

NORTHERN AREA PLANNING COMMITTEE

**DRAFT MINUTES OF THE NORTHERN AREA PLANNING COMMITTEE MEETING
HELD ON 27 AUGUST 2014 AT COUNCIL CHAMBER - COUNCIL OFFICES,
MONKTON PARK, CHIPPENHAM, SN15 1ER.**

Present:

Cllr Glenis Ansell (Substitute), Cllr Christine Crisp, Cllr Mollie Groom,
Cllr Peter Hutton (Vice-Chair), Cllr Simon Killane, Cllr Sheila Parker,
Cllr Toby Sturgis, Cllr Tony Trotman (Chairman), Cllr Nick Watts (Substitute) and
Cllr Philip Whalley

89 Apologies

Apologies were received from Cllr Packard, Cllr Marshall and Cllr Hurst.

Cllr Packard was substituted by Cllr Watts.

Cllr Marshall was substituted by Cllr Ansell.

90 Minutes of the Previous Meeting

The minutes of the meeting held on 16 July 2014 were presented.

Resolved:

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

91 Declarations of Interest

There were no declarations of interest.

92 Chairman's Announcements

There were no Chairman's announcements.

93 Public Participation and Councillors' Questions

The Committee noted the rules on public participation.

94 **Planning Applications**

The Committee considered the following applications:

95 **14/04177/OUT - Land at Former Blounts Court Nursery, Studley Lane, Studley, Wiltshire, SN11 9NQ**

Mrs Janet Robbins, Mr Andrew Emerson, and Mr Martin Cleverley spoke in objection to the application.

Mr Julian Sayers and Mr Peter Lawson spoke in support of the application.

Cllr Richard French, Calne Without Parish Council, spoke in objection to the application.

The officer drew attention to late observations provided and the key points, available as Agenda Supplement 1. The officer introduced the report which recommended to delegate authority to grant planning permission to the Area Development Manager, subject to the signing of a Section 106 agreement, planning conditions and the additional heads of term prescribed in the Agenda Supplement.

A site plan was shown, alongside a site description including existing planning permission. It was highlighted the current application was an outline planning application for up to 28 dwellings, as such, the layout of units displayed was only indicative, used to demonstrate that the number of units and amenity space could be accommodated adequately.

The Committee then had the opportunity to ask technical questions of officers and it was confirmed that an increase in the number of dwellings above 28 would require a new planning application. Questions were raised concerning the central square shown on the indicative layout, it was noted that details of landscaping would be finalised at a reserved matters stage if the application was delegated. The officer confirmed the substantial tree belt would be remaining as part of the scheme.

Members of the public then addressed the Committee as detailed above.

The local member, Cllr Crisp spoke in opposition to the application, raising concerns that it would not comply with the North Wiltshire Local Plan and would threaten the economic development of the nearby saw mill.

In the debate that followed the Committee noted the need for housing, the land as a brownfield site and the less harmful effect of residential development compared to commercial development. However, concerns were raised over the

conflict of the development with business and highways, notably issues of safety as amenities were located across a 60mph road.

Resolved:

To REFUSE the application for the following reason:

The proposed development is in the countryside, outside the framework boundary of Derry Hill & Studley where residential development is not acceptable under Policy H4 of the North Wiltshire Local Plan 2011. The Council have a 5 year land supply and there are no material considerations in terms of benefits that could be delivered via this proposal, which outweigh the development plan policies. The location outside the framework boundary for Derry Hill & Studley also conflicts with CP1, CP2 & CP8 of the Emerging WCS Submission Draft as proposed to be amended April 2014. Furthermore, the development, being outside of the framework boundary is remote from local employment and services and conflicts with policy C1 & C3 (vi) of the North Wiltshire Local Plan 2011 and paragraphs 14, 17, 47 & 49 of the NPPF.

The proposed development by virtue of its siting, location beyond the framework boundary and proposed acoustic fencing will result in a development that is at odds with the scale and character of the area that would result in an urban feature within the open countryside resulting in significant and demonstrable harm and thereby contrary to policies NE15 and C3 (i) of the North Wiltshire Local Plan and paragraphs 17, 56 & 64 of the NPPF.

The proposed development does not make any provisions for securing affordable housing on the site or financial contributions towards education provision in the locality or financial contributions towards public transport, highway improvements, the on-going provision and maintenance of open space on the site, and indoor leisure provision contrary to policy C2 of the North Wiltshire Local Plan and policies CP3 and CP43 of the Emerging WCS Submission Draft as proposed to be amended April 2014.

96 **14/05594/VAR - 2a Silver Street, Malmesbury, Wiltshire, SN16 9BU**

Mr Mark Willis, Mr Laurence Mussett and Cllr Roger Budgen, Malmesbury Residents' Association, spoke in objection to the application.

Cllr John Gundry, Malmesbury Town Council, spoke in objection to the application.

The officer introduced the report which recommended to grant planning permission to remove Condition 4 of 00/01929/COU in order to allow the sale of take away food from the premises subject to conditions. A description of the

business and the locality was given and it was noted that no concerns had been raised from Highways, Environmental Health and Public Protection. Photographs of the roads, parking restrictions and car parking facilities nearby were shown.

No technical questions were asked.

Members of the public then addressed the Committee as detailed above.

The local member, Cllr Killane, spoke in support of the application, describing it would be in keeping with the business area of the market town, with other takeaways nearby, and would help to support the viability of the restaurant. Cllr Killane stressed the close proximity of a car park nearby, however acknowledged concerns surrounding illegal parking and supported the opportunity for residents to voice their opinions.

In the debate that followed the Committee discussed illegal parking and littering concerns however it was emphasised that these were not planning considerations and the point was made that this was not an application for change of use, the business would have to remain a restaurant.

Resolved:

To GRANT planning permission to remove Condition 4 of 00/01929/COU in order to allow the sale of take away food from the premises 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) The development hereby permitted shall be carried out in accordance with the documents (including plans) incorporated into this decision, and subsequently approved pursuant to this decision (if applicable), unless otherwise approved by the local planning authority in the form of a new application**

REASON: To ensure that the development is implemented in accordance with this decision in the interests of public amenity.

- 3) The ground floor of 2A Silver Street shall not be open to customers before 08:00 hours nor after 23:30 hours and the first floor before 10:00 hours nor after 22:00 on any day for the use hereby permitted unless otherwise agreed the Local Planning Authority in the form of a new application.**

REASON: In the interests of the amenity of the area.

INFORMATIVE TO APPLICANT: 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.

INFORMATIVE TO APPLICANT: Any alterations to the approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the Local Planning Authority before commencement of work.

97 **14/05686/OUT - Land to the South of Potley Lane, Corsham**

Mr Thomas Rumble spoke in support of the application.

The officer called attention to the late observations available as Agenda Supplement 1 and took the Committee through the report which recommended to delegate authority to grant planning permission to the Area Development Manager, subject to the signing of a Section 106 agreement with heads of terms, planning conditions and the additional heads of terms and conditions prescribed in Agenda Supplement 1.

The Committee was reminded that it was only an outline application and no objections had been received from Highways, subject to conditions. It was emphasised that the site was in the settlement boundary of Corsham, was no longer required to be used as commercial development and the application was in agreement with the North Wiltshire District Plan and the Core Strategy. The officer emphasized that the application was for up to 64 dwellings, as specified in Agenda Supplement 1.

No technical questions were asked.

Members of the public addressed the Committee as detailed above.

The local member, Cllr Whalley, noted concerns relating to traffic and pedestrian safety, emergency vehicle access, noise and ecology on behalf of local residents and commented that whilst helping to meet the housing target it was unfortunate that it was a greenfield site.

In the debate that followed the Committee noted there was no evidence to justify deferral and confirmed the need to add a condition to the application concerning the orientation of houses

Resolved:

To DELEGATE to the Area Development Manager to grant planning permission, subject to the signing of a Section 106 agreement with the following heads of terms:

- **30% affordable housing;**
- **On-site provision of 4224m² of adoptable open space, of which 384m² allocated as specific play provision, to be subject to a commuted fee to cover maintenance;**
- **Off-site financial contribution of £16,902 to satisfy the Sport and Recreation requirement of Planning Policy C2;**
- **£3,332 towards a new Cemetery in Corsham;**
- **A sum of £301824 towards primary education infrastructure and £248092 towards secondary education infrastructure. However, the assessment is specific to the site location, housing number and mix supplied, and any changes to these would necessitate a new assessment;**
- **Sustainable transport contribution towards walking and cycling improvements. £1,500 per unit;**
- **£19,200 commuted to the Council's arts service to manage the art and design process and programme;**
- **A sum of £8,000 to be paid and held in accordance with drawing ITB7141-SK-009 titled 'potential additional footways' for provision of footway and including land to be safeguarded for provision;**
- **A sum of £10,000 towards the upgrading of the bus stop (known as Potley, The Estate) improvements including bus shelter and raised kerb.**

and subject to the following conditions:

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

REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 2) No development shall commence on site until details of the following matters (in respect of which approval is expressly reserved) have been submitted to, and approved in writing by, the Local Planning Authority:
 - a) The scale of the development;
 - b) The layout of the development;
 - c) The external appearance of the development;
 - d) The landscaping of the site;

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

REASON: The application was made for outline planning permission and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 3(1) of the Town and Country Planning (General Development Procedure) Order 1995.

- 3) An application for the approval of all of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

- 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 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.

- 5) The development shall not be commenced until a foul water drainage strategy is submitted and approved in writing by the local Planning Authority in consultation with Wessex Water acting as the sewerage undertaker.

A drainage scheme shall include appropriate arrangements for the agreed points of connection and the capacity improvements required to serve the proposed development phasing.

The drainage scheme shall be completed in accordance with the approved details and to a timetable agreed with the local planning authority.

REASON: To ensure that proper provision is made for sewerage of the site and that the development does not increase the risk of sewer flooding to downstream property

- 6) No development approved by this permission shall be commenced until a detailed surface water management scheme, together with supporting calculations, has been submitted to, and approved in writing by the Local Planning Authority. The submitted details shall clarify the intended future ownership and maintenance for all drainage works serving the site. The approved scheme shall be implemented and maintained in accordance with the approved programme and details.

REASON: To prevent any increased risk of surface water flooding.

- 7) Any swales or other surface water storage elements shall not be sited within Flood Zones 3 or 2 or any other area prone to flooding. There shall be no landscaping or other works within Flood Zones 3 or 2. There shall be no landscaping or other works on land below 85.0mAOD as shown on the Site Topography drawing (Figure 3) within the FRA.

REASON: To prevent any increased risk of flooding. The precautionary figure of 85.0mAOD is given as the submitted FRA does not include any

estimate of the present day or future (i.e. including climate change) 1 in 100 year flood level.

- 8) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.**

REASON: To protect controlled waters from pollution.

- 9) No development approved by this permission shall be commenced until a Construction Environmental Management Plan, incorporating pollution prevention measures, has been submitted to and approved by the Local Planning Authority. The plan shall subsequently be implemented in accordance with the approved details and agreed timetable.**

REASON: To prevent pollution of the water environment

- 10) An Urban Design and Landscape Framework Plan for the development of the site hereby permitted shall be submitted to the local planning authority no later than the first submission for approval of any of the reserved matters and shall be approved in writing by the local planning authority. The Urban Design and Landscape Framework Plan shall include details of:**

- a) The location, orientation and heights of buildings;**
- b) The format of the public realm, including all routes and spaces and the location of children's play areas;**
- c) The location of open spaces available to the public, including their function and means of maintenance access;**
- d) Tree and hedgerow protection plan;**
- e) Landscaping details including planting plans, species and density of planting;**
- f) Hard and soft landscaping details;**
- g) Materials to be used in the construction of the dwellings;**
- h) Plan for the upgrade of footpath CORM56 and link to the internal road network at the southern end of the site.**

Development shall be carried out in accordance with the approved Urban Design and Landscape Framework Plan.

REASON: For the avoidance and in the interest of proper planning.

11)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.

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

12)No part of the development hereby permitted shall be occupied until the access, footways and crossing point has been completed in accordance with the details shown on the approved plans ITB7141-SK-007RevA titled “Site Access – Avoiding Trees – option 4” and ITB7141-SK-008 titled ‘emergency access’. The areas shall be maintained for those purposes at all times thereafter.

REASON: In the interests of highway safety.

13)No part of the development shall be first occupied, until the visibility splays shown on the approved plans ITB7141-SK-007RevA titled “Site Access – Avoiding Trees – option 4” have been provided with no obstruction to visibility at or above a height of 0.6 above the nearside carriageway level. The visibility splays shall be maintained free of obstruction at all times thereafter.

REASON: In the interests of highway safety.

14)No development shall commence on site until details of the estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture, including the timetable for provision of such works, have been submitted to and approved by the Local Planning Authority. The development shall not be occupied until the estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and

street furniture have all been constructed and laid out in accordance with the approved details, unless an alternative timetable is agreed in the approved details.

REASON: To ensure that the roads are laid out and constructed in a satisfactory manner.

15) No more than 64 dwellings shall be developed on the application site edged red on the submitted Site Plan.

REASON: For the avoidance and in the interest of proper planning

16) The layout of the proposed development hereby permitted shall be broadly in accordance with plan number CSa/1867/106 Revision F.

REASON: For the avoidance and in the interest of proper planning

INFORMATIVE TO APPLICANT: Please be advised that nothing in this permission shall authorise the diversion, obstruction, or stopping up of any right of way that crosses the site.

INFORMATIVE TO APPLICANT: The consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a license may be required from Wiltshire's Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway.

INFORMATIVE TO APPLICANT: Please note that Council offices do not have the facility to receive material samples. Please deliver material samples to site and inform the Planning Officer where they are to be found.

98 **Urgent Items**

There were no urgent items.

(Duration of meeting: 6.00 - 8.00 pm)

The Officer who has produced these minutes is Libby Beale, of Democratic Services, direct line 01225 718214, e-mail elizabeth.beale@wiltshire.gov.uk

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