

NORTHERN AREA PLANNING COMMITTEE

DRAFT MINUTES OF THE NORTHERN AREA PLANNING COMMITTEE MEETING HELD ON 2 OCTOBER 2013 AT COUNCIL CHAMBER - COUNCIL OFFICES, MONKTON PARK, CHIPPENHAM, SN15 1ER.

Present:

Cllr Desna Allen (Substitute), Cllr Glenis Ansell (Substitute), Cllr Christine Crisp,
Cllr Bill Douglas, Cllr Howard Greenman (Substitute), Cllr Mollie Groom, Cllr Chris Hurst,
Cllr Sheila Parker, Cllr Toby Sturgis and Cllr Anthony Trotman (Chairman)

Also Present:

Cllr Jane Scott OBE and Cllr John Thomson

118 **Apologies**

Apologies were received from Cllrs Hutton, Marshall and Packard.

Cllr Hutton was substituted by Cllr Greenman.

Cllr Marshall was substituted by Cllr Ansell.

Cllr Packard was substituted by Cllr Allen.

119 **Minutes of the previous Meeting**

The minutes of the meeting held on 11 September 2013 were presented.

Resolved:

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

120 **Declarations of Interest**

Cllr Greenman declared an interest in agenda item no. 7c, being the local member. He declared he would participate in the debate and vote with an open mind.

121 **Chairman's Announcements**

There were no Chairman's announcements.

122 **Public Participation and Councillors' Questions**

The Committee noted the rules on public participation.

123 **Planning Appeals**

The Committee noted the contents of the appeals update.

124 **Planning Applications**

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

125 **13/00477/FUL and 13/00478/LBC - The Horse and Jockey, Gosditch, Ashton Keynes, Wiltshire, SN6 6NZ**

Public Participation

Mr J Hughes, Miss Pears and Mr Nigel Whitehouse spoke in support of the application.

The officer introduced the report and drew attention to the item being deferred at the 29 May meeting to obtain further information from the applicant and an independent review of the information submitted on marketing and viability.

The conclusion in section 9 of the report detailed the findings of the independent report and noted that the development was in line with adopted and emerging policies and strategy. It was found to be unviable as a pub, and there had been no further expressions of interest.

There were no technical questions asked.

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

The local member was not present.

The Committee noted that the other hostelry in the village was owned on a community basis and no-one had come forward to purchase it as a community facility.

Resolved:

In respect of 13/00477/FUL:

To delegate authority to the Area Development Manager to grant planning permission, subject to the signing of a Section 106 agreement; 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 sample panels of stonework for the walling to the house and boundaries, not less than 1 metre square, have been constructed on site, inspected and approved in writing by the Local Planning Authority. The panels shall then be left in position for comparison whilst the development is carried out. Development shall be carried out in accordance with the approved samples.**

REASON: In the interests of the listed building, it's setting, visual amenity and the character and appearance of the area.

- 3. No development shall commence on site until a sample panel of the render to be used on the external walls not less than 1 metre square, 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 the listed building, its setting, visual amenity and the character and appearance of the area.

- 4. 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) Large scale details of all external joinery including metal-framed glazing (1:5 elevation, 1:2 section) including vertical and horizontal cross-sections through openings to show the positions of joinery within openings, depth of reveal, heads, sills and lintels;**

- (ii) Large scale details of all internal joinery (1:5 elevation, 1:2 section);
- (iii) Full details of proposed rooflights, which shall be set in plane with the roof covering;
- (iv) Large scale details (1:5) of new chimney stack;
- (v) Full details of external flues, background and mechanical ventilation, soil/vent pipes and their exits to the open air;
- (vi) Full details of proposed meter and alarm boxes;
- (vii) Large scale details of proposed eaves and verges (1:5 section);
- (viii) Full details of proposed internal service routes;
- (ix) Full details of rainwater goods which shall be in cast metal;
- (x) Full details of external decoration to render, joinery and metalwork; and
- (xi) Full details and samples of all external materials;
- (xii) Large scale details (1:10) of the boundary wall.

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

REASON: In the interests of preserving the architectural and historic interest of the listed building and its setting.

5. The works shall be carried out in accordance with the approved Outline Specification of Work Rev. 17 April 2013.

REASON: In the interests of preserving the architectural and historic interest of the listed building and its setting.

6. Prior to the first use or occupation of the development hereby permitted all external signage, lighting, aerials and other commercial paraphernalia shall be removed from the buildings and their curtilage.

REASON: In the interests of the listed building, it's setting, visual amenity and the character and appearance of the area.

7. No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:-

- location and current canopy spread of all existing trees and hedgerows on the land;
- full details of any to be retained, together with measures for their protection in the course of development;
- a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
- finished levels and contours;

- means of enclosure;
- car park layouts;
- other vehicle and pedestrian access and circulation areas;
- all hard and soft surfacing materials;

REASON: To ensure a satisfactory landscaped setting for the listed building and the protection of the character and appearance of the conservation area.

8. 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 listed building and the protection of the character and appearance of the conservation area.

9. No part of the development hereby permitted shall be first brought into use/occupied until the access, turning area and parking spaces have been completed in accordance with the details shown on the approved plans. The parking and turning area shall be properly consolidated and surfaced (not loose stone or gravel). 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.

10. Any gates shall be erected to open inwards only, in perpetuity.

REASON: In the interests of highway safety.

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

Outline Specification of Work dated 17 April 2013;
 Location plan and 12.10.14, .15, .16 & .17 all dated 14 February 2013;
 Site plan 12.10.19B dated 29 April 2013;

12.10.20D, .21D, .22C & .23D all dated 07 May 2013.

REASON: For the avoidance of doubt and in the interests of proper planning, the listed building and its setting.

In respect of 13/00478/LBC:

That listed building consent is delegated to the Area Development Manager as works include those consequent upon the change of use.

Reason for granting Permission:

The proposed works of rehabilitation and extension, will enhance the essential architectural and historic character of the building and its setting and bring it back into beneficial use, in accordance with S.16(2) of Planning (Listed Buildings and Conservation Areas) Act 1990 and Section 12 of the National Planning Policy Framework.

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. 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) Large scale details of all external joinery including metal-framed glazing (1:5 elevation, 1:2 section) including vertical and horizontal cross-sections through openings to show the positions of joinery within openings, depth of reveal, heads, sills and lintels;**
 - (ii) Large scale details of all internal joinery (1:5 elevation, 1:2 section);**
 - (iii) Full details of proposed rooflights, which shall be set in plane with the roof covering;**
 - (iv) Large scale details (1:5) of new chimney stack;**
 - (v) Full details of external flues, background and mechanical ventilation, soil/vent pipes and their exits to the open air;**
 - (vi) Full details of proposed meter and alarm boxes;**
 - (vii) Large scale details of proposed eaves and verges (1:5 section);**
 - (viii) Full details of proposed internal service routes;**

- (ix) Full details of rainwater goods which shall be in cast metal;
- (x) Full details of external decoration to render, joinery and metalwork; and
- (xi) Full details and samples of all external materials;
- (xii) Large scale details (1:10) of the boundary wall.

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

REASON: In the interests of preserving the architectural and historic interest of the listed building and its setting.

3. No works shall commence on site until sample panels of stonework for the walling to the house and boundaries, not less than 1 metre square, have been constructed on site, inspected and approved in writing by the Local Planning Authority. The panels shall then be left in position for comparison whilst the works are carried out. The works shall be carried out in accordance with the approved samples.

REASON: In the interests of the listed building and its setting

4. No works shall commence on site until a sample panel of the render to be used on the external walls not less than 1 metre square, 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 works are carried out. The works shall be carried out in accordance with the approved sample.

REASON: In the interests of the listed building and its setting.

5. The works the subject of this consent shall be carried out in accordance with the following approved plans:

Outline Specification of Work dated 17 April 2013;
Location plan and 12.10.14, .15, .16 & .17 all dated 14 February 2013;
Site plan 12.10.19B dated 29 April 2013;
12.10.20D, .21D, .22C & .23D all dated 07 May 2013.

REASON: For the avoidance of doubt and in the interests of the listed building and its setting.

126 **12/03809/FUL and 12/03810/LBC: 36 High Street, Sherston, Malmesbury**

Public Participation

Simon Roper-Pressdee and Elizabeth Breakspeare spoke in support of the application.

The officer introduced the report which recommended refusal due to the scale and size dominating the listed building. He noted the work done between the applicant and officers to address all other issues.

The Committee then had the opportunity to ask technical questions of officers and it was clarified that the proposed extension would be built onto an existing party wall, resulting in the removal of guttering and tiles. It was acknowledged that this could be dealt with by condition should the Committee be minded to approve. The size and scale of the two storey rear extension affected the size and simplicity, and lost the relationship with the outbuilding. The air source heat pump shown on one of the presentation slides was confirmed as not being part of the proposed scheme.

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

The local member, Cllr John Thomson noted that the proposal had both his and the parish council's full support. He urged the Committee to support the proposal which delivered the needs of the family, allowing them to stay in the village, and would restore the adjoining building and tidy up poor pipe work.

In the debate that followed the Committee noted the late observations tabled at the meeting which confirmed the support of the parish council. The existing extension was not deemed as suitable and the proposal was a quality build. The Committee understood the need for it to be usable.

Resolved:

In respect of N/12/03809/FUL and N/12/03810/LBC:

That authority is delegated to the Area Development Manager to approve both applications subject to conditions to be prepared by Officers and to include a condition relating to the submission and agreement of details in respect of the guttering arrangement with the neighbouring property at 38 High Street, Sherston. This condition to be worded:-

Prior to the commencement of development hereby permitted details in respect of the proposed works affecting existing gutters on 38 High Street, Sherston and proposals for the provision of new and re-arranged guttering shall be submitted to the Local Planning Authority and agreed in writing.

REASON: In the interests of providing appropriate and adequate surface water drainage and the protection of the historic fabric of the Listed Building.

N/12/3809/FUL approved as the proposed two storey extension would result in an overall enhancement to the character of the listed building,

would not cause significant harm to the architectural and special historic quality of the building, adjacent dwellings and the character and appearance of the Conservation Area; and the proposal would be a sustainable form of development meeting the accommodation requirements of local residents. The development is in accord with Section 12 of the National Planning Policy Framework, S66(1) and S.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Policies C3, HE1, & HE4 of the North Wiltshire Local Plan 2011 and Core Policies 57 & 58 of the Wiltshire Core Strategy Pre Submission Draft.

12/03810/LBC approved as the proposed development would not be significantly detrimental to the architectural and historic interest of the listed building, adjacent listed dwelling or cause harm to these heritage assets. The proposals are in accordance with S.16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Section 12 of the National Planning Policy Framework.

127 **13/01363/FUL: Newlands, Sutton Lane, Sutton Benger, Chippenham, SN15 4RR**

Public Participation

Barry Heath spoke in support of the application.

The officer introduced the report which recommended that permission be delegated to the Area Development manager to grant permission subject to the signing of a Section 106 agreement with conditions. Attention was drawn to the mixed character of the locality meaning the proposal was not harmful enough to refuse

No objections had been received from highways with the existing private access and there were no concerns over the extra generation of movements.

Initial concerns resulted in revised proposals to give the character more accord with the locality and windows had been removed to avoid overlooking.

There were no technical questions asked.

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

The local member, Cllr Howard Greenman noted the revised proposals but felt the proposal's height and imposition made the nearby cottages subservient. He was concerned over highways with there being a recent accident in the area and complaints received over parking outside the cottages. He asked for clarification over how conditions can be imposed on land that may not belong to the applicant.

In the debate that followed it was confirmed that conditions can be imposed on land not under the applicant's control, called grampian conditions, and work could not proceed unless these are met. Confirmation was given that the hedge would not be removed, as seen on the submitted plans. The Committee noted that the applicant had taken consideration of overlooking in their revised proposals. Noting the design of the building with the eaves meeting the small windows, the size of the plot and given the mix of houses in the locality the Committee found no reason to say it was out of character.

Resolved:

To delegate authority to the Area Development Manager to grant planning permission subject to the signing of a S106 Agreement and the following conditions:

- 1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

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

Revised Dwg No: EVA/801/PL/09/13/001/C Rev C Dated 16th September 2013

Revised Dwg No: EVA/801/PL/09/13/SK1/B Rev B 16th September 2013

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

- 3. No development shall commence on site until details and samples of the materials to be used for the external walls of both the house and the boundary wall as well as house roofs have been made available on site and the details 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.

- 4. No development shall commence on site until details of the external stonework, including type, dressing, coursing and bedding of the natural stone, type of pointing and mortar mix, have been submitted to and approved in writing by the Local Planning Authority. The**

external stonework shall be constructed in accordance with the approved details.

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

5. No development shall commence on site until a sample panel of stonework, 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.

6. No development shall commence on site until a sample panel of the render to be used on the external walls not less than 1 metre square, 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 and the character and appearance of the area.

7. No development shall commence on site until details of all eaves, verges, windows (including head, sill and window reveal details), doors, rainwater goods, chimneys and vents 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.

8. No development shall commence on site until details of the design and external appearance of the stone boundary wall, any fences and other means of enclosure 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.

9. No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:-

- **Location and current canopy spread of all existing trees and hedgerows on the land;**
- **Full details of any to be retained, together with measures for their protection in the course of development;**
- **A detailed planting specification showing all plant species, supply and planting sizes and planting densities including that for extending the yew hedge;**
- **All hard and soft surfacing materials;**

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

10. 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.

11. 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;

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

12. 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) Wheel washing facilities;
- e) Measures to control the emission of dust and dirt during construction;
- f) A scheme for recycling/disposing of waste resulting from demolition and construction works; and

- g) Measures for the protection of the natural environment.**
- h) Hours of construction, including deliveries;**
- i) Measures for the protection of the access road during construction.**

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.

- 13. 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 windows, doors or other form of openings other than those shown on the approved plans, shall be inserted in the east and west elevations above ground floor ceiling level of the development hereby permitted.**

REASON: In the interests of residential amenity and privacy.

- 14. 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 garage(s) hereby permitted shall not be converted to habitable accommodation**

REASON: To secure the retention of adequate parking provision, in the interests of highway safety.

INFORMATIVES:

- 1. 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.

2. This permission shall be read in conjunction with an Agreement made under Section 106 of the Town and Country Planning Act, 1990.
3. The applicant should note that under the terms of the Wildlife and Countryside Act (1981) and the Habitats Regulations (2010) it is an offence to disturb or harm any [protected species](#), or to damage or disturb their habitat or resting place. Please note that this consent does not override the statutory protection afforded to any such species. In the event that your proposals could potentially affect a protected species you should seek the advice of a suitably qualified and experienced [ecologist](#) and consider the need for a licence from Natural England prior to commencing works. Please see Natural England's [website](#) for further information on protected species.
4. All species of birds are protected by the Wildlife and Countryside Act 1981 (as amended) while they are breeding and planning consent does not override this statutory protection. The applicant is advised to check any structure or vegetation capable of supporting breeding birds and delay removing or altering such features until after young birds have fledged. Damage to extensive areas that could contain nests/breeding birds should be undertaken outside the breeding season. The season is usually taken to be the period between 1st March and 31st August but some species are known to breed outside these limits. In the event of uncertainty you should seek the advice of a suitably qualified and experienced ecologist. Please see Natural England's [website](#) for further information on protected species.
5. There is a risk that reptiles could occur on the application site. These species are legally protected from harm and planning permission does not provide a defence against prosecution. In order to minimise the risk of these species being harmed during site clearance works, the developer is advised to clear vegetation affected by the development during the winter, remove all waste arising from such clearance and maintain vegetation as short as possible. If these species are found during the works, the applicant is advised to stop work and seek the advice of a suitably qualified and experienced ecologist. Please see Natural England's [website](#).

128 **Urgent Items**

There were no urgent items.

(Duration of meeting: 6.04 - 7.20 pm)

The Officer who has produced these minutes is Kirsty Butcher, of Democratic Services, direct line 01225 713948, e-mail kirsty.butcher@wiltshire.gov.uk

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