

## NORTHERN AREA PLANNING COMMITTEE

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### DRAFT MINUTES OF THE NORTHERN AREA PLANNING COMMITTEE MEETING HELD ON 11 AUGUST 2010 AT COUNCIL CHAMBER, WILTSHIRE COUNCIL OFFICES, MONKTON PARK, CHIPPENHAM.

#### **Present:**

Cllr Peter Colmer, Cllr Christine Crisp, Cllr Peter Davis, Cllr Bill Douglas, Cllr Peter Doyle, Cllr Alan Hill (Vice Chairman), Cllr Peter Hutton, Cllr Howard Marshall, Cllr Toby Sturgis and Cllr Anthony Trotman (Chairman)

#### **Also Present:**

Cllr Simon Killane

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#### 83. **Apologies for Absence**

There were no apologies for absence.

#### 84. **Minutes**

##### **Resolved:**

**To confirm and sign the minutes of the meeting held on 21 July 2010 as a correct record.**

#### 85. **Declarations of Interest**

There were no declarations of interest.

#### 86. **Chairman's Announcements**

There were no Chairman's announcements.

#### 87. **Public Participation**

Members of the public addressed the Committee as set out in Minute No 89 below.

#### 88. **Planning Appeals**

The Committee received a report setting out:-

- (i) details of forthcoming hearings and public inquiries scheduled to be heard between 11 August 2010 and 31 January 2011.
- (ii) planning appeals received between 9 July and 28 July 2010.
- (iii) planning appeals decided between 9 July and 28 July 2010.

89. **Planning Applications**

1a **09/01999/FUL - The Almshouses, Lacock Road, Corsham, SN13 9HF -  
Erection of Building to Provide Nine One bedroom Dwellings for  
occupation by Persons with Special Housing Needs**

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

Members of the Committee then asked technical questions after which they received statements from members of the public expressing their views regarding this application as follows:-

Mrs Ann Lock, representing Corsham Civic Society, spoke objecting to the application.

Dr Andrew Cowie, a local resident, spoke objecting to the application.

Mr David Stirling, a Planning & Listed Building Consultant, spoke objecting to the application.

Mr David Pearce, the applicant's agent, spoke in favour of the application.

Ms Jill Offord, a former trustee and a housing professional, spoke in favour of the application.

Mr Guy Hungerford, the applicant and a trustee, spoke in favour of the application.

Cllr Nicholas Keyworth, representing Corsham Town Council, set out the Town Council's objections to the application.

On hearing the views of Cllr Peter Davis, as local member and Cllr Alan Macrae, member for an adjoining constituency, both objecting to the application,

**Resolved: To refuse planning permission for the following reasons:-**

1. **The proposed development fails to respect the local character and distinctiveness of the area, particularly in regard to its design, size, scale, massing materials and siting, and fails to respect the quality of the historic and built environment of the**

locality. The development fails to preserve or enhance the character and appearance of the Conservation Area, the historic interest of the listed building or its setting. The application proposals are therefore contrary to Policies C3, HE1 and HE4 of the North Wiltshire Local Plan 2011 and the requirements of PPS 5 (Planning for the Historic Environment).

2. The proposed development will have an overbearing impact upon neighbouring residential properties and will adversely impact upon their amenity and privacy. The application proposals are therefore contrary to Policy C3, in particular criteria (iii), of the North Wiltshire Local Plan 2011.
3. The site is located beyond the settlement framework boundary for Corsham where residential development is not generally permitted. Policy H7 (Affordable Housing on Exception Sites) does not apply to towns such as Corsham. The proposal is for affordable housing. However, there is no strong and compelling argument for affordable housing, which would justify it being considered as an 'exception site' within the open countryside. The application proposals are contrary to Policies H4 and H7 of the North Wiltshire Local Plan 2011.

1b **10/01533/OUT - Bowds Farm, Bowds Lane, Lyneham, Chippenham, SN15 4DT - Construction of Road Bridge, New Road Embankments & Alignments, Excavation & Repair of Lock Chamber, Removal & Replacement of Hedgerow and Landscaping**

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:-

Mr John Davenport, a local resident, spoke objecting to the proposal.

Mrs Audrey Shotton-Gale, a local resident, spoke objecting to the proposal.

Cllr Allison Bucknell, a local resident, spoke objecting to the proposal.

On hearing the views of Cllr Toby Sturgis, as local Member, and after discussion,

**Resolved:** To grant planning permission, subject to the conditions set out below, for the following reason:-

**This is a satisfactory form of development in principle and in terms of access layout and scale. Therefore it is considered acceptable for outline planning permission to be granted as the proposal complies with policy TM4. The future submission of details in respect of this scheme should be able to ensure that the proposal complies with policies NE15 and C3 of the Local Plan 2011.**

**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 external appearance of the development;**

**(b) 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. No development shall commence on site until details of the materials, sections through the canal at a scale of 1:20, engineering drawings including section details at a scale of 1:50 through the proposed bridge and engineering drawings including details at a scale of 1:50 of the lock gates to be constructed have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.**

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

**POLICY – C3**

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

- (a) indications of all existing trees and hedgerows on the land;**
- (b) details of any to be retained, together with measures for their protection in the course of development;**
- (c) all species, planting sizes and planting densities, spread of all trees and hedgerows within or overhanging the site, in relation to the proposed buildings, roads, and other works;**
- (d) finished levels and contours;**
- (e) means of enclosure;**
- (f) car park layouts;**
- (g) other vehicle and pedestrian access and circulation areas;**
- (h) hard surfacing materials;**
- (i) minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);**
- (j) proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc);**
- (k) retained historic landscape features and proposed restoration, where relevant.**

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

**POLICY- C3**

**5. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.**

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

**POLICY- C3**

**6. (a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work).**

**(b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species and shall be planted at such time, as may be specified in writing by the Local Planning Authority.**

**(c) No equipment, machinery or materials shall be brought on to the site for the purpose of the development, until a scheme showing the exact position of protective fencing to enclose all retained trees beyond the outer edge of the overhang of their branches in accordance with British Standard 5837 (2005): Trees in Relation to Construction, has been submitted to and approved in writing by the Local Planning Authority, and; the protective fencing has been erected in accordance with the approved details. This fencing shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the Local Planning Authority.**

**In this condition “retained tree” means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) above shall have effect until the expiration of five years from the first occupation or the completion of the development, whichever is the later.**

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

### **POLICY-C3**

**7. Prior to the commencement of any development on this site an updated habitat survey complete with recommendations and where necessary mitigating actions, carried out by a suitably qualified person, shall be submitted and approved by the Local Planning Authority. Thereafter any works shall be carried out and retained in accordance with any recommendations and or mitigating action that is suggested by the survey.**

**REASON:** To mitigate against the loss of existing biodiversity and nature habitats.

**POLICY:** Planning Policy Statement 9: Biodiversity and Geological Conservation.

**8.** No development shall commence until the applicant and the local planning authority have entered into a legally binding agreement to include the following matters:

- 1) timetable for carrying out the works with appropriate milestone times for stages of the works
- 2) measures to restore the site should the works not be completed within the agreed timescales

**REASON:** To ensure that the works are completed in a manner that minimises disturbance to the local community and minimises any adverse impact upon the local environment in accordance with Policy C3 of the North Wiltshire Local Plan 2011

#### **Informatives**

1. The applicant should note that under the terms of the Wildlife and Countryside Act 1981 and Countryside and Rights of Way Act 2000, it is an offence to disturb nesting birds or roosting bats. You should note that the work hereby granted consent does not override the statutory protection afforded to these species and you are advised to seek expert advice if you suspect that the demolition would disturb any protected species. For further advice, please contact the district ecologist at Wiltshire Council.

2. 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.

3. The applicant should note that where permission to remove a hedgerow is given, if the hedgerow is not removed within two years of the date the application was received by the Local Planning Authority a further notice must be submitted for its removal.

4. This decision relates to documents/plans submitted with the application, listed below. No variation from the approved documents should be made without the prior approval of this Council. Amendments may require the submission of a further application. Failure to comply with this advice may lead to enforcement action which may require alterations and/or demolition of any unauthorised

buildings or structures and may also lead to prosecution.

Site location plans scale 1:10000 and 1:2500, footpath plan, phase one habitat survey method statement, plan cross section 1:20, road realignment 1:500, photos all date stamped 29/04/10

1c **10/01608/S73A - Wrencroft, West End, Foxham, SN15 4NB - Erection of Hay & Equipment Store (Amendment to Planning Permission 08/02577/FUL)**

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

Members of the Committee then asked technical questions after which they received a statement from Mr Desmond Palmer, a local resident, objecting to the application.

On hearing the views of Cllr Christine Crisp, the local Member, objecting to the proposal and after discussion,

**Resolved:** To grant planning permission, subject to the reasons set out below, for the following reason:-

Subject to a landscaping scheme being submitted and implemented the proposal is considered acceptable in terms of its location and the impact it has on the amenity of the adjacent residents properties and therefore complies with policies C3 and H8 of the Local Plan 2011.

**Conditions**

1. Within 3 months from the date of this permission a scheme of soft landscaping for the area of land to the north of the boundary between Heathcote and Wrencroft shall be submitted to and approved in writing by the Local Planning Authority, the details of which shall include:

- (a) indications of all existing trees and hedgerows on the land;
- (b) details of any to be retained, together with measures for their protection in the course of development;
- (c) all species, planting sizes and planting densities, spread of all trees and hedgerows within or overhanging the site, in relation to the proposed buildings, roads, and other works;
- (d) proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc);



Thereafter all soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following this permission. 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.

**REASON:** To ensure a satisfactory landscaped setting for the development and to protection the amenity of adjacent residents.

**POLICY:** C3

2. The development hereby permitted shall be used only for purposes ancillary to the use of Wrencroft as a single dwellinghouse and not for any commercial, industrial or business purpose whatsoever.

**Reason:** In the interest of residential amenity.

3. Prior to the commencement of development hereby permitted a detailed scheme which indicates that roof run off from the building will be collected on site shall be submitted to and approved by the Local Planning Authority. The approved scheme shall be fully implemented before the end of October 2010.

**Reason-** To ensure that the water run off from this development is appropriately dealt with.

**INFORMATIVES:**

1. This decision relates to documents/plans submitted with the application, listed below:

Site plan 01.05.10c, 10b and 10a, Design and Access Statement all date stamped 6/05/10

1d **10/02147/FUL - Land adjoining 75 Parklands, Malmesbury, SN16 0QJ -  
Erection of Five new Dwellings with Associated Parking & Amenity  
Space (including Demolition of Existing Garages)**

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

Members of the Committee then asked technical questions after which they received statements from members of the public expressing their views regarding this application as follows:-

Mr Julian Butler, a local resident, objected to the application.

Mr Phil Bowley, an employee of the applicant, supported the application.

Cllr Ray Sanderson, Chairman of Malmesbury Town Council's Planning & Environmental Issues Committee set out the Town Council's objections to the application.

On hearing the views of Cllr Simon Killane, the local Member, objecting to the application and after discussion,

**Resolved: To delegate authority to the Area Development Manager to grant planning permission, subject to a legal agreement to secure the provision of an off-site open space contribution and potentially an education contribution and to the conditions set out below for the following reason:-**

**The proposed development by reason of its scale, design and siting would not result in any detrimental impact on highway safety or the appearance of the area, nor would it be detrimental to the privacy and amenity of adjacent residents. The proposal thus accords with Policy C3 of the adopted North Wiltshire Local Plan 2011.**

**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 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. Such demolition shall not occur until such time as those garages leased to “surrounding residents” have been successfully relocated, details of which shall have been submitted to and approved in writing by the Local Planning Authority.

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

### **POLICY C3**

3. No development shall commence on site until details and samples of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

### **POLICY-C3**

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

- (a) all species, planting sizes and planting densities, spread of all trees and hedgerows within or overhanging the site, in relation to the proposed buildings, roads, and other works;
- (b) finished levels and contours;
- (c) means of enclosure;
- (d) hard surfacing materials;
- (i) minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);

**REASON:** To ensure a satisfactory landscaped setting for the development.

### **POLICY-C3**

5. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become

seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

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

### **POLICY C3**

6. No part of the development hereby approved shall be first occupied until the parking area shown on the approved plans has been consolidated, surfaced and laid out in accordance with the approved details. This area shall be maintained and remain available for this use at all times thereafter.

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

### **POLICY C3**

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), there shall be no additions/extensions or external alterations to any building forming part of the development hereby permitted.

**REASON:** In the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions/extensions or external alterations.

### **POLICY C3**

8. The window(s) in the side elevation at first floor of Plots 1, 3 and 5 shall be glazed with obscure glass only and fixed with a ventilation stay restricting the opening of the window prior to the first occupation of the development hereby permitted and shall be permanently maintained as such at all times thereafter.

**REASON:** In the interests of residential amenity and privacy.

### **POLICY C3**

**9. 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 has been 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.**

1e **10/02174/FUL - Coombe Green Farm, Lea, Malmesbury, SN16 9PF - Conversion, Extension, Alteration & Rebuild of Existing Barn to form Single Dwelling**

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

Members of the Committee then asked technical questions.

After discussion,

**Resolved:** To delegate authority to the Area Development Manager to grant planning permission, subject to conditions and:-

- (1) The expiration of the consultation period on 24 August 2010
- (2) The seeking and securing of a contribution towards Public Open Space through a legal agreement.

**Reason**

The proposal, having regard to extent of the works already permitted under 09/02252FUL and the circumstances of the application, the works are considered not to require significant reconstruction and accord with Policy BD6 of the North Wiltshire Local Plan 2011.

90. **Urgent Items**

There were no urgent items.

(Duration of meeting: 6.00 - 9.30 pm)

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

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