demolition and construction works; and

(xx) measures for the protection of the natural environment.

(xxi) hours of construction, including deliveries; and

(xxii) demolition works and disposal of demolition materials

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: 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.

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

Red Line Plan

Received 21 December 2012

1117.21 C - Proposed Site Plan

Received 15 May 2013

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

80 **N/12/03816/FUL - Land Adjacent 57c Kington St Michael, SN14 6JE**

The area development manager introduced the application. He described the site as an undeveloped one that appeared prime for development. Permission for a dwelling had been granted in the past but this had since lapsed. The proposal was for a 4 or 5 bedroom property with a detached garage and the area development manager believed this proposal to be too much build for the site.

The committee then had the opportunity to ask technical questions of the officer. There had been no calculations regarding the footprint of the proposal in comparison to neighbouring properties, although the plans did give a rough guide.

There were no comments from members of the public.

The local councillor, Councillor Howard Greenman stated there may be room for negotiation with regards to the size of the dwelling.

Resolved:

For Application N/13/00755/FUL

Planning Permission be REFUSED for the following reason:

1. The proposed scale and design of the dwelling would not preserve and / or enhance the character and amenity of the conservation area of the residential character of the locality. The proposed dwelling by virtue of its scale in relation to plot size would not provide adequate usable private amenity space and would therefore not secure an acceptable level of private amenity space. The proposal is therefore contrary to policies C3 and HE1 of the North Wiltshire Local Plan 2011.

2. The proposed development does not make any provision for securing a contribution to affordable housing or public open space. No information has been submitted to justify why policies C2, H6 and CF3 of the Local Plan have not been complied with. In the absence of an agreement to secure such contributions or information justifying why such contributions should not be sought, the application fails to comply with policies C2, H6 and CF3 of the North Wiltshire Local Plan 2011.

81 **N/13/00622/FUL - The Annexe, 6 Elm Hayes, Corsham, SN13 9JW**

Public Participation

Mr Peter Davis spoke in support of the application.

Mrs Irene Simpkins spoke in support of the application.

Mr Marc Willis spoke in support of the application.

The development control team leader introduced the application. The site had an annexe and the proposal was for this to be made into an independent dwelling. There would be little change in terms of visual impact and the main concern was the relationship between the existing dwelling and the proposed independent one. It was confirmed in an amendment to the report that the applicant was content to contribute towards the provision of off-site public open space.

The committee then had the opportunity to ask technical questions of the officer. It was confirmed the building had initially been allowed as it was tied to the original property.

Members of the public then had the opportunity to address the committee with their views, as detailed above.

The local councillor, Councillor Philip Whalley then spoke in favour of the application. He underlined that the building already existed and had been occupied for six years without any problems. It was a small and modern dwelling that could be put to good use adapted as it was for a disabled person with its own pedestrian access and vehicular access.

A short discussion took place regarding the amenity space of the properties concerned and the need to bring unused properties back into use. Concern was raised regarding setting a precedent in the neighbourhood.

Resolved:

For Application N/13/00622/FUL

Planning Permission be DELEGATED to the area development manager to put in suitable conditions, including for boundary design and for any vegetation to be native species, and in addition to remove permitted development rights.

82 **N/13/01090/S73A - Dominos, 119 The Pippin, Calne, SN11 8JQ**

The area development manager introduced the application. Dominos pizza in Calne proposed to increase sales from the unit to be able to operate until 12 midnight with the addition of delivery sales until 1.00am on Friday and Saturday nights only. Letters had been received regarding anti-social behaviour, however the environmental health department did not object to the proposal.

The committee then had the opportunity to ask technical questions of the officer. It was confirmed the change in hours could be agreed for a temporary period and then not be brought back to the committee, but delegated for an officer to agree or otherwise.

The local councillor, Councillor Howard Marshall highlighted the Town Council were strongly opposed to changing the hours, however licenses of nearby comparable businesses suggested there were not grounds for refusal.

Resolved:

For Application N/13/00755/FUL

The area development manager introduced the application. There had been permission for a single storey dwelling on the site but this had since lapsed. Concern was raised over the size and height of the proposed dwelling.

The committee then had the opportunity to ask technical questions of the officer. There were no questions raised.

Members of the public then had the opportunity to address the committee with their views, as detailed above.

The local councillor, Councillor Howard Greenman highlighted the applicants had been involved in a lengthy process to work with the planning department from the pre-application stage and to address their concerns.

A short discussion took place regarding communication with the planning department, whether this was a suitable proposal for the plot and the want for a clearer drawing of the proposal.

Resolved:

For Application N/13/01090/S73A

Planning Permission be GRANTED

Subject to the following conditions:

1) The variation of hours contained within condition 2 of this permission shall be discontinued and the hours of operation returned to those approved under planning permission 12/00198/S73A on or before 30th July 2014 with a review in 12 months by the area development manager and the application not to be brought back to the committee, unless called in by the local councillor.

Reason: To allow monitoring of the revised opening times

2) The use hereby permitted shall be for the sale of pizzas only and no other hot food takeaway. There shall be no cooking or sale of pizzas outside the hours of 09:00-24:00 on any day except Fridays and Saturdays when cooking and delivery of pizzas shall be permitted until 01:00 hours.

Reason: To protect the amenity of the local residents.

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

Reason: To protect the amenity of nearby residents.

4) 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: Location plan dated 10th April 2013.

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

83 **Urgent Items**

There were no urgent items.

The Officer who has produced these minutes is Alexa Smith, of Democratic Services,
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