

NORTHERN AREA PLANNING

MINUTES OF THE NORTHERN AREA PLANNING COMMITTEE MEETING HELD ON WEDNESDAY 4TH NOVEMBER 2009 AT MONKTON PARK, CHIPPENHAM

Present:

Councillor P Colmer, Councillor C Crisp, Councillor P Davis,
Councillor B Douglas, Councillor P Doyle, Councillor A Hill, Councillor P Hutton,
Councillor H Marshall, Councillor T Trotman (Chairman).

Apologies:

Councillor T Sturgis.

Substitutes:

Councillor M Groom.

50. Minutes

The minutes of the meeting held on Wednesday 14th October 2009 were approved as a correct record and signed by the Chairman.

51. Chairman's Announcements

The Chairman reminded all those present to turn off mobile phones or switch them to silent.

52. Members' Interests

There were none.

53. 09/00859/FUL – Box Wharf, Box, Wiltshire, SN13 8ER – Erection of 55 bed nursing home for the elderly and 14 extra care apartments (use class C2) and associated landscaping.

Public Participation:

1. Chris Beaver, GL Hearn (Agent), spoke in support of the application.

2. Margaret Carey, Box Parish Council, spoke in support of the recommendation.

Resolved:

The proposals submitted by the applicant in relation to the legal agreement (as summarised in the first paragraph on page 8 of the Officers report) meet the requirements as set out in the minutes of the Meeting of 2nd September 2009 (Minute number 32). Officers were instructed to continue negotiations on the legal agreement in accordance with this resolution.

54. 09/00739/FUL – Kingsmoor, The Ley, Box, Corsham, SN13 8LA – Conversion and extension of existing building to 12 no. flats.

Public Participation:

1. Comments from the Area Development Manager and the Council's Drainage Engineer were reported as late items.
2. The following amendments to the Officers report was reported as late items:
 - Conclusion should read "It is not considered that this proposal would have a detrimental impact on the neighbours to this site and the scheme will not detract from the character and appearance of the locality..."
 - For clarification in the last ten years there have not been any applications for planning permission that would impact on or change the officer's consideration and judgement of this proposal.
3. Anna Grayson spoke in objection to the application.
4. Sandra Dale spoke in objection to the application.
5. Kit Stokes, Planning Advisor, spoke in support of the application.
6. Mrs Lyons, Box Parish Council, spoke in objection to the application.
7. Councillor Sheila Parker, Unitary Member for Box and Colerne, spoke in objection to the application.

Resolved:

Planning Permission be DELEGATED for permission subject to the completion of a S106 Agreement in respect of public open space for the following reasons:

The proposal accords with Policies C3, H3, NE1 And NE4 of the North Wiltshire Local Plan (2011) in that the extensions are of an appropriate design and bulk and the use is not considered to give rise to an unacceptable level of additional traffic and parking safety issues. It will not have a detrimental impact on neighbours that would warrant refusal and is therefore an acceptable form of development.

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 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 NE1 and NE4

3. 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 NE1 and NE4

4. 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).

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.

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

5. The development hereby permitted shall not be occupied or first brought into use until the cycle parking facilities shown on the approved plan 7039/16160revD have been provided in full and made available for use. The cycle parking facilities shall be retained for use in accordance with the approved details at all times thereafter.

REASON: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than the private car.

POLICY: C3

6. No part of the development hereby approved shall be occupied or first brought into use until the access arrangements and parking area as shown on the approved plan 7039/16160/D dated 1.04.09 has been consolidated, surfaced and laid out in accordance with the approved

details. The car parking spaces shall be properly delineated. 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. No part of the development shall be occupied or brought into use until the visibility splays for both points of access shown on the approved plan 7039/16160/D dated 1.4.2009 have been provided with no obstruction to visibility at or above a height of 0.6m 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

POLICY: C3

8. No development shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the access/driveway), incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first brought into use/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.

POLICY: C3

9. The development hereby permitted shall be carried out in complete accordance with the mitigation and protective measures recommended in the protected species report prepared by County Contracts (July 2009) submitted with this application.

REASON: Providing the protective measures are adhered to the developer will be able to comply with wildlife legislation and policies C3, NE1 and NE4 of the adopted North Wiltshire Local Plan 2011.

Informatives:

1. 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.

Design and access statement, site location plan, transport statement July 2009, protected species report July 2009, existing survey and elevations both 28/04/09, 7039/16160d, 16161c, 16162b, 16163

2. The following policies of the Development Plan are relevant to this decision:

North Wiltshire Local Plan (2011): C3, H3

54. 09/00975/FUL – Embankment Site, Bath Road, Chippenham, Wiltshire, SN15 2AR – Erection of 5 dwellings and associated car parking.

Public Participation:

1. Comments from Chippenham Town Council, the Agent and the Development Manager North were reported as late items.
2. John Tilbury spoke in objection to the application.
3. Margaret Wright spoke in objection to the application.
4. Andy Thatcher spoke in objection to the application.
5. Ben Pearce, Agent, spoke in support of the application.
6. Councillor Judy Rooke, Unitary Member for Chippenham, Lowden and Rowden, spoke in objection to the application.

Resolved:

Planning Permission be REFUSED for the following reasons:

By reason of its design, size, scale and massing the proposed development is considered to not respect the character and distinctiveness of the surrounding area to the extent that it would fail the requirements of Policy C3(i) of the adopted North Wiltshire Local Plan 2011.

By reason of the proposals scale and siting in relation to adjoining development, the proposal is considered to create an unacceptable impact upon the amenities and living conditions of existing residential occupiers. The proposed development is therefore considered to be contrary to the provisions of Policy C3(iii) of the adopted North Wiltshire Local Plan 2011.

55. 09/01451/S73A – Wrens Brook, Sambourne Road, Minety, Wiltshire, SN16 9RQ – Erection of stable block and tackroom, 2 storey fodder barn, use of site for horse keeping and retention of riding arena (revision of 09/00926/FUL).

Public Participation:

1. Comments from the Rights of Way Officer were reported as a late item.
2. One further objection was reported as a late item.

3. Mr Vitile spoke in support of the application.
4. Councillor Graham Thorne, Minety Parish Council, spoke against the application.
5. Apologies were received from Councillor Carole Soden, Unitary Member for Minety. The Chairman advised the Committee that Councillor Soden supported the views of Minety Parish Council.

Resolved:

Planning Permission be GRANTED for the following reason:

The proposed development will not be harmful to the character and appearance of this area and will have no significant adverse impact on the amenities of the adjoining residents. In addition, the scheme will regularise the existing riding arena and other land that the applicant uses for horse keeping. On this basis the proposal is in accordance with Policies C3, NE15 and NE18 of the North Wiltshire Local Plan 2011.

Subject to the following conditions:

1. 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, NE15

2. Notwithstanding the details shown on the submitted plans and forms, no development shall commence on site until details of the ground surfacing materials around stable block and hay/feed barn 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, NE15

3. The development hereby permitted shall only be used for the private stabling of horses and the storage of associated equipment and feed and shall at no time be used for any commercial purpose whatsoever, including for livery, or in connection with equestrian tuition or leisure rides.

REASON: In the interests of highway safety and/or to protect the living

conditions of nearby residents.

POLICY: C3, NE15

4. No development shall commence on site until details for the storage of manure and soiled bedding (including the location of such storage) and its disposal from site (including frequency) have been submitted to and approved in writing by the Local Planning Authority. Before the first use of the development, the works for such storage and disposal shall be completed in accordance with the approved details and shall subsequently be maintained in accordance with the approved details. No storage of manure and soiled bedding shall take place outside of the storage area approved under this condition.

REASON: In the interests of public health and safety, in order to protect the natural environment and prevent pollution.

POLICY: C3, NE15, NE18

5. No portable buildings, van bodies, trailers, vehicles or other structures used for storage, shelter, rest or refreshment, shall be stationed on the site without the prior approval in writing of the Local Planning Authority.

REASON: In order to protect the living conditions of nearby residents and/or the rural character of the area.

POLICY: C3, NE15, NE18

6. No external lighting shall be installed on the site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage have been submitted to and approved in writing by the local planning authority. The lighting approved shall be installed and shall be maintained in accordance with the approved plans.

REASON: In the interests of the amenities of the area and to minimise unnecessary light spillage above and outside the development site.

POLICY: C3, NE15, NE18

Informatives:

1. The applicant's attention is drawn to the contents of the attached letters from the Environment Agency dated the 17th September 2009 and Network Rail dated 30th September 2009.

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. 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.

Plan References

Unscaled OS location plan showing entire application site dated 3rd September 2009

Drawing No: TD 11622/1 dated 13th August 2009

- 56. 09/01534/FUL – Part field OS 4603, Hookers Gate Farm, Brinkworth, Chippenham, Wiltshire, SN15 5BG – Siting of mobile home in corner of field for elderly person for temporary period (revision of 09/00922/FUL).**

Public Participation:

1. Councillor Peter Doyle, Unitary Member for Wootton Bassett South, spoke in support of the application.

Resolved:

Planning Permission be GRANTED for the following reason:

The proposed temporary accommodation is required to meet specific and personal needs of the applicants who operate the agricultural business at this site. Whilst a permanent additional dwelling has not been justified in terms of the agricultural need of the holding (and does not therefore comply with Policy H4 of the North Wiltshire Local Plan 2011) there is temporary and personal need to accommodate a family member who contributes to the running of the farming operation and this need cannot be easily accommodated within any existing dwelling on the site. In this particular case personal circumstances are considered to be a sufficient material consideration to set aside any objections on the basis of Policy H4.

Subject to the following conditions:

When the mobile home hereby permitted ceases to be occupied by Mr Robert Brice, the mobile home and residual use on this site shall cease. The mobile home and all materials, equipment and works shall be permanently removed and the land restored to its former condition.

REASON: Permission would not normally have been granted for this development, but regard has been paid to the personal circumstances of the applicant which are considered, exceptionally in this case, to be sufficient to outweigh the normal planning policy considerations which would lead to a refusal of planning permission.

57. 09/01638/FUL – 43 Common Platt, Lydiard Millicent, Purton, Swindon, SN5 5LB – Demolition of existing bungalow and erection of a two storey detached dwelling

Public Participation:

1. Edward Tucker, Agent, spoke in support of the application.
2. Ken Bunce spoke in support of the application.
3. Mr Stewart, Applicant, spoke in support of the application.
4. Councillor Mollie Groom, Unitary Member for Wootton Bassett East, spoke in support of the application

Resolved:

Planning Permission be REFUSED for the following reason:

The proposed replacement dwelling is not of a similar size and scale to the existing dwelling within this curtilage and would therefore not comply with policy H4 of the North Wiltshire Local Plan (2011).

Informatives:

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

Plan References

Design and Access Statement, site location plan, coloured elevations/views of proposal, plans 09/cpl.2/p06,05,04, 03, 02 all date stamped 10/09/09

58. Former St Ivel Factory, Beaufort Park, Station Road, Wootton Bassett, Wiltshire – Erection of 63 bed care home, associated infrastructure including the provision of 21 car parking spaces and landscaping (revision to 08/02749/FUL)

Public Participation:

1. The following amendment to the Officers report was reported as a late item:
 - Paragraph 4 under the sub-heading 4 - the proposal is incorrect, 1 additional bedroom is being provided on each floor and not 3 bedrooms on each floor.

Resolved:

Planning Permission be GRANTED for the following reason:

The proposed development by reason of its scale, design and siting, together with employment creation is considered to accord with Policies C3, BD1 and BD5 of the North Wiltshire Local Plan 2011.

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 Section 91 of the Town and Country Planning Act 1990.

2. Prior to the commencement of the development hereby permitted, details of the following matters (in respect of which approval is expressly reserved) shall be submitted to, and approved in writing by, the local planning authority:

- (1) walls, fences, gates and other means of enclosure;
- (2) ground surfacing materials;
- (3) finished floor levels of all buildings;
- (4) finished levels across the site;

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

Items 1 to 4 shall be completed prior to the use or occupation of the development hereby permitted.

REASON: In the interests of amenity and satisfactory layout.

POLICY: C3

3. No development shall commence until details/samples of materials to be used externally have been submitted to, and approved in writing by, the local planning authority. The development shall be built in the materials approved.

REASON: In the interests of visual amenity.

POLICY: C3

4. Before the care home hereby permitted is first brought into use the area between the nearside carriageway edge and lines drawn between a point 2.4m back from the carriageway edge along the centre line of the access and points on the carriageway edge 43m from and on both sides of the centre line of the access shall be cleared of obstruction to visibility

at and above a height of 1m above the nearside carriageway level and thereafter maintained free of obstruction at all times.

REASON: In the interests of highway safety.

5. The area allocated for parking on the submitted plan (A-552 20 Rev A) for 21 car parking spaces shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the development hereby permitted. There shall be spaces for disabled and emergency access adjacent to the building.

REASON: In the interests of amenity and road safety.

6. The care home hereby approved shall not be occupied until the access, turning space and parking spaces shown on the submitted plan (A-552 20 Rev A) have been properly consolidated and surfaced to the satisfaction of the local planning authority. Such turning space shall be kept clear of obstructions at all times.

REASON: In the interests of highway safety.

7. The proposed access shall incorporate splays on both its sides to the rear of the existing footway based on co-ordinates of 2.4m x 2.4m and which shall be kept free of obstruction above a height of 0.6m.

REASON: In the interests of highway safety.

8. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have submitted to and approved in writing by the local planning authority.

REASON: In the interests of highway safety.

9. The development hereby permitted shall operate in accordance with the Interim Travel Plan approved dated September 2009.

All the recommendations of the Travel Plan shall be implemented in accordance with the timetable therein.

REASON: In order that the development promotes public transport, walking and cycling and limits the reliance on car based travel.

10. In the interests of the protection of public health and the avoidance of pollution, prior to the commencement of any development the site shall be subject to: -

- i) site investigation and risk assessment works for chemical contamination
- ii) works to remediate any chemical contamination identified, that is

unacceptable in the context of the approved development and its environmental setting, as identified by the site investigation and risk assessment works

iii) remediation validation works

The above to be carried out to the satisfaction of the Local Planning Authority.

b) Site investigation works shall be carried out in line with the main procedural requirements of BS 10175:2001 – Investigation of Potentially Contaminated Sites – Code of Practice.

c) Where a requirement for quantitative risk assessment is identified, the assessment works shall be carried out in line with the requirements of the UK Contaminated Land Exposure Assessment (CLEA) guidelines, for assessment of human health risks. Also for ground and surface water risk assessment the Environment Agency R&D Publication 20 “Methodology for the Derivation of Remedial Targets for Soil and Groundwater to Protect Water Resources” protocol shall be utilised.

REASON: To ensure that the site is decontaminated in an appropriate manner.

Informatives:

1. The following policies of the Development Plan are relevant to this decision:-

North Wiltshire Local Plan 2011:- C3, BD1, BD2

2. 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.

Plan References

A-552 16A, 19A, 20A, 21C, 22B, 23B, 24A, received by the local planning authority 7th September 2009

PART 2

Items considered whilst the public were not entitled to be present

None.

Chairman
25 November 2009

The Officer who has produced these minutes is Janice Green,
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